

## The Power Struggle

1971 would be a year burdened by events that would make any normal person's hair stand on end, --at least those that still had hair. Exempt from the hair-raising part of the experience about to unfold was rookie Councilman Roy Carmack. Carmack, noticeably bereft of hair well before his appointment to the Ward 2 Council seat, might have more aptly viewed the experience as baptism by fire.

The commotion began early in 1971 when the developers of the Whispering Hills Apartments proposed to construct their own generation plant to power, heat and cool their 400 plus unit apartment complex. Although the developers might have viewed the plant as avant-garde, the Promethean concept was certainly not well received high in the marble towers of OG&E's corporate headquarters. Not that OG&E should be censured for its knee-jerk reaction to the proposal; any company not accustomed to competition might have reacted in a similar fashion.

Vaunted by its backers as being on the cutting edge of technology, the Whispering Hills Total Energy Plant (TEP) was touted as quiet, clean, and above all, efficient. Proponents further asserted that the plant would generate more tax revenue for the city than OG&E would through conventional methods. The city would "come out ahead" because the plant would provide street lighting within the apartments at no cost to the city, --or so the argument went.

Skeptics were not hard to find. Several residents including Tolle Mashburn, Velma Mashburn, Bob Bloom and Paul Johnson appeared before the Council to express their concern that the plant would generate air pollution and release copious amounts of steam and heat into the atmosphere.

Not surprisingly, the biggest Doubting Thomas of all was OG&E, --a monopolistic, investor-owned utility that just happened to be the possessor of the only valid electric franchise in The Village. It became clear from the outset that OG&E was not about to take the infringement of their franchise lying down. To argue their case, OG&E brought in their big guns, which included attorney Duane Stratten and commercial sales representative Richard Day.

Avoiding outright ridicule of the "fuzzy math" expounded by their antagonists, Day and Stratten vigorously disputed the claim that the TEP would be a boon to city coffers. The company resolutely urged the Council to give careful and thoughtful consideration to "*unproven theory versus OG&E experience*". As the city would soon discover, the experience alluded to would include, among other things, a more than ample amount of litigation.

Perhaps city officials were insensitive to the degree of OG&E's disaffection with the TEP and the company's resolve. Whatever the case, the Council deliberated the matter and then proceeded to authorize the issuance of a Special Use permit for the TEP. The permit, however, was to be contingent on the negotiation of a suitable contract with the applicant. Implicit in the action was the notion that city revenue was of paramount importance and that the contract would have to satisfy the city's concerns in that regard.

As might have been anticipated, the event triggered the filing of a petition on behalf of OG&E for a temporary injunction. The injunction would have stopped further progress of the permit process. The District Court, however, abjured the petition and the parties moved to stave-off further litigation by agreeing to a six-month moratorium.

So much for truces. In April 1971, barely a month after the abortive cease-fire, OG&E sued the city over the TEP. Amidst the ongoing battle, OG&E would further escalate the conflict by threatening to discontinue providing free electricity to the city as provided by the terms of their franchise agreement. Tacit in the requital was OG&E's view that if the city could abrogate the terms of the franchise agreement, so could they.

The prospect of having to pay for electricity put an immediate damper on plans to implement lighting improvements on May Avenue, a project dear to the heart of Councilman Bob Blakeley.

As the war of words heightened, city officials advocated intervention in the dispute by the Attorney General. Believing that OG&E's threatened abeyance would be discriminatory and illegal, city leaders pledged to take the matter all the way to the Supreme Court, if necessary. Fortunately, OG&E never followed through with the threat.

Several months would pass before the court would find in favor of OG&E and conditionally bar the TEP from furnishing electricity to apartment-dwellers. The court in its ruling opined that in order to supply electricity, the owners of the TEP would have to secure a franchise of their own.

Although the ruling left a glimmer of hope for the TEP, a citywide franchise vote seemed hardly practical. The plant would only serve a few hundred residents and the developers would have to think long and hard before putting the issue to a vote of the people.

Facing an apparent dead-end, the only viable option remaining for the developers was to settle for an alternative design, --one in which the TEP

would only heat and cool the apartments. The alternating current would be left to OG&E to furnish.

While the electrically charged debate had oftentimes crackled with megawatts of emotion, the alternative plant design would promptly defuse the matter. As passions waned, OG&E gave the vanquished and short-circuited no more static over the matter.

Today, the plant stands as a stark memorial to the bitter “power struggle” of the 1970’s. Just as advertised by the proponents of the plant, heat and steam expelled from the pre-cast concrete edifice is, in fact, hardly noticeable. The author has been told by anonymous sources that city offices located in close proximity to the plant may sometimes be regarded as a more significant source of hot air than the plant itself.