

“Clean Coal” is like saying “Dry Water”!
Corporate Communication Strategies, Risk Definition, and
Power in the Controversy over Oklahoma’s Proposed Red
Rock Coal-Fired Plant

By

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Abstract: Societies in late modernity are highly dependent upon electricity produced by technologies that use primary fuels implicated in ecological expropriations and degradations. Technological dependency and risk make electric generation a site of risk controversies. This qualitative study, using a framework grounded in Beck's risk society thesis, investigates the corporate communication strategies and risk definitions developed by Chesapeake Energy Corporation in the 2007 risk controversy surrounding the proposed Red Rock coal-fired plant in central Oklahoma. Data include newspaper articles, Oklahoma Corporation Commission (OCC) documents, and multi-model advertisements from the *Know Your Power* (KYP) issue advocacy advertising campaign and associated *knowyourpower.net* website. Results of a content and discourse analysis indicate that Chesapeake engaged in communication strategies targeting both state and civil society actors in an effort to control the social construction of risk. Indirect representation through an unincorporated association before state regulators provided privileged access to expert knowledges that supplied much of the information contained in the KYP issue advocacy advertising campaign. Chesapeake's risk definitions showed marked differences dependent upon the intended audience, yet all messages communicated Chesapeake's long-term goals of loosening government oversight of the public utility and creating an expanded market for natural gas. In the KYP campaign in particular, Chesapeake managed public participation in political-democracy by drawing upon highly stereotypical images of socially responsible action, suggesting appropriate responses to Red Rock, and structuring pathways of communication and message content for concerned individuals. Notably, public participation was directed away from the OCC and toward government actors far removed from the actual Red Rock proceedings. The implication of corporations as legal 'persons' with rights to political speech is the expansion of corporate power and the restriction of public participation in the practice of political-democracy.

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TABLE 1.
LIST OF ACRONYMS

A

ABEC.....	Americans for Balanced Energy Choices
AEP.....	American Electric Power
AES PACIFIC.....	American Electric Services Pacific, Inc.
AES SHADY POINT	American Electric Services Shady Point, LLC.
ALJ.....	Administrative Law Judge
ACCCE.....	American Coalition for Clean Coal Electricity
AT&T.....	American Telegraph and Telephone

C

CEED	The Center for Energy and Economic Development
CHESAPEAKE.....	Chesapeake Energy Corporation
CHK	Chesapeake Energy Corporation

D

DO.....	<i>Daily Oklahoman</i>
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E

EIA.....	Energy Information Administration
EPA.....	Environmental Protection Agency

F

FCC.....	Federal Corporation Commission
FTC	Federal Trade Commission
FUA.....	Powerplant and Industrial Fuel Use Act (1978)

I

IRP	Integrated Resource Plan
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K

KYP.....	<i>Know Your Power</i>
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N

NYSE.....	New York Stock Exchange
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O

OAC Oklahoma Administrative Code
OCC Oklahoma Corporation Commission
OCCA Oklahoma Criminal Court of Appeals
OCC PUD Oklahoma Corporation Commission, Public Utilities Division
OG&E Oklahoma Gas and Electric Company
OMPA Oklahoma Municipal Power Authority
OPEC Oil and Petroleum Exporting Countries
OIEC Oklahoma Industrial Energy Consumers
OS Oklahoma Statutes
OSSC Oklahoma State Supreme Court

P

PAC Political Action Committee
PSO Public Service Company of Oklahoma

Q

QSC Quality of Service Coalition

R

REDBUD Redbud Energy, LP
RFP Request for Proposal

S

SNP *Stillwater News Press*

T

TW *Tulsa World*
TXU Texas Electric Company

U

U.S.C. United States Code
USSC United States Supreme Court

CHAPTER I

INTRODUCTION

The opening lines of a Chesapeake Energy Corporation-sponsored, three-page advertisement published in Oklahoma newspapers in August, 2007, proclaimed:

KNOW YOUR POWER...TO INSIST ON ANSWERS...Oklahomans deserve thorough answers to the questions surrounding the proposed coal-fired power plant in Red Rock, Oklahoma. As citizens with serious concerns about this issue, we encourage your interest and look forward to shedding much-needed light on a decision that will impact Oklahoma for years to come.

So began the controversial and politically charged *Know Your Power* (KYP) issue advocacy advertising campaign against the proposed Red Rock coal-fired electric generation plant. The proposed facility was intended to meet projections for future continuous electricity capacity requirements, known as baseload demand, and was to be the first utilization of ‘ultra supercritical’ “clean coal” technology in the U.S. Red Rock was the result of a Request for Proposals (RFP) issued by the Public Service Company of Oklahoma (PSO), in response to which Oklahoma Gas and Electric Company (OG&E) submitted the winning bid. Red Rock would have expanded OG&E’s already existing coal-fired Sooner Power Plant in northern Oklahoma, ultimately representing a combined

effort between two public utilities (PSO and OG&E) and an unregulated municipal electric power company (Oklahoma Municipal Power Authority (OMPA)) to meet projected future electricity demands. While the Red Rock proposal was officially challenged at the state level by numerous interveners before the Oklahoma Corporation Commission (OCC), the *Know Your Power* issue advocacy advertisements were designed to influence public opinion. The advertisements, professing to be the work of a broad-based coalition of concerned citizens across the state, were sponsored by Oklahoma City-based Chesapeake Energy Corporation (Chesapeake), the number one driller of unconventional natural gas wells in the U.S. In addition to the *Know Your Power* print advertisements, the *Know Your Power* campaign spread ‘educational messages’ about the risks of burning coal through television and radio spots and even created a website where concerned Oklahomans could voice opinions and take action. Aubrey McClendon, Chesapeake’s owner and CEO, appeared at the OCC public hearings on Red Rock as a concerned citizen, voicing opposition to the plant with the message that “Red Rock is Wrong”.

