



# OKLAHOMA PUBLIC POWER

A publication of the Municipal Electric Systems of Oklahoma

September 2011

## MESO 40th Annual Conference Held in Tulsa



Left to right, beginning with left photo: MESO President McAlexandar presents the Meritorious Service Award to Jim Greff, Prague city manager. Mayor Daryal Toellner, Waynoka, receives the Clarence Fulkerson System Achievement Award on behalf of his city. Accepting the Clarence Fulkerson System Achievement Award on behalf of Duncan Power is David Yeager, General Manager. Dan Blankenship (right), incoming MESO president and Stillwater's Interim Electric Director, presents an award of appreciation to outgoing president Paul McAlexandar for outstanding service on the board.

Municipal Electric Systems of Oklahoma members met in Tulsa on September 14-16 for our annual conference with the Oklahoma Municipal League. During the member meeting a slate of officers was selected who form the MESO Executive Committee. These were: Dan Blankenship, Director, Stillwater Electric Utility as President, Mark Chesney, General Manager of the Tahlequah Public Works Authority as President Elect, Dean Sherrick, Distribution Superintendent for Edmond Electric as Vice President, and Gary Pruett, General Manager of the Pryor Municipal Utility Board as Treasurer.

Two open seats on the board of directors for MESO were filled with the election of Tim Schook, City Manager for the City of Stroud and Dave Sleziekey, City Manager for the City of Anadarko.

Board terms for Dan Blankenship and Mark Chesney were

extended for three years as were the terms for Mike Doublehead, General Manager for the Stilwell Utilities and Paul McAlexandar, City Manager of Pawhuska.

Our annual Awards Luncheon had Oklahoma Assistant Secretary of Energy James Albert as our guest speaker. Awards presented this year recognized three individuals and two member systems.

Two cities were recognized for outstanding effort in electric distribution with the presentation of the Clarence Fulkerson System Achievement Award. The City of Waynoka with only 735 meters committed to a system upgrade of nearly \$800,000 in total cost. The final bill will be somewhat less, and federal stimulus funds could pick up as much as 20% of the project. Waynoka had a good portion of its system served with a 4160 volt system on one circuit. Outages often caused interruption

to all on the system. By converting the voltage to 12,470 volts, the city reduced its lines losses by a large margin, and by dividing the system into four circuits with loop feeds, the city minimized outages to residents during a time of problems. With new transformers, pole top assemblies and new poles on freshly cut rights of way, the city expects few distribution problems for several years on the new cir-

(see CONFERENCE, page 6)

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## Water Projects in Kansas

The only hydropower project in Kansas is a low-water dam on the Kansas River adjacent to the City of Lawrence. That project was built in 1874 with generation installed at a later date. To add 4.68 mw of generation to the dam, sold to the municipal electric utility in Kansas City, Kansas, cost \$24 million or over \$5,000.00 per mw of additional capacity. The wide river runs constantly so there is good generation around the clock making the project far less costly

than other sources of energy today. Still, that price tag is about double the cost of the last hydropower project built in Oklahoma, the Kaw Dam Project of OMPA started in 1986.

And in Wichita, the city government is taking the long term prospects of climate change and less rainfall seriously. To insure drinking water availability the city set up a diversion process for those times when the Arkansas River is running at above normal levels.

Up to 30 million gallons of water per day can be diverted to a treatment facility where it is treated and injected into the Equus Beds Aquifer which provides water for Wichita and surrounding communities. The recharge process is designed to reverse the long term downward trend in the aquifer's level.

## OG&E Seeks Hike

OG&E is seeking a \$73 million rate increase to help pay for some \$500 million in system investments. The hike comes to \$75.00 per year for residential consum-

ers. The company seeks to have the increase approved by spring of 2012 some 2.5 years since their last hike which was similar in size.

### MESO MEMBER UTILITIES

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Blackwell*	Kingfisher*	Purcell*
Braman	Laverne*	Pryor*
Broken Bow*	Lexington*	Ryan
Burlington	Lindsay*	Sallisaw*
Byng	Mangum*	Siloam Springs, Ark*
Clarksville, Ark*	Manitou	Skiatook*
Claremore*	Mannford*	South Coffeyville
Coffeyville, Kansas	Marlow*	Spiro*
Collinsville	Miami*	Stillwater*
Comanche*	Monett, Mo*	Stilwell*
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Cordell*	Newkirk*	Tahlequah*
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Elk City	Paragould, Ark*	Watonga*
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Fort Supply	Pawhuska*	Waynoka
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## Legislation in Energy

While it seems that the Congress is unable to take actions, the various committees of Congress continue to work on a variety of measures. It would appear that Republicans will get their way in cutting spending from many energy programs. Usually, when Congress makes a cut in a budget, it means that projected increases in spending are being reduced. This budget process looks very much like reduced spending will occur. The DOE budget is pretty small so the deficit impacts are minimal.

