

Exhibit No.: \_\_\_\_\_  
Issues: Adverse Effects of Route  
Witness: Darrell and Lori Bax  
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  
DARRELL AND LORI BAX**

**ON BEHALF OF**

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

**JEFFERSON CITY, MISSOURI**

**FILED<sup>2</sup>**  
**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     )     Case No. EO-2002-351  
Maintain a 345 Kilovolt Transmission Line     )  
in Maries, Osage, and Pulaski Counties,     )  
Missouri ("Callaway-Franks Line").     )

**AFFIDAVIT OF DARRELL AND LORI BAX**

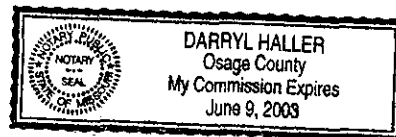
Darrell & Lori Bax, being first duly sworn, deposes and says that ~~that~~(he/she) is the witness who sponsors the accompanying testimony entitled "Rebuttal Testimony of Darrell & Lori Bax"; that said testimony was prepared by ~~them~~ (him/her) and/or under ~~their~~ (his/her) direction and supervision;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

Darrell Bax Lori Bax

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

Darryl Haller  
Notary Public

My Commission Expires: June 9, 2003



**DIRECT TESTIMONY OF  
DARRELL AND LORI BAX**

1       Q.     Please state your name and residence address.

2       A.     Darrell and Lori Bax, Route 1, Box 62A, Freeburg, Missouri 65035.

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, we were not contacted.

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

6 A. Twelve years.

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

8 A. This is our family residence. We also use the property for pasture for cattle, hay ground,  
9 fishing and hunting.

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

12 A. The proposed line will run directly over my feed lot and hay ground.

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

14 A. Yes. We currently have a power line over the property.

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

16 A. Yes. A power line of this size on my property will without question decrease the overall  
17 value of the remaining property. The power line itself, the large easement taken on a strip  
18 through that part of the property will impair present and future use of the entire parcel of  
19 property I own. The option of selling the property to get rid of the problems caused by the  
20 power line is unavailable. The power line will make the property virtually unsaleable,  
21 requiring that I simply live with Ameren UE's solution to a problem that I do not feel I even  
22 share with them. While I am unsure of the health affects of such a large power line so close

1 to my own daily activities, it is ingrained in the popular mentality that such power lines  
2 constitute a health hazard, rendering unlikely any sale of my property at all. No one will buy  
3 this property with this 345,000 volt electric line through it.

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

5 A. The attached statement of purpose for Concerned Citizens for Family Farms and Heritage  
6 sums up the overall bad impact. I and my neighbors live where we do by choice. We forego  
7 the luxuries of more urban living in exchange for the peace, quiet and more rustic lifestyle  
8 of the family farm and the small local community. Every reason and purpose that my  
9 neighbors and I own property here for is drastically impaired or practically destroyed by the  
10 presence of this high voltage power line, and the constant commercial activity anticipated in  
11 building and maintaining it in the future.

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

14 A. The alternatives are all within the power of Ameren UE to implement, and I do believe an  
15 alternative exists. I believe Ameren should restudy the route and balance the interests of the  
16 community against their need to relieve overloading problems. There are other corridors  
17 equally available to Ameren to build this line which would be better able to bear the burden  
18 of the line's presence without destroying property values, life styles and family farms. My  
19 neighbors and I have no alternatives, and construction of the line as proposed will change our  
20 lives and circumstances forever. We will not be able to sell even though we may not wish  
21 to stay. Given our lack of options and alternatives, and the numerous alternatives available  
22 to Ameren UE to put this line almost anywhere it wants, it is my hope that the Public Service

1 Commission will require Ameren UE to balance their mere commercial need against our vital  
2 need to preserve the family farm and our way of life.

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

6 A. Yes. Fields were damaged when crews were trimming right-of-way (i.e., ruts in our fields,  
7 brush not cleaned up) and over spraying of smaller brush caused the grass to die.

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

10 A. We have health concerns. We object to the fact that Ameren gets the use of the land but the  
11 owner still pays the taxes on the property. We are worried about the danger of fire or  
12 personal injury on the property and the lack of written guidelines concerning Ameren UE's  
13 responsibilities to land owners. We strongly object to spraying of chemicals in or near water  
14 or water sources and to Ameren's policy of holding land owners liable for damages to utility  
15 property. We object to the insufficiency of consideration paid for easements previously taken  
16 under the false premise used when easements were sold to a local rural electric cooperative  
17 many years ago but is now being given to Ameren UE for a use exceeding the scope of those  
18 expectations. We question whether the goal of simply "better" transmission of energy for  
19 use outside of Missouri ever justifies actual permanent harm to Missouri residents. There  
20 must be a limit on these multiple power lines concentrated on a single property. The erosion  
21 problems, timber loss, harm to wildlife, and other specific problems make this line a terrible  
22 idea. We do not want this power line on our property.

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.