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**Court denies charges
for construction costs**

United Press International
NEW ORLEANS — A federal appeals court has ruled an El Paso electric company cannot charge commercial customers for costs incurred in constructing the largest nuclear power plant in the world.

The 5th U.S. Circuit Court of Appeals upheld a Federal Energy Regulatory Commission ruling Monday denying commercial customer rate adjustments to El Paso Electric Company to pay for construction of the Arizona Nuclear Power Project at Palo Verde.

Palo Verde's three generating units are scheduled to go into service in 1983, 1984 and 1986 and will be the largest nuclear generating station in the world.

The electric company sought Construction Work In Progress relief under commission guidelines allowing compensation for

severe financial distress. Under commission rules, CWIP relief can only be granted with construction of pollution control facilities, fuel conversion facilities or if the utility establishes it is in severe financial distress.

Under the distress rule, a utility is permitted to include within its present rate base certain costs of work in progress, permitting it to obtain the necessary cash flow to avoid stringent financial difficulty.

On July 1, 1977, the electric company filed a proposed unilateral rate increase with the commission for service to Rio Grande Electric Cooperative and another wholesale customer.

The increase was based on the adjusted operating results of a 1976 test year and the inclusion within the rate base of CWIP expenditures in the Palo Verde project.

In the proposal, El Paso sought the relief from severe financial distress.

In August 1979, an administrative law judge denied relief and the electric company asked the commission to reverse the decision. The commission affirmed that ruling on May 1980 and later denied rehearing.

The commission issued notice it was reversing its method of authorizing relief, which still is in progress. With that in mind, the court refused to reverse its previous ruling denying construction relief.

"The commission quite rately points out that granted by this court on prospective only," the judge wrote.

**State treasurer charges DA
illegally seized his property**

United Press International
AUSTIN — State Treasurer Warren G. Harding has filed a \$1 million damage suit against Travis County District Attorney

Ronald Earle, contending the prosecutor violated his civil rights by illegally seizing a cabinet of materials from the treasurer's office.

Harding, who has been under investigation by the Travis County grand jury, charges in the suit filed in U.S. District Court that Earle initiated the grand jury inquiry in an effort to justify continued funding for the public integrity unit of his office.

The district attorney's office, acting under a subpoena, seized the cabinet from Harding's capitol complex office Jan. 26.

The treasurer's lawsuit charges that the action violated a number of constitutional provisions. The subpoena said the cabinet contained campaign materials prepared at state expense.

Robert O. Smith, Harding's attorney and a former district attorney, said a subpoena does not give the district attorney's office authority to remove the

filing cabinet because he longed to Harding take the state.

"You just can't seize under a subpoena," said Smith.

