

Exhibit No.: _____
Issues: Adverse Effects of Route
Witness: Byron P. Baker
Exhibit Type: Rebuttal Testimony
Sponsoring Party: Intervenor CCOFFH

Case No. EO-2002-351
Date: August 8, 2002

MISSOURI PUBLIC SERVICE COMMISSION

CASE NO. EO-2002-351

**REBUTTAL TESTIMONY
OF
BYRON P. BAKER**

ON BEHALF OF

**INTERVENOR CONCERNED CITIZENS OF FAMILY
FARMS AND HERITAGE**

JEFFERSON CITY, MISSOURI

FILED²
AUG 08 2002
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Union)
Electric Company for Permission and)
Authority to Construct, Operate, Own, and)
Maintain a 345 Kilovolt Transmission Line)
in Maries, Osage, and Pulaski Counties,)
Missouri ("Callaway-Franks Line").)

Case No. EO-2002-351

AFFIDAVIT OF BYRON P. BAKER

Byron P. Baker, being first duly sworn, deposes and says that _____ (he/she) is the witness who sponsors the accompanying testimony entitled "Rebuttal Testimony of Byron P. Baker"; that said testimony was prepared by _____ (him/her) and/or under _____ (his/her) direction and supervision; that if inquiries were made as to the facts and conclusions in said testimony, _____ (he/she) would respond as therein set forth; and that the aforesaid testimony is true and correct to the best of _____ (his/her) knowledge.

State of Missouri
County of Osage
SUBSCRIBED and sworn to
before me this 24th day of July, 2002.

Phyllis Brandt
Notary Public

My Commission Expires: 5-18-06

PHYLLIS BRANDT
Notary Public-Notary Seal
STATE OF MISSOURI
Osage County
My Commission Expires: May 18, 2006

**DIRECT TESTIMONY OF
BYRON P. BAKER**

1 Q. Please state your name and residence address.

2 A. Byron P. Baker, Route 2, Box 70A, Linn, Missouri 65051.

3 Q. Are you a property owner in one of the three counties through which Union Electric
4 Company is applying for permission and authority to construct, operate, own and maintain
5 a 345 kilovolt transmission line?

6 A. Yes, I am the owner of property which I am advised will be crossed by this new 345,000 volt
7 transmission in Osage County.

8 Q. What is the purpose of your testimony?

9 A. I am providing this testimony in opposition to the application to construct this transmission
10 line on the route requested by Ameren UE. The law requires that construction of this power
11 line must be shown by Ameren UE to be necessary and convenient for the public service.
12 Regardless of any necessity for a transmission line somewhere else, it is neither necessary
13 nor convenient to the public to build the transmission line as proposed. The line can be
14 constructed in other areas and its construction in the place and manner proposed will be
15 destructive of family farms, family farm values, and does irreparable harm to the history and
16 heritage of the local area and its communities.

17 Q. Are you a member of the Intervenor group known as Concerned Citizens for Family Farms
18 and Heritage?

19 A. Yes, I am a member of that group and offer my testimony in support of its statement of
20 purpose, which is attached to this testimony and incorporated.

1 Q. Have you as a property owner in the path of the proposed transmission line been contacted
2 by Ameren UE for purpose of discussing where the line would go through your property and
3 what alternatives, if any, might be available?

4 A. No.

5 Q. How long have you owned the property in question?

6 A. Since March 2002.

7 Q. Could you describe the nature of the property and its past and current use?

8 A. It is currently pasture, but in the future can be a subdivision for structures.

9 Q. Is the current use of the property income producing to you?

10 A. Yes. I make part of my living off farming this land.

11 Q. Is the proposed transmission line to run near or over any residence, structures, or
12 improvements to your property?

13 A. It will run through and over our fences.

14 Q. Do you already have any power lines over your property?

15 A. Yes. The existing lines limit our use of the property for highest and best use in the future and
16 that will be much worse if this line is built.

