

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Ameren	)	
Transmission Company of Illinois for a	)	
Certificate of Convenience and Necessity	)	File No. EA-2024-0302
Under Section 393.170.1, RSMo Relating	)	
to Transmission Investments in Northwest	)	
and Northeast Missouri	)	

BRIEF OF MCGINLEY-KRAWCZYK FARMS, LLC

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I. INTRODUCTION

McGinley-Krawczyk Farms, LLC ("McGinley") respectfully submits this brief addressing the two issues identified in the Commission's Position Statement Order. McGinley owns three parcels that will be directly impacted by ATXI's proposed transmission line route, including an occupied family residence in Darlington, Missouri, where Rebecca McGinley has lived since birth, with the exception of her college and early career working years.¹ Ms. McGinley returned to care for her mother in 2017 and has resided there continuously since, raising two young children in the family home with her husband.²

ATXI's proposed route would place 345 kV transmission lines less than 400 feet from the McGinley occupied residence.³ This brief demonstrates that the Commission has clear authority to address McGinley's routing concerns and that substantial relief is warranted to protect occupied residential properties, particularly those housing vulnerable populations such as children.

II. ISSUE ONE: COMMISSION AUTHORITY TO ADDRESS ROUTING AND SITING CONCERNS

A. The Commission Has Express Statutory Authority to Address Routing and Siting Concerns

Section 393.170.3, RSMo, authorizes the Commission to "impose such condition or conditions as it may deem reasonable and necessary" on applications for a certificate of convenience and necessity ("CCN"). This broad grant of authority expressly empowers the Commission to address McGinley's routing and siting concerns by requiring route modifications and imposing conditions that protect occupied residential properties and farm land.

¹ Ex. 950 McGinley Dir. at 4:14-18; Ex. 951C McGinley Sur. at 3:2-4.

² Ex. 950 McGinley Dir. at 4:17-18.

³ Ex. 950 McGinley Dir. at 6:14-15, Schedule MS-2.

The Commission's conditioning authority is not limited by any statutory exception. Where the legislature has granted the Commission discretion to impose "reasonable and necessary" conditions, the Commission may exercise that discretion to ensure that transmission projects serve the public interest while minimizing harm to affected landowners.

B. McGinley's Concerns Fall Within Commission Jurisdiction

McGinley's concerns regarding routing and siting are precisely the type of issues the Commission has authority to address. McGinley has raised concerns that all relate to the routing and siting of ATXI's proposed transmission line: proximity to occupied residence, property value impacts, health and safety, and contract impairment. Each of these concerns relates directly to the routing and siting of the transmission line and can and should be considered and addressed through Commission-ordered route modifications pursuant to Section 393.170.3, RSMo.

III. ISSUE TWO: RELIEF WARRANTED - ROUTE MODIFICATIONS AND CONDITIONS

The Commission should order route modifications and impose conditions that prioritize protection of the McGinley occupied family residence and less disruption to her farm operation. Specifically:

1. **Require ATXI to Accept McGinley's Alternate Route:** The Commission should mandate ATXI implement McGinley Modification 1 (shown as the black line on Schedule MS-7) that places transmission lines at least 1,000 feet from the McGinley residences.
2. **Should the Commission order McGinley Modification 2, Impose Structure Placement Assurance:** The Commission should prohibit ATXI from placing any transmission structures on parcel 10-05-16-06 to minimize impacts on the residential parcel.

For the reasons detailed below, these requested modifications are reasonable,

technically feasible, and would serve the public interest.

A. Protection of Occupied Family Residences

1. ATXI Acknowledges Willingness to Accept Commission-Ordered Modifications

ATXI has removed any technical impediment to the requested relief. ATXI witness Sam Morris testified that ATXI "would not object to Commission approval of an adjustment or modification of the Proposed Route across Ms. McGinley's property should the Commission deem appropriate."⁴

Moreover, ATXI witness James Nicholas admitted that the proposed route is "constructible."⁵ This admission confirms that ATXI's opposition to route modifications is not based on technical impossibility but merely on convenience considerations.⁶

2. McGinley Modification 1 Is Technically Feasible with Minimal Impact

McGinley Modification 1, depicted as the black line on confidential Schedule MS-7, would increase the distance from occupied residential structures from less than 400 feet to over 1,000 feet while adding only approximately 150 feet to the route length.⁷

The modification would:

- Not impact any landowners that had not been previously notified.
- Increase distance from occupied residential structures from <400 feet to >1,000 feet
- Add only approximately 150 feet to route length
- Reduce potential EMF exposure for children and families
- Minimize visual and noise impacts on residential properties
- Impact only agricultural land rather than residential property⁸

⁴ Ex. 25C, Morris Reb. 15:10-12; Ex. 951C, McGinley Sur. at 4:3-7.

