

# Gunner fumes over gas

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*By Mike Masterson December 15, 2005 Publication: Arkansas Democrat-Gazette:  
Northwest Edition (AR) Page: 17 Word Count: 798*

Whether one agrees or not with all the political views of GOP attorney general candidate Gunner DeLay of Fort Smith, you've got to admire his vigilance as a digging watchdog when it comes to utility rate increases.

I'm talking about DeLay's scratching slightly beneath the surface after the Arkansas Public Service Commission recently awarded the Arkansas Oklahoma Gas Co. a \$4.4 million annual revenue boost while flatly ignoring what some of the public had to say about that increase. The three commissioners rushed to issue their order granting the rate increase without even reading 31 pages of input by seven ratepayers, including DeLay, all of whom spoke out at a formal public hearing in mid-November against it. Not one of the commissioners attended the Fort Smith hearing. Their decision was reached four days before the testimony at that hearing was filed. I suppose the PSC just found it more comfortable to slide this increase along greased skids to meet its deadline rather than give the appearance of caring what the public thought of another utility rate hike. DeLay referred to the commission's acting without considering public testimony as "nothing more than a dog-and-pony show." DeLay had the chutzpah to object, obviously realizing that he was in a position to grab positive headlines by calling the PSC's misstep to the public's attention. Hey, that's politics. He also is the person who, while a state senator, sponsored the very 1999 act that requires the PSC to take public comment on proposed rate increases. Truth is, I could give a flip why he ignited the fumes on this issue. Either our "Public" Service Commission, which supposedly represents the public's interest, conducted the public's business in a professional and thorough manner, or it had its mind made up without regard for something as tedious and often repetitious as public input. PSC Chair Sandra Hochstetter honestly conceded that the commission made its decision without having seen the transcript of comments by those in Fort Smith who had testified against the multimillion-dollar increase, according to the extensive news story by our reporter, Jake Bleed.

She said the commission had to hurry its ruling to meet a deadline. Otherwise, the gas company's entire requested increase of \$6.9 million would have become effective rather than the \$4.4 million the commission approved. Bleed quoted Hochstetter saying: "If we had the transcript, we would have [read it]. But we didn't. The court reporter was late. They missed their deadline." She also said that, typically, no one shows up at these public hearings and that most of the objections had already been noted in "technical hearings" on the issue in Little Rock. So why bother going through the motions of hearing what the public had to say? DeLay's legislation, while allowing for public input in such matters, failed to spell out that commissioners actually had to consider the testimony before issuing a ruling. Obviously, that should have been understood by full-grown adults with at least an eighth-grade education as the point of even having such a hearing. It's my understanding that the hearing officer explains in the transcript itself that the remarks of those who testified would be made part of the record for commissioners to review. It's always something nowadays when it comes to conducting the public's business with integrity, isn't it, valued reader? Officials always seem to have a ready excuse that invariably flows downhill to the point where rancid water collects. Nothing different here. The Fayetteville court reporter in this instance did acknowledge a miscommunication over the deadline. But the last time I looked, Arkansas governmental agencies are connected to the Internet as well as phone lines that enable them to inquire about necessary materials as deadlines near. Actually, DeLay told me he understands that the deadline for filing a transcript of the court reporter's work at the public hearing was never actually specified, and no one even heard from the PSC before its deadline on the whereabouts of these public comments. Attorney General Mike Beebe, a Democratic candidate for governor, also is admirably in this hunt, saying that the PSC's finding will be appealed on several fronts by early January. I'm told that, if granted, Beebe's appeal will allow these missing public comments to be considered. It's been reported that Beebe said his office will ask that the gas company be allowed no more than a \$4.1 million increase. Meanwhile, DeLay is saying that, as our state's attorney general, he'd move to enact legislation that would "require" commissioners to consider testimony from the public in such cases. He said that if a deadline is looming, it is the PSC's responsibility to expedite the transcript into the formal record. I'm betting DeLay and Beebe both believe some significant reforms in the public interest are long overdue within this commission. —•— Staff columnist Mike Masterson is the former editor of three Arkansas daily newspapers.

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