

# DeLay: Don't let utilities fund race - Attorney general hopeful speaks out

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By JAKE BLEED ARKANSAS DEMOCRAT-GAZETTE October 18, 2005 Publication: Arkansas Democrat-Gazette (Little Rock, AR) Page: 9 Word Count: 626

Former state senator and Republican candidate for attorney general Gunner DeLay of Fort Smith said Monday that he wants to bar campaign contributions from utilities to candidates for attorney general, which he says are unethical and a conflict of interest.

Under Arkansas Code Annotated 23-4-305, the Consumer Utilities Rate Advocacy Division of the attorney general's office is required to "provide effective and aggressive representation" of the people when the Arkansas Public Service Commission considers whether regulated utilities should be allowed to increase rates. The law also requires the attorney general to hold utility rates "to the lowest reasonable level." In a telephone interview Monday, DeLay said that language requires the attorney general to be a constant "adversary" to utilities, a requirement compromised by contributions from those same utilities. "It concerns me that he would take money from a business that he is supposed to oppose," DeLay said. "I think that creates a conflict of interest." In recent weeks, Republicans have criticized Attorney General Mike Beebe's handling of consumer rate cases before the commission. Beebe of Searcy is a Democratic candidate for governor in 2006, and the Republican Party has criticized his acceptance of campaign contributions from utilities regulated by the commission. Beebe has said that criticism is simply a campaign tactic and he sees nothing wrong with taking contributions from utilities. Beebe said Gov. Mike Huckabee, a Republican, accepts contributions from utilities even though he appoints the members of the commission, which has power to grant rate increases to utilities. Beebe said he did not have a problem with

this. That comparison is "a far stretch, indeed," DeLay said. He said it was OK for the governor to take those donations because he is not required to be a utility's legal opponent for the commission. As an attorney, DeLay said, it is unethical to accept payments from opposing litigants. "It may be a more difficult task to zealously defend your client if you've received money from the other side," DeLay said. DeLay said Monday that his proposal wasn't made as part of his party's criticism of Beebe. DeLay said his proposal was not intended to target the Democrat's gubernatorial candidate, and that the issue of contributions from utilities has been "a topic of discussion" for some time. "Neither the party or anybody in Asa's camp has called and told me to pursue this," DeLay said, referring to former congressman and GOP gubernatorial candidate Asa Hutchinson of Little Rock. Democratic candidates for attorney general said Monday that they saw no problem with taking money from utilities. They said companies like Louisiana-based power provider Entergy Corp. or Texas-based natural gas provider CenterPoint Energy have a right to make political contributions. And those Democrats said those contributions won't influence their work if they are elected. They include Paul Suskie of North Little Rock, the North Little Rock city attorney whose campaign for attorney general took a \$500 donation from a political action committee run by CenterPoint, according to campaign finance filings made Friday. Suskie said that "anybody that knows public service" knows that "just because you receive money from someone doesn't mean it's going to affect your view." "I'm going to do what is best for the state of Arkansas," Suskie said. Rep. Dustin McDaniel, DJonesboro, another candidate for attorney general, said "it doesn't matter who contributes to my campaign." He said he would oppose DeLay's proposal to change the rules on utility contributions. He has not received contributions from utilities. "At this point, I don't have any reason not to," McDaniel said in a telephone interview. Robert Herzfeld of Benton, the Saline County prosecutor and a candidate for attorney general, declined to discuss DeLay's proposal. "We're not going to respond in detail to every press release that the Republican candidate throws out there to get attention," Herzfeld said in a prepared release.

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**Arkansas Democrat-Gazette (Little Rock, AR)**

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