⁵ Ex. 11C, Nicholas Reb. 18:12; Ex. 951C McGinley Sur. at 4:9.

⁶ Ex. 951C McGinley Sur. at 23:15-20.

⁷ Ex. 951C McGinley Sur. at 24:9-13.

⁸ Ex. 951C McGinley Sur. at 24:8-14.

All landowners affected by McGinley Modification 1 were previously notified that their property would be impacted.⁹ The modification simply impacts their property differently, but in no case moves the route within 1,000 feet of an occupied residential dwelling.¹⁰

B. Protection of Farmland

The Commission must consider that the “public interest” includes protecting and preserving farmland that has been owned by the same family for 50+ years. The addition of new poles will create significant interference with McGinley’s ability to safely and efficiently operate equipment. The current proposed configuration will force McGinley to navigate around multiple poles in the same fields, causing increased labor, higher operating costs and potential risk of damage to equipment or injury. McGinley recognizes the utility’s plan to improve grid reliability; however, the current plan imposes an unreasonable burden on McGinley’s use of her property as detailed below.

For the agricultural parcels (10-05-21-08 and 10-08-28-01) subject to the USDA contracts, ATXI has proposed a “parallel” easement which means, new lines, new structures, and an additional easement on the McGinley parcels.¹¹ A double-circuit or co-location option was utilized by ATXI and approved by this Commission as causing “significantly less disruption of landowners.”¹² Ameren has not shown why it is necessary or in the public interest not to do the same here.

C. Technical Feasibility and Minimal Additional Cost

1. McGinley Modification 1 Is Constructible

As noted above, ATXI witness Nicholas admits that the proposed route

⁹ Ex. 951C McGinley Dir. at 22:13-15.

¹⁰ *Id.* at 22:15-16.

¹¹ Tr. 190:12-23.

¹² Case No. EA-2025. 0087.

is "constructible."¹³ ATXI witness Morris makes clear "ATXI would not object to Commission approval of an adjustment or modification of the Proposed Route across Ms. McGinley's property should the Commission deem appropriate."¹⁴

This admission confirms that ATXI's opposition to route modifications is not based on technical impossibility but on convenience considerations.¹⁵ Mr. Morris admits that landowner-proposed alternatives are "constructable and technically feasible," which means the real issue is ATXI's unwillingness to consider alternatives to address legitimate community concerns.¹⁶

2. Minimal Cost

McGinley Modification 1 only requires the addition of one additional angle structure. Morris Rebuttal, 15:8. This minimal cost is a reasonable expense to serve the public interest by protecting occupied residential properties.¹⁷ While ATXI did not put a specific dollar amount on the addition of one structure, the evidence shows it would be a mere fraction of some of the other modifications proposed. ATXI said the addition of "at least two heavy angle structures and one medium angle structure, and an increase in overall route length of 1,200 feet" would cost approximately \$800,000.¹⁸ Increasing the overall length of the line by approximately 1.2 miles and the addition of six medium and/or heavy angle structures would cost \$1.7 million.¹⁹ The minimal additional cost is well within Staff's recommended limit for modifications.²⁰

3. Public Interest Requires Prioritizing Occupied Homes

¹³ Ex. 11C, Nicholas Reb. 18:12; Ex. 951C McGinley Sur. at 4:9.

¹⁴ Ex. 25C, Morris Reb. 15:10-12; Ex. 951C McGinley Sur. at 4:3-7.

¹⁵ Ex. 951C McGinley Sur. at 23:15-24:2.

¹⁶ Ex. 951C McGinley Sur. at 23:19-24:2.

¹⁷ Ex. 951C McGinley Sur. at 24:15-17.

¹⁸ Ex. 25C Morris Reb. at 8:22-9:2.

¹⁹ Ex. 25C Morris Reb. at 12:18-22.

²⁰ See 101C Eubanks Sur. at 3:4-7.

The Commission must consider that the "public interest" includes protecting occupied residential properties.²¹ The modification serves critical public interests by:

- Protecting an occupied family residence with young children from proximity to high-voltage infrastructure
- Preventing property devaluation specifically associated with transmission line proximity to residences
- Addressing health and safety concerns regarding exposure for vulnerable populations

The Commission should exercise its authority to ensure routing decisions reflect appropriate priorities: occupied homes before vacant land, landowner rights before operational convenience.

D. Property Value Impacts

1. Evidence Demonstrates Significant Property Value Diminishment

The proximity of high-voltage transmission lines to occupied residences and adding a new easement and additional poles that run parallel to existing poles causes measurable property value diminishment. Ms. McGinley presented evidence that:

- Homes where HVDC lines were installed nearby sold at discounts of \$70,000 or more.²²; and
- Proximity to power lines can decrease property values 10-40%.²³

Even ATXI's own cited source, the Roddewig & Brigden article, acknowledges that "some studies have found adverse impacts" and cites peer-reviewed research showing property value impacts "usually in the range of 3 to 6 percent" when impacts occur.²⁴

²¹ Ex. 951C McGinley Dir. at 24:5-6.