Low income folks will take a hit as LIHEAP funding will be slashed. The current budget for LIHEAP is \$400 million less than 2010. The Obama Administration is looking at \$2.5 billion in 2012 or less than half the 2012 amount.

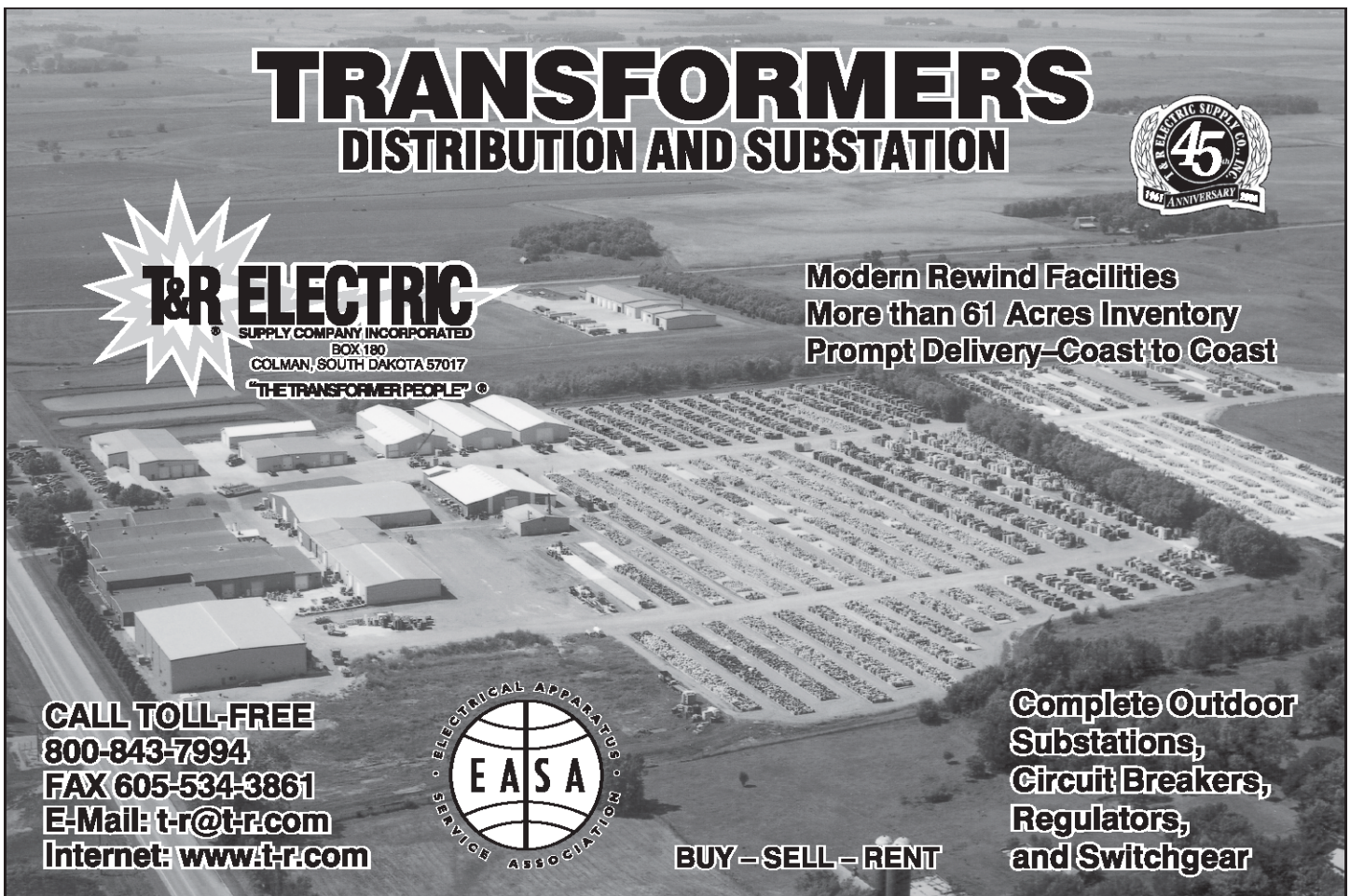
The legislation promoted by T. Boone Pickens, HR 1380 which would promote natural gas vehicles, once had over 280 sponsors but is now likely to be shelved as its costs for tax breaks appear to be too great. The House is passing many bills to limit the Department of Energy from enforcing standards, bills that will not be heard in the Senate. At the same

