

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>  
SEP 19 2002

Missouri Public  
Service Commission

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

**STATEMENT OF POSITION OF INTERVENORS**  
**CONCERNED CITIZENS OF FAMILY FARMS AND HERITAGE**

**COMES NOW** Intervenors, Concerned Citizens of Family Farms and Heritage ("Concerned Citizens"), and states Intervenors position on the proposed issues in this case as follows:

**CONTESTED ISSUES**

**Is the Application of Ameren UE for permission and authority, that is, a Certificate of Convenience and Necessity, to construct, own, operate and maintain a 345 kilovolt electric transmission line in Maries, Osage, and Pulaski Counties, Missouri in the public interest, and should it be granted, with or without conditions?**

**Position of Intervenors: No, the Application of Ameren UE is not in the public interest and should not be granted.**

A. Ameren UE's Application for Certificate of Convenience and Necessity is insufficient on its face and violates the rules of the Public Service Commission. The Application does not comply with Commission regulations concerning content, and such regulations are jurisdictional in nature. Further, such insufficiencies of content cannot be corrected on the record of evidence, because the Applicant has not presented and cannot present a complete Application under Commission rules due to lack of preparation, planning and analysis of the proposed line.

B. The Application proposing a new high voltage line through private farm properties in three Central Missouri rural counties is not in the public interest because the public harm inflicted upon small farms, small towns, and the rural lifestyles of Missouri residents in the path of the proposed line far outweighs any public benefit derived from a grant of authority to build the proposed line. Opposition to the location of this line as proposed by Ameren UE is overwhelming. None of the property owners impacted are customers of Ameren UE, nor will they benefit from the building of the proposed line. None of the residents of the three affected counties are customers of Ameren UE, nor will any resident benefit from the new line. The construction of the proposed line benefits primarily the economic interests of the Applicant and not the interests of the public. No Missouri customer benefits directly from this line, which primarily moves electricity that is not used or needed in Missouri. The loss of value of the properties in the proposed line's path, the loss of use of such land to the owners, the resulting economic loss from such limitation on use, and the destruction of aesthetic values of the rural setting all weigh heavily against any finding that the proposed line serves the public interest. Moreover, the continuing harm from years of construction followed by years of maintenance activities by Ameren UE and others on the proposed line through properties substantially composed of operating small farms and rural communities creates a unique circumstance of actual injury to the public interest, if such line is constructed and placed in operation. Because this actual, foreseeable and overarching harm caused by the line cannot and will not be adequately compensated by any subsequent legal remedy provided by law, the Public Service Commission should find that permission and authority to build the proposed line is not in the public interest.

C. The Application of Ameren UE is insufficient to carry the Applicant's burden of

showing that its proposed line serves the public interest because it is based upon insufficient analysis of its adverse impacts and because it utterly fails to consider less harmful alternatives for achieving Applicant's expressed goals. Applicant's only justification for the proposed high voltage line is to relieve alleged overloading on the existing 345 kilovolt "Bland-Franks" line, located a short distance away from the proposed 345,000 kilovolt "Callaway-Franks" line. However, a new high voltage line running next to and parallel to the existing Bland-Franks line would cause significantly less harm to properties, small farmers, small communities and rural residents than the proposed Callaway-Franks line. Few, if any, structures would be destroyed or adversely impacted by a parallel Bland-Franks line, compared to the substantial destruction of and adverse impact to farm structures, businesses and residences that will be caused by construction of the proposed Callaway-Franks line. Because Applicant's proposal to this Commission fails utterly to consider less damaging alternatives to its proposal, such Application is not in the public interest and should be denied.

D. Applicant Ameren UE has failed to disclose, and has therefore misled this Commission concerning, its overall plan and purpose for its proposed line. The proposed Callaway-Franks line is not intended by Ameren UE solely to relieve overloading on the existing Bland-Franks line as Applicant states, but is intended to be part of a new distribution system for Ameren UE's sole benefit in positioning itself to dominate the unregulated and regulated electric power market in other states as well as Missouri. Because the most substantial benefit of the proposed Application is to the private interests of Ameren, with only marginal benefits to Missouri and demonstrable adverse impact and injury to the property owners of Central Missouri, the Application should be denied as not being a public use, and not being proposed in the public interest. Moreover, Ameren UE's failure to fully disclose in its Application its true purpose and plan causes its Application to be

insufficient and incomplete. This Commission should not reward such duplicity with the granting of a Certificate of Public Convenience and Necessity.

E. Should this Commission choose to grant permission and authority through a Certificate of Convenience and Necessity to Applicant for construction of a high voltage 345,000 volt power line through the proposed Callaway-Franks corridor, which Intervenor strongly believe the Commission should not, this Commission should impose conditions upon Applicant for the construction of such line, to include the requirements that: (1) no residential structure currently occupied by the property owners may be removed or placed in any easement if it would require such residential owner to move or relocate from such owner's property; (2) no easement shall be taken nor any line constructed within 300 feet of any existing structure on any property; (3) all pronouncements of Ameren UE concerning beneficial policies toward landowners on acquisition and maintenance of easements, contained in Applicant's Pre-Filed Direct Testimony, shall be warranted by Applicant as binding upon the performance of the Applicants and its agents; (4) property owners shall be held harmless from liability for injury to persons or property of Ameren UE during and after construction of the line; (5) Ameren UE will fully compensate property owners for any diminution in value to remaining property not taken by Ameren as easement for the line, and shall fully compensate property owners for economic losses caused by existence of the line; and (6) any property owner may complain to this Commission for breach of such conditions imposed, and any finding of such breach will void and nullify any Certificate previously issued for construction of Applicant's Callaway-Franks high voltage power line.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the above and foregoing document were sent U.S. Mail, postage prepaid, to the following parties of record on this 19<sup>th</sup> day of September, 2002:

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