

Plugging Into Power

It Took Attorneys Of Consumer Bar To Protect Public From Cesspool of Corporate Greed

By Michael S. Fields

You can't fool all of the people all of the time, but there is a lot of money to be made by keeping them in the dark — quite literally, in pitch black.

Energy giants such as Enron and Reliant counted on hiding their road map for the \$45-billion rip-off of California during 2000 and 2001. But the lights are back on now, and a recent investigation by the Federal Energy Regulatory Commission reveals an ugly sight: Customers, along with the marketplace, were manipulated grossly and deliberately to increase corporate profits.

The evidence is sickening to anyone who pays a monthly utility bill.

"Stick it to 'em," one energy trader from Mirant advised in an e-mail concerning California's desperate need for electricity.

And we did get stuck — in elevators that suddenly stopped moving. The elderly had to choose between eating and using air conditioning on a sweltering summer day. Businesses and home budgets busted under the strain of astronomical rate hikes.

In another exchange, reminiscent of a modern-day Marie Antoinette, one energy trader stated, "You'll let the California ratepayers pay." His colleague agreed, "That's right. I don't have a problem with that. I have no guilty conscience about that."

It's clear that California was being "Enroned." But when Gov. Gray Davis went to Washington, D.C., to ask for some help and federal muscle in tackling the problem, he was sent home empty-handed. He returned to California with the message that, as far as Washington saw it, there was no problem.

Customers, mad as hell at being forced to subsidize the corporate

marauders, looked for someone to stop the energy racketeers in their tracks.

Consumer attorneys, working on behalf of victimized Californians across the state, stepped up to the plate. They filed suits against the energy giants for fraud. And through the arduous process of discovery — the part of a lawsuit where all of the rugs are lifted and the dirt is swept into public view — the evidence exposed was compelling enough to force the federal government to investigate.

The legal documents unearthed a profits-at-any-cost approach that permeated the companies. Spiked prices were neither just nor reasonable. Plaintiffs' attorneys brought irrefutable proof forward and empowered those defrauded to fight back against the energy giants.

Consumer attorneys' lawsuits, populist-driven and reaching a critical mass, have helped to protect the public before. The Ford-Firestone tire hazard finally forced National Highway Traffic Safety

Administration involvement only after the number of fatalities and injuries, and legal actions, could be ignored no longer. The recall of many dangerous products, including the Dalkon Shield birth control device and the Fen-Phen diet drug, all are attributed to the determination of victims to hold corporations legally accountable for the harm that they knowingly cause.

Corporate America has proven tenfold that it cannot, or will not, police itself. It is up to the public to make sure that big business doesn't get so big that it easily, and dangerously, takes us all for fools. It will be some time before the average customer can expect a rebate for being gouged on the power bill, but without consumer attorneys fighting for the little guy, Californians still would be in the dark.

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