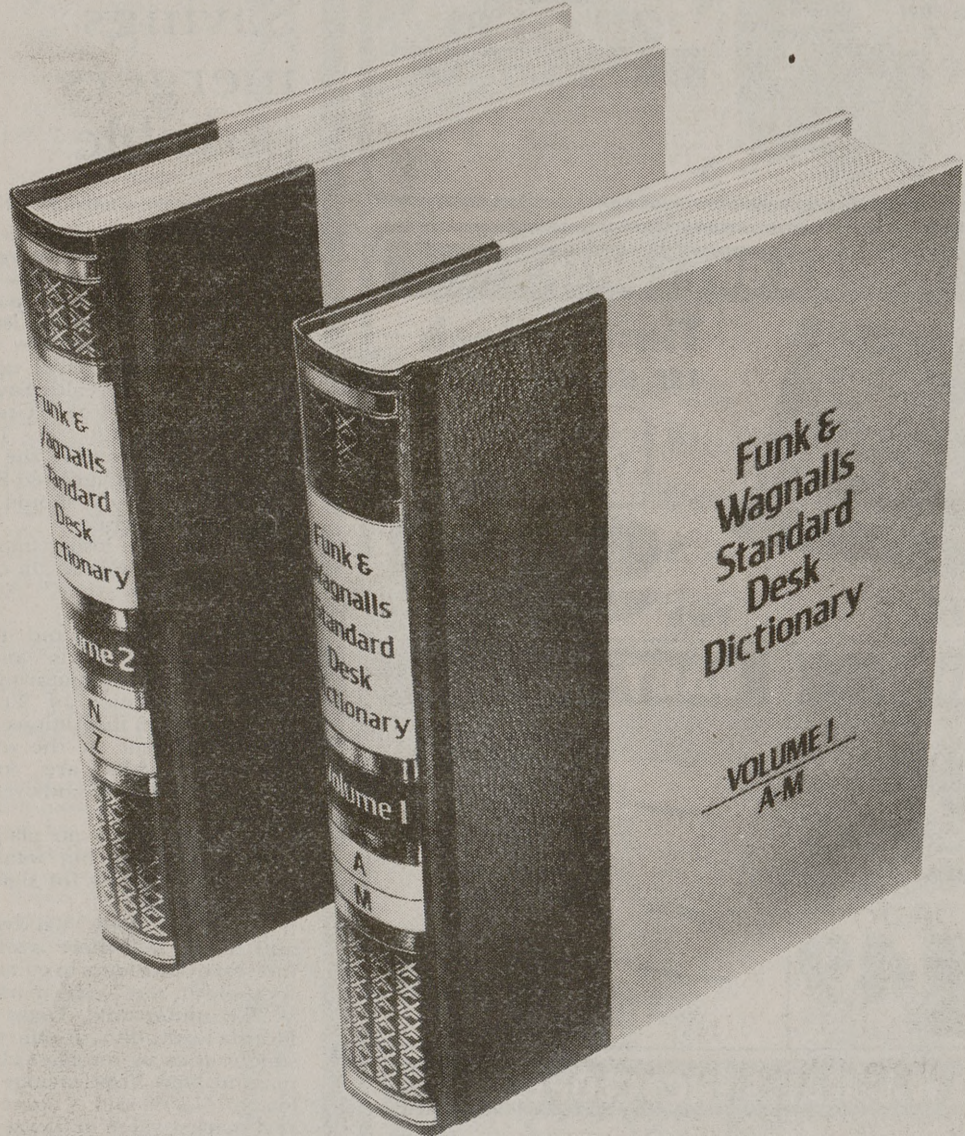
Harding's suit says the cabinet was seized by the grand jury in an effort to investigate high-ranking public officials without any reasonable likelihood of a conviction or with a reckless disregard of the same, in order to justify continuing fund-seeking for the Public Integrity Unit of the Travis County district attorney's office.

Bill Willms, head of the integrity unit, and investigator Joe Dale Morris also named as defendants in the suit.

Willms called the suit a "standard defense ploy, and an office tried to keep its name quiet, so it would not hurt Harding's political race."

Harding was unopposed in the Democratic primary. He now has three challenges.

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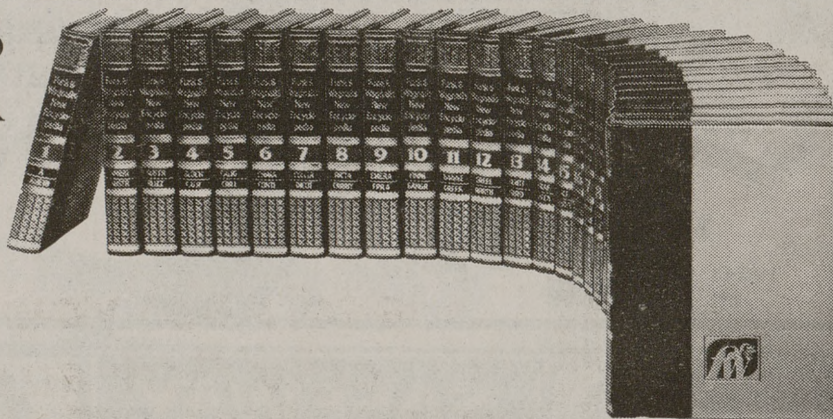
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**Texas outfit buys
sinking Sun Ship**

United Press International
CHESTER, Pa. — A Texas firm says it is ready to take on the challenge of the financially ailing Sun Ship Inc., but not without further layoffs.

The work force at the troubled shipyard, purchased by Levingston Industries of Orange and renamed Pennsylvania Shipbuilding Co. on Monday, has been trimmed from 4,100 to 1,700 in the past year.

Joseph Barrios, president of Levingston Trading Co., said the company had reasons to purchase Sun Ship. "We're non-standard — that's all I can say," he said. "We like to take on chal-

lenges. We like to take on that other companies may faint heart about."

Barrios declined to disclose the purchase price paid by the firm, but said he knew what would happen to management-level employees.

Negotiations to sell Sun Ship began several months ago. Barrios was able to conclude the sale after members of the board of the International Brotherhood of Boilermakers Sunday to approve a new year wage contract.

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FEB. 10, 10:00-3:00
FEB. 11, 10:00-3:00
FEB. 12, 10:00-12:00