

Exhibit No.: _____
Issues: Adverse Effects of Route
Witness: Dennis and Rhonda 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
DENNIS AND RHONDA BAX**

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) Case No. EO-2002-351
Maintain a 345 Kilovolt Transmission Line)
in Maries, Osage, and Pulaski Counties,)
Missouri ("Callaway-Franks Line").)

AFFIDAVIT OF DENNIS AND RHONDA BAX

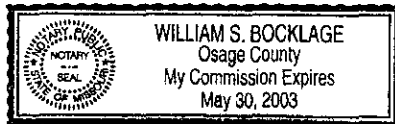
DENNIS & RHONDA BAX, being first duly sworn, deposes and says that THEY (he/she) is the witness who sponsors the accompanying testimony entitled "Rebuttal Testimony of DENNIS & RHONDA BAX"; that said testimony was prepared by US (him/her) and/or under OUR (his/her) direction and supervision; that if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

Dennis & Rhonda Bax

State of Missouri
County of OSAGE
SUBSCRIBED and sworn to
before me this 17th day of JULY, 2002.

William S. Bocklage
Notary Public

My Commission Expires: 5-30-03



**DIRECT TESTIMONY OF
DENNIS AND RHONDA BAX**

1 Q. Please state your name and residence address.

2 A. Dennis and Rhonda Bax, Route 1, Box 60, 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. We were told about this in only a letter last winter. Then, after several calls to Geoffrey
5 Douglass asking what was going on and why, he finally had Larry Wooten come out and
6 meet us. He wouldn't listen to any of our suggestions and he only told us what they were
7 going to do, and that we didn't have a choice in the matter!

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

9 A. Since 1987.

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

11 A. We live on this property. The line will be maybe 50 or so feet from our house. We also raise
12 45 head of cattle and cut timber for our wood furnace. It is a family farm.

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

14 A. Yes. We raise cattle, cut hay and get hundreds of dollars worth of walnuts. The walnut trees
15 will mostly all be destroyed by this line.

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

18 A. We were told that we would lose a hay barn and also the line will come very close to our
19 house, 50 feet or so.

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

21 A. Yes. We already have two lines crossing our land, owned by Three Rivers and Central
22 Electric. When we bought the land in 1987, no one told us that someday yet another line of

1 extremely high voltage would cross our land also.

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

3 A. Yes. A power line of this size on my property will without question decrease the overall
4 value of the remaining property. The power line itself, the large easement taken on a strip
5 through that part of the property will impair present and future use of the entire parcel of
6 property I own. The option of selling the property to get rid of the problems caused by the
7 power line is unavailable. The power line will make the property virtually unsaleable,
8 requiring that I simply live with Ameren UE's solution to a problem that I do not feel I even
9 share with them. While I am unsure of the health affects of such a large power line so close
10 to my own daily activities, it is ingrained in the popular mentality that such power lines
11 constitute a health hazard, rendering unlikely any sale of my property at all. No one will buy
12 this property with this 345,000 volt electric line through it. If this line goes through, before
13 anyone see our house, they would first see several poles and lines going in different
14 directions on the property. We have hills on our land which will cause gullies if the trees are
15 removed.

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

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

1 building and maintaining it in the future. Besides being an eyesore on our property, we
2 would always have to worry about our health! Also, the noise of the line 50 feet away will
3 be bad, which is why we moved to the country in the first place - - to escape the noise and
4 haste.

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

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

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

21 A. Several times last year we seen trucks pull up and these Hispanic-looking guys just jumped
22 over the fence (without asking) and walked next to the power line. Not once did they tell us

1 what was going on! This was a maintenance crew.

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

4 A. First of all, we are concerned about our health. Other issues of concern are: Loss of all those
5 trees, especially the large walnut trees; loss of property value on what remains of our farm;
6 the constant irritating humming of this high voltage line; the bad affect it will have on our
7 cattle operation; loss of our hay barn; and unnecessary destruction of the land and of wildlife,
8 and the fish in our ponds where the chemicals would run off to.

9 Q. Does this conclude your Rebuttal Testimony?

10 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.