time, the Congress is deadlocked on any renewable energy legislation. Several bills requiring more off-shore leases for oil exploration are being offered by members on both sides of the aisle.

While most energy efficiency legislation will go nowhere, funding for CEDA, the Clean Energy Deployment Administration, a new agency to fund commercial energy technologies could gain some traction. New Mexico Senator Jeff Bingaman is the author.

Considerable time is being spent on energy taxes or, to be more accurate, tax breaks. The tax credits going to ethanol production have numerous opponents now that cost and the fact that consumers do not like ethanol are more and more apparent. Tax breaks for renewable energy and tax credits for home energy improvements are on the chopping block. Certainly, tax credits for oil and gas production remain a subject of concern.

Having reviewed over 30 bills dealing with energy, we find it hard to find one where the current members of congress could find common ground.



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## APPA calls on EPA to revise, repropose mercury MACT rule

In comments filed with the Environmental Protection Agency on Aug. 2, APPA cited a host of changes it would like to see EPA make to its Electric Generating Unit Maximum Achievable Control Technology (EGU MACT) proposed rule in order to avoid dramatic and costly impacts to APPA members and their customers.

"APPA recognizes the need to regulate mercury and nickel to protect public health," said Mark Crisson, president & CEO of APPA. "At the same time, the implications of this regulation will stretch from industrial customers all the way down to residential customers and both sectors will most definitely see a rise in electricity rates as a result. Therefore, in APPA's comments, we propose a number of changes on timing and the setting of subcategories in order to mitigate the regulatory burdens and avoid excessive costs to consumers while still protecting public health."

The EGU MACT rule, proposed under the Clean Air Act, covers coal-fired and oil-fired power plants greater than 25 MW and is designed to reduce emissions of mercury and acid gases from coal-fired generation and to reduce nickel emissions from oil-fired generation through a series of new pollution control devices.

In the comments, APPA revealed the results of its recent public power utility survey conducted with its members on the proposed rule. The survey clearly showed that APPA members need more time and flexibility to comply with the new rule. For instance, the survey revealed the time needed to finance, procure, construct, install, and calibrate the new equipment needed to meet the rule exceeds the three years for compliance provided under the Clean Air Act. Most APPA members indicated they need at least nine months to plan, six months to finance (including time for government utility boards to meet) and multiple years to construct the new equipment. An analysis of the data determined that 77 months will be needed for 90 to 99 percent of public power

utilities to comply.

In addition, APPA objects to the inclusion of acid gas and particulate matter controls in the rule. The acid gas control requirements, not specified under the Clean Air Act or EPA's own 1997 utility sector study, will add tremendous costs and regulatory burdens to public power utilities. Given that the proposed rule is expected to be finalized in late 2011 and the deadline for compliance is three years from the date of the final rule, APPA believes that addressing the timing and cost impacts in the final rule is essential. Many APPA utilities will have to install baghouses, scrubbers, and other pollution controls while working around other scheduled outages at investor-owned utilities in the coming three years to avoid regional reliability concerns. Moreover, many APPA members are small and per megawatt compliance costs will be higher for smaller units. Also, as many APPA members have only one generating unit, they may have to shut down to retrofit, threatening reliability. Therefore, APPA would prefer EPA not expand the proposed rule beyond mercury and nickel since EPA has provided no data as to any health risk associated with non-mercury metal hazardous air pollutants and acid gases related to fossil fuel-fired electric generating units. If EPA does not scale back the scope of the rule or address the timing issues, APPA's comments point out the need for an administrative compliance procedure in the Title V operating permit program.