²² Ex. 950 McGinley Dir. at 11:3-4 (citing Tsawwassen homes article, CBC News, July 21, 2010)

²³ Ex. 950 McGinley Dir. at 11:5-6 (citing Gustan Cho Associates article, January 18, 2021).

²⁴ Ex. 951C McGinley Sur. at 9:17-20.

2. ATXI's Property Value Analysis Is Fundamentally Flawed

ATXI witness Korsmeyer relies on a single article by Roddewig & Brigden, but this reliance is problematic for several reasons. The Roddewig & Brigden article was written by authors who were "retained by the electric utility company" to address issues raised in an Illinois proceeding to support their transmission line application.²⁵ This raises obvious questions about the independence and objectivity of the analysis.

The study focuses primarily on existing transmission lines and their long-term market impacts, not the immediate impact on property values when new transmission lines are constructed near existing homes, particularly occupied residences with young families.²⁶

ATXI's witness fails to address the fundamental difference between McGinley's situation and the cases studied. Ms. McGinley is not selling her property—she is a long-term resident with two young children who will be forced to live less than 400 feet from a 345 kV transmission line for years to come.²⁷

The academic literature shows that impacts are most significant the closer a transmission line is to an occupied residence.²⁸ Moreover, ATXI's testimony fails to address the cumulative impact of multiple transmission lines creating larger transmission corridors, which creates a fundamentally different impact on property use, residences, agricultural operations, and market value than a single line.²⁹

3. Compensation Does Not Make Landowners Whole

ATXI's promise of "fair market value" compensation fails to address

²⁵ Ex. 951C McGinley Sur. 9:7-9.

²⁶ Ex. 951C McGinley Sur. at 10:3-7.

²⁷ Ex. 951C McGinley Sur. at 10:9-12.

²⁸ Ex. 951C McGinley Sur. at 10:1-2.

²⁹ Ex. 951C McGinley Sur. at 11:20-12:4.

McGinley's core concerns. "Fair market value" easement compensation typically covers only the value of the land subject to the easement, not the diminished value of the entire property due to proximity impacts.³⁰ Further, no amount of easement compensation can restore the quiet enjoyment of the newly constructed home or eliminate concerns about EMF exposure for children.³¹

The issue is not just about money—it's about the Commission's obligation to consider whether there are reasonable alternatives that would avoid imposing these impacts on occupied family residences.³² Modifying the route, moving it further away from the McGinley Residence, serves to mitigate the impact to the McGinley residence and family.

4. Risk of Setting Precedent for Future Transmission Development

ATXI's rebuttal testimony stressed that the desired route was ideal because of already existing transmission lines on McGinley's property.³³ This creates concerns about setting a precedent for future transmission development. By establishing multiple transmission corridors across the same properties, this project creates a precedent that may encourage future transmission developers to view McGinley's land as a preferred transmission pathway.³⁴

E. Health and Safety Concerns - EMF Exposure

1. Peer-Reviewed Research Demonstrates Health Risks

Ms. McGinley presented peer-reviewed scientific evidence of health risks associated with EMF exposure. Studies have found EMF exposure is directly

³⁰ Ex. 951C McGinley Sur. at 10:20-11:2.

³¹ Ex. 951C McGinley Sur. at 10:18-20.

³² Ex. 951C McGinley Sur. at 11:5-8.

³³ Ex. 11C, Nicholas Reb. 4:6-8; Ex. 951C, McGinley Sur. at 13:5-7.

³⁴ Ex. 951C McGinley Sur. at 13:8-13.

correlated with a negative impact on neurobehavioral functions in children.³⁵

In addition, studies have found that women living less than a thousand feet from 240-400kV lines may have up to four times higher risk of infertility.³⁶

Finally, prolonged EMF exposure increases the risk of childhood leukemia, and may cause headaches, fatigue, sleep disturbances, skin irritation, skin tingling, stress, and anxiety.³⁷ The risk of these negative health impacts is increased for vulnerable populations such as children.³⁸

2. ATXI Failed to Address Specific Peer-Reviewed Studies

ATXI's rebuttal testimony failed to directly address the specific peer-reviewed studies McGinley cited. While ATXI witness Morris testified that "reputable scientific organizations" have concluded there are no long-term adverse health effects³⁹, this broad generalization does not address the specific findings from the PLOS ONE study or the International Journal of Occupational and Environmental Medicine study.⁴⁰

ATXI's rebuttal testimony made no distinction between adult and child exposure risks, provided no child-specific EMF exposure guidelines, and offered no additional protections for vulnerable populations.⁴¹ The WHO guidelines vaguely referenced by ATXI do not necessarily account for the unique vulnerabilities of developing children.⁴²

³⁵ Ex. 950 McGinley Dir. at 12:1-3 (citing Association between Exposure to Electromagnetic Fields from High Voltage Transmission Lines and Neurobehavioral Function in Children, PLOS ONE, July 2013).