17 Q. Will the proposed power line, if built, affect the value of your land?

18 A. Yes. A power line of this size on my property will without question decrease the overall
19 value of the remaining property. The power line itself, the large easement taken on a strip
20 through that part of the property will impair present and future use of the entire parcel of
21 property I own. The option of selling the property to get rid of the problems caused by the
22 power line is unavailable. The power line will make the property virtually unsaleable,

1 requiring that I simply live with Ameren UE's solution to a problem that I do not feel I even
2 share with them. While I am unsure of the health affects of such a large power line so close
3 to my own daily activities, it is ingrained in the popular mentality that such power lines
4 constitute a health hazard, rendering unlikely any sale of my property at all. No one will buy
5 this property with this 345,000 volt electric line through it. Also, the proposed 29 acre sub-
6 station across the road from us will hurt 60 acres we own and limit our future plans for that
7 property.

8 Q. What other adverse impacts do you feel this line will create for yourself and others?

9 A. The attached statement of purpose for Concerned Citizens for Family Farms and Heritage
10 sums up the overall bad impact. I and my neighbors live where we do by choice. We forego
11 the luxuries of more urban living in exchange for the peace, quiet and more rustic lifestyle
12 of the family farm and the small local community. Every reason and purpose that my
13 neighbors and I own property here for is drastically impaired or practically destroyed by the
14 presence of this high voltage power line, and the constant commercial activity anticipated in
15 building and maintaining it in the future. The highest and best use is for rural home
16 subdivision lots. And this will impact that very badly. No homes can be built near such a
17 high power line and expect to be occupied.

18 Q. Do you know of any alternatives to the Ameren UE proposal which might change your
19 opinion about this project?

20 A. The alternatives are all within the power of Ameren UE to implement, and I do believe an
21 alternative exists. I believe Ameren should restudy the route and balance the interests of the
22 community against their need to relieve overloading problems. There are other corridors

1 equally available to Ameren to build this line which would be better able to bear the burden
2 of the line's presence without destroying property values, life styles and family farms. My
3 neighbors and I have no alternatives, and construction of the line as proposed will change our
4 lives and circumstances forever. We will not be able to sell even though we may not wish
5 to stay. Given our lack of options and alternatives, and the numerous alternatives available
6 to Ameren UE to put this line almost anywhere it wants, it is my hope that the Public Service
7 Commission will require Ameren UE to balance their mere commercial need against our vital
8 need to preserve the family farm and our way of life.

9 Q. Have you had past experiences with power companies and their maintenance of their
10 easement and right-of-way, and do you have concerns about this aspect of the new power
11 line?

12 A. Yes. They rut the fields and get off their easements and onto private property of others at
13 their convenience. They are a continuous nuisance.

14 Q. Do you have any further testimony or observations to make for the Public Service
15 Commission?

16 A. They want this line to "retail wheel" power elsewhere. The power of eminent domain should
17 not be allowed for use for that purpose. Power companies should not be able to acquire
18 easements 20 plus years before they are needed and just sit on them. Land use changes
19 quicker than that and creates precisely the problem here. The line should have been built
20 when the easements were acquired so everyone would know what they had and would have
21 in the future.

1 Q. Does this conclude your Rebuttal Testimony?

2 A. Yes.

**CONCERNED CITIZENS OF FAMILY
FARMS AND HERITAGE**

STATEMENT OF PURPOSE

Concerned Citizens of Family Farms and Heritage ("Concerned Citizens") is an unincorporated membership association of family farm owners, small property owners, small business owners and farm community residents formed to promote the interests of family farming, small town communities and rural life. Membership is open to all who share the desire to promote the interests of family farms and small communities in the rural areas of central Missouri, and those who wish to preserve the rural environment against the continuous encroachment of large commercial development and urban sprawl. Our primary concern is with preservation and protection of the family farm and its heritage in rural Missouri. Concerned Citizens oppose through all lawful means the encroachment on and destruction of family farms, which are the fundamental economic and cultural basis for the rural lifestyle. Concerned Citizens promotes all reasonable efforts to preserve and protect family farms and rural lifestyle, and vigorously opposes impairment or destruction of property which is used or useful for perpetuation of rural existence on family farms, or diversion of property from use as family farms.