For these and other technical reasons laid out in

(see APPA REPORT, next page)



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## Okeene Schools Receives MESO Loan

The main air conditioning unit for Okeene Schools broke down in June of this year. The schools did not have this major replacement item in the adopted budget so a \$50,000.00 loan from MESO's Zero Interest Loan Fund could not have been more timely. The new unit was in service by August 3 and was very much appreciated by the school staff who worked in hot conditions in July.



MESO's Zero Interest Loan Fund is available to MESO members for energy efficiency projects. The loan fund has a limit of \$50,000 for any one project sponsored by member cities. Projects funded over the years have totaled over \$4 million in loans delivered with over 5 million kwh in annual energy savings being reported. Loans have gone for new lighting, hospital upgrades, line conversions, and rebates for energy efficient appliances.

Okeene schools will also receive rebate checks from the Town of Okeene and OMPA for the energy efficiency upgrade.

## No Carbon Capture At AEP

A few years ago PSO parent AEP announced that it would build a carbon capture system at one of its coal fired power plants to demonstrate the effectiveness of removing carbon dioxide from coal plant emissions. Now AEP has announced that it is scrapping that project. The US Department of Energy had pledged \$334 million in 2009 to pay half the costs of retrofitting an AEP plant. However, AEP decided not to ask for rate assistance for the cost of its share and is now cancelling the project due to "current uncertain status of US climate policy and a continuing weak economy."

## APPA Report *(continued from preceding page)*

the comments, APPA asks that the EPA re-propose the rule with these key changes so that industry has the time and flexibility needed to retrofit its coal fleet without threatening the reliability of the electric system and saddling consumers with excessive costs, especially during a time of serious economic uncertainty for the country as a whole.

The executive summary of APPA's comments on the EGU MACT proposed rule can be found here: [www.publicpower.org/files/Mercury-MACTExecutiveSummary%2DAmericanPublicPowerAssociation%2DAugust2011.pdf](http://www.publicpower.org/files/Mercury-MACTExecutiveSummary%2DAmericanPublicPowerAssociation%2DAugust2011.pdf).

The full set of APPA's comments on the EGU MACT proposed rule can be found here: [www.publicpower.org/files/MercuryMACTComments%2DAmericanPublicPowerAssociation%2DAugust2011.pdf](http://www.publicpower.org/files/MercuryMACTComments%2DAmericanPublicPowerAssociation%2DAugust2011.pdf).

Please note that this is a large file and may take a few minutes to download.

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## Conference *(continued from page 1)*

cuits. Upgrades at the substation were also accomplished along with installation of energy efficient street lighting. City Manager Chip Outhier accepted the award on behalf of the governing board of Waynoka.

Duncan Power is one of the larger MESO member systems and in the past two years undertook one of the bigger projects we have seen. Duncan's efforts included upgrades in communications, meter reading, energy efficiency, and street and signal lighting. The \$14 million project was helped with use of some \$2 million in federal stimulus funds from the US Department of Energy.

Duncan Power replaced all of its water and electric meters with Elster wireless meters that send signals to 700 collector meters which transfer information to the billing office through a new wireless network. The system cuts costs of operations, improves accuracy, allows for rapid billing of accounts so there is no billing delay, and provides a framework for many other smart meter applications. The wireless network will also be a major improvement for emergency services and utility personnel in the field where police can have fast remote connectivity and monitor closed circuit security cameras at various venues.

In energy efficiency, the city upgraded heating and cooling systems in its major buildings, replaced lighting in traffic signals with LED lighting, and replaced all street lighting in the city with induction lighting which cut some 40% of energy use in that area. Finally, the city upgraded pumps at its sewer treatment plant with variable speed drive motors.

A contract with Honeywell was used to accomplish the projects. Energy and labor savings are pro-

jected to be \$1.7 million per year.

Duncan Mayor Gene Brown and Duncan Power General Manager David Yeager accepted the award for Duncan Power.

The Ray Duffy Personal Service Award goes to a person who has given outstanding service to public power systems. This year's award was presented to Dr. Doug Cox. Dr. Cox is the state representative from the area around Grove, Oklahoma, and his district encompasses Grand Lake. Therefore, all legislation and regulation regarding GRDA typically needs Dr. Cox's authorization. For public power systems, Dr. Cox has been much more than a representative. He has been a person who had legislation passed when needed, blocked when needed, and provided a commentary for the public on the operations of public power

in Northeast Oklahoma. Dr. Cox sponsored legislation needed by GRDA in areas including competitive bidding, surplus property management, dock regulation, boater safety, and encroachment on GRDA property.