³⁶ Ex. 950 McGinley Dir. at 12:4-5 (citing Exposure to Electromagnetic Fields of High Voltage Overhead Power Lines and Female Infertility, The International Journal of Occupational and Environmental Medicine, January 2019).

³⁷ Ex. 950 at 12:5-7.

³⁸ *Id.* at 12:7-9.

³⁹ Ex. 25C, Morris Reb. 5:6-11.

⁴⁰ Ex. 951C McGinley Sur. at 17:4-14.

⁴¹ Ex. 951C McGinley Sur. at 20:3-6.

⁴² Ex. 951C McGinley Sur. at 20:11-13.

ATXI's witness testified as a mechanical engineer and project manager⁴³, but provided no evidence of medical training, epidemiological expertise, or specialized knowledge in EMF health effects research that would qualify them to dismiss peer-reviewed medical studies.⁴⁴ ATXI's categorical dismissal of health concerns fails to demonstrate the prudent caution appropriate when public health may be at stake.⁴⁵

F. Conservation Reserve Program Contract Impairment

1. Uncertainty Regarding USDA Contract Impacts

McGinley currently contracts with the U.S. Department of Agriculture, enrolling parcels 10-05-21-08 and 10-08-28-01 in a Conservation Reserve Program from October 1, 2020, until September 30, 2035.⁴⁶ McGinley has concerns the Project will negatively affect this contractual relationship.⁴⁷

ATXI's rebuttal testimony oversimplifies the potential impacts to CRP contracts. While the rebuttal states that CRP contracts would only be affected if the land becomes "entirely inconsistent" with CRP objectives⁴⁸, this ignores the practical reality that even partial impacts can trigger USDA compliance issues or contract modifications.⁴⁹

2. ATXI Provides No Assurance of USDA Approval

The rebuttal testimony presents ATXI's interpretation of when CRP contracts might be affected but provides no assurance that the USDA will reach the same conclusion.⁵⁰ The witness testifying to this interpretation,

⁴³ Ex. 25C Morris Reb. 1:14-17; 2:16-22.

⁴⁴ Ex. 951C McGinley Sur. at 19:3-7.

⁴⁵ Ex. 951C McGinley Sur. at 21:7-9.

⁴⁶ Ex. 950 McGinley Dir. at 6:2-5.

⁴⁷ Ex. 950 McGinley Dir. at 11:9-12.

⁴⁸ Ex. 17 Korsmeyer Reb. 13:4-7.

⁴⁹ Ex. 951C McGinley Sur. at 14:16-21.

⁵⁰ Ex. 951C McGinley Sur. at 15:4-6.

Korsmeyer, is not an attorney and claims he is not making any legal opinions.⁵¹

The rebuttal testimony provides no evidence that ATXI has consulted with USDA regarding the specific conservation practices and objectives outlined in McGinley's CRP contracts.⁵² This creates significant uncertainty about whether McGinley might be required to repay previously received CRP payments or forfeit future payments, risks that extend far beyond ATXI's compensation promises.⁵³

IV. CONCLUSION

The Commission has clear statutory authority under Section 393.170.3, RSMo, to address McGinley's routing and siting concerns by imposing "such condition or conditions as it may deem reasonable and necessary."

Substantial evidence supports the need for route modifications to protect the McGinley occupied family residence and farmland. The requested modifications are reasonable, technically feasible, and would serve the public interest by protecting an occupied family residence with young children from unacceptable proximity to high-voltage infrastructure at minimal additional cost and lessens disruption to her farm operation.

WHEREFORE, McGinley-Krawczyk Farms, LLC respectfully requests that the Commission:

1. Require ATXI to implement McGinley Modification 1 as shown in Schedule MS-7, placing transmission lines at least 1,000 feet from the McGinley occupied residence; and
2. If the Commission orders Modification 2, prohibit ATXI from placing any transmission structures on parcel 10-05-16-06 to minimize impacts

⁵¹ Ex. 17 Korsmeyer Reb. 4:2-4; McGinley Sur. Ex. 951C at 15:7-8.

⁵² Ex. 951C McGinley Sur. at 15:11-14.

⁵³ Ex. 951C McGinley Sur. at 15:14-17.

on the residential parcel.

These modifications would demonstrate the Commission's commitment to protecting residential properties and generational family farms while still allowing ATXI to construct the transmission line needed for grid reliability.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all of the parties of record or their counsel, pursuant to the Service List maintained by the Data Center of the Missouri Public Service Commission on November 18, 2025.

/s/ Stephanie S. Bell