

Texas cities sue utility companies

DALLAS (AP) — From the Red River to the Gulf, Texas cities are suing big utilities and accusing them of underpaying fees for laying pipes and stringing power lines along public streets.

Lawyers for the cities accuse Reliant Energy HL&P in Houston and Dallas-based TXU Corp. of cheating the cities out of about \$350 million.

The utilities did this, the lawyers say, by using a narrow definition of gross revenue in calculating fees paid to the cities.

The utilities say they are honoring the terms of their contracts with cities, and they say that customers will end up paying more if the cities win in court.

In Southeast Texas, 47 cities, including Houston, filed lawsuits last week against Reliant Energy HL&P, which they said has underpaid them \$113 million, dating to the 1950s. The lawsuits came a day after a state district judge ruled the cities must file individual lawsuits rather than join in a class-action case against HL&P.

Judge John Wooldridge also overturned a jury's finding in an earlier case that HL&P had intentionally defrauded three cities by underpaying franchise fees. The jury wanted to award \$34.2 million — mostly in punitive damages — to Pasadena, Galveston and Wharton, but the judge cut the sum to \$1.2 million.

A spokeswoman for HL&P said Wednesday the company plans to appeal the remaining judgment and \$13.6 million in attorney fees for the cities' Houston law firm, O'Quinn & Laminack.

In North Texas, Denton city officials accuse TXU of intentionally underpaying \$1.17 million in franchise fees by deducting some income before calculating the franchise fees. It filed suit June 7 in state district court in Denton.

David LaBrec, a lawyer hired by the city, said Wednesday

that 21 other cities have endorsed the lawsuit, from Sherman to Round Rock and Odessa to Fort Worth. He said the case could involve \$240 million.

"This money is rightfully due to these cities," said LaBrec, of the Dallas firm of Strasburger & Price. "Every penny TXU isn't paying, you and I are paying it in city taxes."

LaBrec complained that the city's case has been made more difficult because TXU said its gas records for Denton only go back to 1998. A judge granted his request for an order that TXU not destroy records relating to franchise fees in any city.

The utilities said their contracts with cities call for paying a percentage of revenue from energy consumption, which they interpret as charges for gas and electricity, not miscellaneous items.

TXU spokesman Chris Schein said the utility pays Denton 4 percent of what it earns for selling electricity in the city and 3 percent of gas sales. But, he said, the utility does not owe Denton part of the revenue from other items such as bounced-check charges, hookup and disconnect fees

and sales taxes. "The logic behind it is, if Chris Schein bounces a check, you shouldn't be paying taxes on my bounced check," Schein said. And applying the franchise fee on taxes collected by TXU "is paying taxes on top of taxes," he added.

Denton's lawyer also complained that TXU has been lobbying other cities to stay out of the dispute.

Schein said the utility has been giving those cities information about the impact of the lawsuit. TXU has also sent cities letters reassuring them that if Denton wins the case, TXU will pay the higher franchise fees to the other cities.

"Every penny TXU isn't paying, you and I are paying it in city taxes."

— David LaBrec
City of Denton lawyer

News in brief

Twenty arrested on drug charges

ORANGE (AP) — The arrest tally rose to at least 20 Wednesday as authorities continued a second day of rounding up people accused of involvement in a crack cocaine distribution ring.

Local, state and federal officers began the arrests about 6 a.m. Tuesday in Orange, at the extreme southeast tip of Texas, when indictments naming 29 suspects were unsealed.

Besides the 20 arrests, authorities seized five vehicles, four weapons, 728 grams of powder cocaine, 28 grams of crack and \$2,000 cash.

Jailers indicted for sex with inmates

LUBBOCK (AP) — Three former Hale County jailers have been arrested and charged with having inappropriate sexual relations with female inmates at the county jail in Plainview.

The three jailers were released earlier this week after being indicted by a

grand jury last week, the *Lubbock Avalanche-Journal* reported Wednesday. All three face up to two years in jail and a \$10,000 fine.

Enrique Sanchez, 21; Ricky Hinojosa, 26, both of Plainview; and Dennis Scott Crawford, 21, of Lockney, were released from jail earlier this week after posting \$5,000 bond.

Hale County District Attorney Terry McEachern said there were a number of inmates involved and that the three men had only worked at the jail a short time before being fired this summer.

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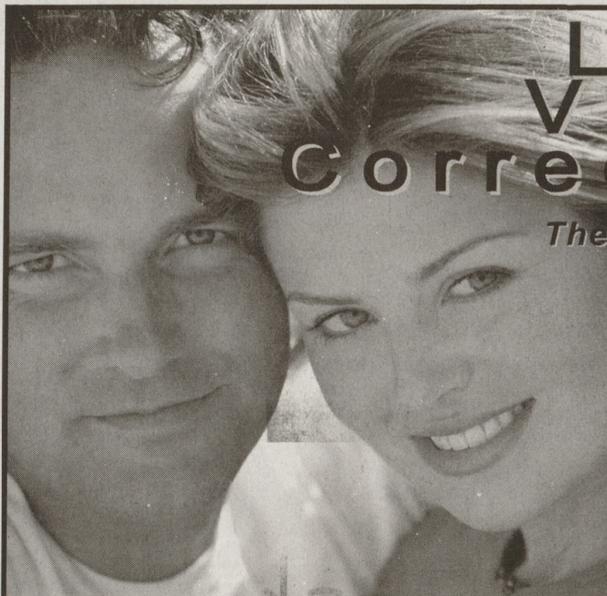
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Attention A&M Honors Students!!!



There will be an important meeting for all honors students who have completed at least three honors hours and one semester at Texas A&M with a minimum 3.40 GPR this Thursday, October 26, at 6:30 p.m. in Rudder Theater. There will be a short reception in Rudder Exhibit Hall prior to the program, and students should meet in the Exhibit Hall. The purpose of this meeting is to make students aware of what the Honors Program at Texas A&M offers beyond honors classes. Topics will include Graduation With Honors, the National Scholarship Programs such as Rhodes, Marshall and Truman, the University Undergraduate Research Fellows Program, and the Public Policy Internship Program. All interested students are asked to attend. The program will conclude by 8:00 p.m.



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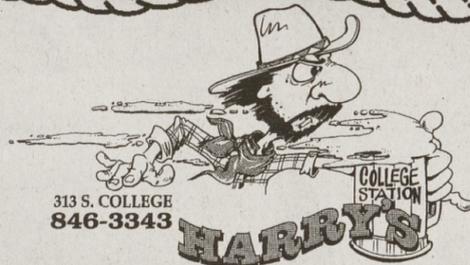
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