On the other hand, Dr. Cox has worked against or blocked legislation that would have been detrimental to public power including legislation that would have put public power generation assets on the property tax rolls. This past year, when 6,000 rural water district residents petitioned for an end to GRDA charges on raw water to rural water districts, Cox was able to convince House Speaker Kris Steele that the majority of the members who would pass such a bill were wrong. Steele held that bill. Cox also

*(see CONFERENCE, page 10)*

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## Obama Directs EPA to Withdraw Tighter Regulations on Ozone

President Obama on Sept. 2 said he has directed the Environmental Protection Agency to withdraw the new regulations on ground-level ozone that the agency proposed in January 2010.

"Over the last two and half years, my administration, under the leadership of EPA Administrator Lisa Jackson, has taken some of the strongest actions since the enactment of the Clean Air Act four decades ago to protect our environment," Obama said in a Sept. 2 statement. "At the same time, I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover," he said. "With that in mind, and after careful consideration, I have requested that Administrator Jackson withdraw the draft Ozone National Ambient Air Quality Standards at this time."

The federal government reviews the standards for ground-level ozone periodically, and the next regular review is coming in two years, the president said.

"Work is already underway to update a 2006 review of the science that will result in the reconsideration of the ozone standard in 2013," Obama said. "Ultimately, I did not support asking state and local governments to begin implementing a new standard that will soon be reconsidered."

The president's announcement is a victory for House Majority Leader Eric Cantor, R-Va., and other GOP critics of Obama's environmental policies. In an Aug. 29 memo to House lawmakers, Cantor described the proposed new ozone rule as "possibly the most harmful of all the currently anticipated Obama administration regulations." (See story, this issue.)

The White House estimated that the EPA's proposal would have cost businesses \$19 billion to \$90 billion a year, The Wall Street Journal reported.

The Washington Post reported that several GOP lawmakers, including Energy and Commerce Committee Chairman Fred Upton, R-Mich., said in interviews last week that they would try to block regulations they see as a threat to economic recovery.

The current standard for ozone, set by the Bush

administration in 2008, is 75 parts per billion. At the time, the EPA's scientific advisory panel had recommended a tighter standard of between 60 and 70 parts per billion. That lower range is what the EPA proposed a year and a half ago.


"The Obama administration is caving to big polluters," said Gene Karpinski, president of the League of Conservation Voters. "This is a huge win for corporate polluters and a huge loss for public health."

The Washington Post reported that Rich Gold, who chairs the public policy group at the law firm Holland & Knight, said the Obama administration finds itself in a tight spot.

"The reality is everything EPA is doing is laudable in terms of positive health and environmental outcomes," Gold told the Post. "The problem is we're trying to do it when we're coming out of the deepest economic recession since the Great Depression."

## SWPA Administrator To Leave

Southwestern Power Administration Administrator Jon Worthington is taking a promotion to work in the Department of Energy headquarters in Washington, DC. He will remain on the job at SWPA until DOE selects a replacement. Worthington has gotten very good notices for his work from the staff and the customers.



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## Court Rules in Kay Electric Case

The 10th U.S. Circuit Court of Appeals ruled recently that Kay Electric Cooperative can sue the City of Newkirk for allegedly violating the federal antitrust law in a fight over which electrical utility can serve the Kay County Detention Center.

The 3-0 decision by the Denver-based court overturns a decision by U.S. District Judge Robin Cauthron in Oklahoma City dismissing Kay Electric's lawsuit last August.

The appellate judges concluded, contrary to Cauthron's decision, that Newkirk is not, because of its status as a municipality, immune from the lawsuit.

The case was first filed in district court against the City of Newkirk on March 27, 2009 on behalf of Kay Electric member consumers alleging two separate and distinct violations of law by the City of Newkirk.

The first allegation is the City of Newkirk unlawfully annexed the certified and lawfully established service territories of the cooperative and the water district,

which was a violation of state law. Second, the city adopted and enforced a policy of unlawful tying arrangements for utility services thereby destroying a competitive market for such services and violating both the Federal Sherman Act and the Oklahoma Antitrust Reform Act.

Kay Electric attorney Jon Ihrig then explained that the main purpose of the suit was to stop the annexation of the proposed jail site.

However, the new jail was built just outside Newkirk city limits in an area served by the cooperative.

