

# SEC board member provides different view

As most people know, it is not my policy to respond via newsprint to issues regarding the Socorro Electric Cooperative. As is usually only the chairperson or president is the spokesperson by formal policy and convention. In the case of the SEC, it is our President, Luis Aguilar. However the recent letter by Mr. Myers demands a response and Mr. Aguilar has given his approval for my submittal.

Clearly stated, Mr. Myers is in error and distorts or neglects the facts. His actual knowledge of the SEC, electric cooperatives in general or the industry and its issues, is sublimely nonexistent.

As an example, his recent diatribe in this newspaper addressed a legal issue about which he is simply in error. It was never the intention of the SEC to "sue the members." Instead, with advice of counsel, the board was seeking a judicial review as to the applicability of the Open Meetings Act to a private corporation.

Unfortunately for the SEC, there was no "elegant" way to accomplish this task. If one reads the New Mexico Attorney General's explanation of the Act, the Act is intended to apply only to public entities, not private corporations. One judge held the Act could be applied to a private corporation if the members so wished, even stating that the members could even go so far as to drive the corporation into the ground if they chose. Another judge stated the Act or enforcement provisions of the Act did not apply to private corporations. So we still do not know what this all means. But the case has long been moot — it no longer exists. Oddly, from this action, emerged a class action suit seeking money from the cooperative (and its members) for issues real or perceived.

Interestingly, the trio of individuals who

Guest  
column

Donald Wolberg



sought the counsel of a Texas attorney with experience getting money from member owned electric cooperatives, and an association with a local attorney, have never made public their fee agreement, including a statement of how much each would receive, with the attorneys. Those individuals were Mr. Myers, Charles Wagner and a third person whose name escapes me. Thus, the only "money" law suit in this matter involved this group of supposed "reformers," whom I have termed "The Triumvirate of Greed." Of course the class action suit went nowhere — the Texas attorney has gone his way, and the local attorney, one would hope, is dealing with more viable cases.

It is also interesting that most of the credo of the so-called reform folks: mail-in ballots, term limits, green energy initiatives, more active posture in state regional and national energy issues, policies and regulations, support of local institutions are in fact programs already in place at the SEC. We have mail in ballots, we have term limits, we have initiated the beginnings of green energy programs; we represent the SEC in prominent positions statewide and with our provider, TriState; and we were recently able to get \$2,000 in funding for the Socorro Public Library that does not

cost the members of the SEC one cent.

Indeed, the board has been very proactive in that we have selected a manager with superb credentials, and who is very highly regarded in the cooperative community. The economics of the cooperative are sustainable and meet all requirements of our primary lender. Our staff is highly trained and marvelously professional. For a medium size cooperative, we have navigated economic and regulatory storms and are in darn good shape.

Not all SEC efforts are mature — there are issues as I have publicly stated on many occasions. The mail-in ballot issue requires an adjustment to state law if it is to allow ballots to be counted as part of a quorum; difficulties are clearly apparent with term limits and need change if we are to have a voice in larger forums where seniority matters; we are trying to avoid or mediate issues a number of cooperatives have with our power provider.

The simplistic notions of what this cooperative is all about requires more substantive involvement of the members, individual and commercial — we are a complex entity. Not many realize that a few hundred commercial accounts pay most of our bills (53-55%) and individual households (almost 10,000) only pay 43-45% of the costs.

We need to do a better job speaking out and providing substantive information to members. What is also certain is that we do not need folks who have other agendas to muddy the waters such as Mr. Myers. They do not help bring clarity. If anyone has any questions feel free to contact Mr. Aguilar or me (aragonite@msn.com).

Members should cast votes for whomever they wish, but one would hope the votes would be informed votes.