Newkirk annexed the jail site and would not provide sewage service unless the jail also bought its electricity from the city-owned utility.

Kay Electric sued, alleging that Newkirk was trying to prevent competition by monopolization and by illegally tying the electrical and sewage service together.

In April of 2010, the case was filed in federal court and accused the City of Newkirk of unlawful ty-

ing of municipal services; attempted monopolization; unreasonable restraint of trade; and declaratory judgment of unlawful annexation and requested that the City of Newkirk pay damages; declare the City's "all-or nothing" policy void; declare that the City's "strip annexation" of the 20-foot-wide section of state highway right-of-way lacks any valid municipal purpose; and declare the City's annexation of the new jail site was solely to enable the City to profit from the exclusion of the competition in the provision of municipal services beyond its boundaries and is without valid municipal purpose and is void.

It was then dismissed by Cauthron.

The co-op's attorney, Douglas Rice of Oklahoma City, said Friday's decision allows Kay Electric to seek monetary damages in Cauthron's court from Newkirk for having been excluded from serving the jail.

Rice said Kay Electric also may seek a court decision allowing the co-op to take over the jail's electrical service.

The legal issue at stake is broad because it is common for Oklahoma municipalities to annex areas served by electrical co-ops, Rice said.

The appeals court concluded  
(see COURT, page 11)

## Companies Try New Technology To Target Copper Thieves

The Atlanta Journal-Constitution (7/6, Scott, Tagami) reported that "as copper thieves have grown bolder - with Atlanta police reporting 150 incidents in June alone - some have come together to thwart the crime wave that has soared along with the price of the metal." In 2010, Georgia Power "lost about \$500,000 to wire theft, spokeswoman Carol Boatright said, and the number of thefts this year - about 70 - is on pace with last year." Southwire, a Carrollton-based company, uses lasers to etch unique codes on the wire,

making identification easier. Georgia Power "has tried Proof Positive, and Boatright said it's assisted in some of the 25 theft cases this year that led to arrests," the paper added.

Georgia Public Broadcasting (7/7, Treiguts) quotes Carol Boatright, who said, "The wire does give us the ability to verify that a particular piece of wire came from a particular company at a particular location. So that we can actually establish a link between the theft and the person that has it."

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## Conference

*(continued from page 6)*

helped stop bills that would have required state power agencies to use the attorney general for legal services rather than in house staff and a bill to give the governor authority over the general manager selection and board removal powers. MESO opposed all of these efforts and worked with Dr. Cox in this regard.

As a Republican Dr. Cox is sometimes out of step with many in his party. He has repeatedly spoken of the value of government in the re-development, economic development, and revitalization of his area of Oklahoma through GRDA and public power. This year when three different efforts were made to privatize GRDA, Dr. Cox maintained that private interests have no business running the functions of an agency

such as GRDA in zoning, fish and wildlife and water quality protections, and law enforcement. He noted that hundreds of thousands of people depend upon GRDA for water supply and this was not the kind of power a private entity should enjoy nor should a private entity have ownership of our lakes and streams.

As a strong voice and an active, effective voice for public power, the MESO board was pleased to present the Ray Duffy award to Representative Cox.

MESO's Marvin Hicks-Al Middleton Meritorious Service Award is given annually to a person who has given greatly to the community where he or she may serve. This year the association recognized two people for outstanding contributions to local government. Vicki Cox is town clerk for the Town of Spiro. Elected in the

spring of 1987, Vicki has been re-elected each year since and has been responsible for billing, record keeping, accounting, IT and a myriad other services of the town. Not having a city manager, Vicki also gets her fair share of manager duties in her job of assisting the mayor and board with operations, contracts, and budgets. Vicki has been married to her husband Mark for 39 years, and her two children and five grandchildren are nearby which provides ample opportunities for participation in youth activities such as swine raising and swine shows, softball and t-ball, and volunteering for other programs within the community. Vicki stays active in local politics and can always be counted upon to help on legislative matters affecting Spiro.

*(see CONFERENCE, next page)*



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## Public Power Week Slated for Oct. 2-8

This year marks Public Power Week's 25th anniversary as a nationwide celebration of public power's value to its communities.

This year's Public Power Week Toolkit is now available to APPA members. The kit includes a variety of customizable communication materials your utility can use to spread the message of "Public Power: An American Tradition that

Works." The materials are available for download here: <http://publicpower.org/special/index.cfm?ItemNumber=9414&navItemNumber=21076>.

If your utility is planning on celebrating Public Power Week, don't forget to document the event and report back to us at [PublicPower-Week@PublicPower.org](mailto:PublicPower-Week@PublicPower.org).

## Court *(continued from page 9)*

that a 1961 Oklahoma law, the Rural Electric Cooperative Act, entitles electric co-ops to continue service and extend it in their areas after a city annexes the area.

Ihrig said Saturday that the ruling is good news for Kay Electric.

"This is good news for Kay Electric and I think it will be good for the citizens of Kay County," he said. However we are a long way from a conclusion. We are basi-

cally back to square one."

Newkirk City Manager Jerald Stone said that he is studying the details of the case and hopes to know more soon. Stone was not city manager when the suit was first filed in 2009.

All documents in the complaint filed are public record and can be located on the federal court network located at <http://pacer.psc.uscourts.gov/>.

## Conference

*(continued from preceding page)*

MESO's second recipient of the Meritorious Service Award is Jim Greff, city manager for the City of Prague. Jim started with the city in 1981 as a street department foreman and was made street superintendent the following year. He took on added public works operations duties over the years and was named interim city manager in 2007. His performance in that role resulted in his being named city manager later that year. As manager he has been a key to many actions including building a new library and a new municipal complex to house city offices, Main Street, Red Cross, Chamber of Commerce, Emergency Management, Municipal

Court, and public meeting facilities. A new senior housing complex was also completed along with extension of the airport expansion and new recreational facilities including equestrian trails and RV hookups.

The Meritorious Service award recognizes community involvement and Jim has been very active here in chamber, church, Kiwanis, Main Street as well as serving on the COEDD Board of Directors and the Kolache Festival Association Board.

Jim has been a key member of the Prague community for over 30 years and that community is better for his long service and dedication. MESO is happy to be able to have Jim among its members and supporters.

## CALENDAR

September 27, 2011

**2011 Management Training Series: Mentoring for Long-Term Employees**  
Exchange Bank, Perry

October 6, 2011

**Professional Growth Series: Strength Essentials Built on the Work of the Gallup Organization**  
Community Center, Claremore

November 3, 2011

**Professional Growth Series: Teaming with Others FIRO-B Assessments**  
Community Center, Claremore

November 29, 2011

**2011 Management Training Series: Delegating for Personal Growth**  
Exchange Bank, Perry

December 1, 2011

**Professional Growth Series: The Conflict Workshop**  
Thomas Kilmann Conflict Mode Instrument

August 27 – 29, 2012

**OGA Conference**  
Embassy Suites, Norman

September 25 – 27, 2012

**OML/MESO/OMAG/OMRF Annual Conference**  
Cox Convention Center, Okla. City



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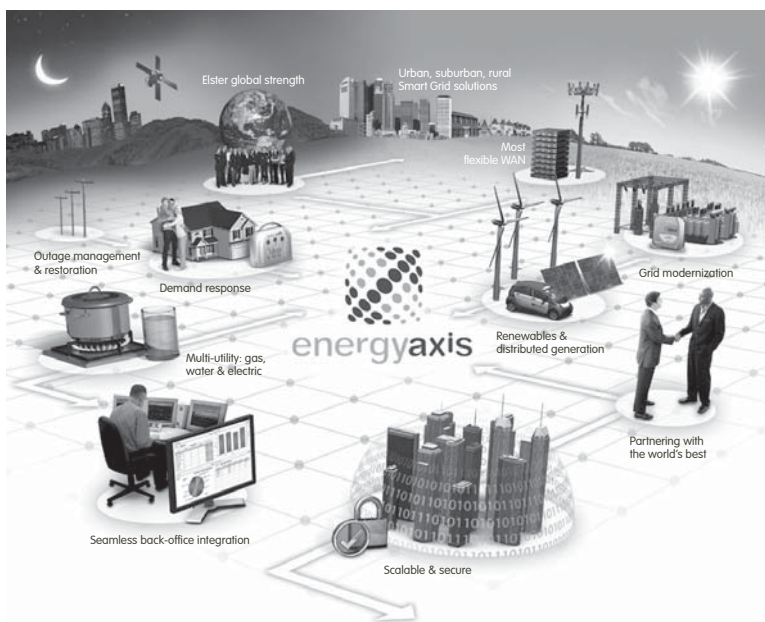
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