The Red Rock controversy is an interesting example of the contentions that occur with some frequency in late modernity (Beck 1992/1996; Giddens 1999). Contentions, called “risk controversies” (Beck 1992), tend to revolve around the negative side-effects and threats of harm created by the very technological advancements of progress upon which societies have come to depend. Electricity, a secondary energy source, is considered by some to be the most important technological advancement of all time (Gellings 1994). Electricity’s ease of use and cleanliness for end users has undoubtedly contributed to its high degree of integration in contemporary life, with demand for electricity consistently

increasing since its introduction for public uses at the end of the 19th century (U.S. EIA 2012). The placement of electric generation facilities, coupled with long-distance transmission systems, gives electricity the appearance of cleanliness. However, electric generation is historically reliant on the burning of fossil fuels, and fossil fuel consumption is strongly implicated in negative ecological outcomes such as climate change, air and water pollution, and acid rain, among others. Electric generation facilities are, in fact, the largest consumer of fossil fuels in the U.S. today (U.S. EIA 2012).

In risk society, expert knowledge is required to develop, implement, and assess complex technologies and their risks. Expert knowledge production occurs in sites structurally removed from the general public, making individuals in civil society less able to judge the accuracy and quality of statements concerning risks and harm related to the technologies they use. At the same time, however, the general public has grown aware of residual risks and potential harms of advanced technologies. For private corporations producing products in risk society, the control of information regarding risk and harm becomes a source of power (Beck 1992/2006). Corporations, especially those dealing with products with known risks such as fossil fuels, can establish, maintain, and/or restore public trust and legitimacy through the careful control and presentation of information to targeted publics (Miller and Sinclair 2009), manufacturing public consent to corporate practices and limiting civic engagement in democracy.

Private corporations have gained increasing legitimacy as legal ‘persons’ with attached rights to protected political speech. As ‘persons’, corporations can engage in educational advertising campaigns which seek to influence public opinion and regulatory agencies in such ways as to enhance the expansion of capital. Chesapeake’s *Know Your Power*

campaign was but one of many communication strategies used by the corporation to control information and shape the public's evaluations of risk (Giddens 1991) in order to create a non-market environment favorable to the increased consumption of natural gas (Miller and Sinclair 2009; Hodgson 2004). The actual site of authoritatively binding decision-making, however, was at the Oklahoma Corporation Commission (OCC), the regulatory agency with authority to issue final orders on all applications filed by public utilities in Oklahoma.

The OCC's consideration of the Red Rock electric generation facility, which became popularly known as the 'Red Rock case', is particularly significant. In addition to considering future continual/baseload and periodic high demand/peaking electricity needs in Oklahoma, the proceedings also progressed in tandem with new, legislatively mandated OCC rule-making regarding pre-approval of new construction for public electric utilities, financing options for construction, and competitive bidding practices. The formal proceedings before the state regulatory agency involved a large number of interveners and were fundamental in establishing procedures for future applications filed by public utilities in Oklahoma, as well as deciding the parameters of future electric generation needs within the state. Chesapeake's prominent and decidedly anti-coal and pro-natural gas multi-media issue advocacy advertising campaign, which featured the slogan "Know Your Power" and claimed to be a coalition of concerned citizens, appeared near the conclusion of public hearings concerning Red Rock. Other energy interests, including The Center for Energy and Economic Development (CEED), an industry group

promoting clean-coal technologies¹, and Oklahoma Gas and Electric Company (OG&E), responded to *Know Your Power* print advertisements in Oklahoma newspapers with advertisements of their own.

In order to understand the complex dynamics associated with the Red Rock controversy, as well as the role of corporate strategic communications in risk society, I undertook a qualitative content analysis and a critical discourse analysis of the manifest and latent content of regional newspaper coverage, state documents, and Chesapeake's publicly accessible corporate communications in the Red Rock case. Grounding the research in Ulrich Beck's conceptualization of risk society, Jürgen Habermas' concept of the public sphere, and the historical development of the private corporation, I ask: "What corporate communication strategies did Chesapeake use to control information concerning the Red Rock case?" "How did Chesapeake construct risk and shape the coal versus natural gas debate?" "How does Chesapeake's involvement in the Red Rock case illustrate corporate power?" and finally, "What are the implications of corporate power on public participation in democratic processes in risk society?"

Even though an in-depth investigation of one case and data restrictions prevent broad generalizations of my findings, this piece nevertheless makes a valuable contribution to the growing body of literature on risk society by providing a rich, detailed description of a specific risk controversy concerning a highly integrated energy technology, as well as one energy corporation's strategies and definitions of risk as it attempted to increase the market demand for its fossil fuel product. This research also contributes to the literature

¹ In 2008, CEED and Americans for Balanced Energy Choices (ABEC) combined their assets and missions to form the American Coalition for Clean Coal Electricity (ACCCE) (www.cleancoaluse.org).

on corporate strategic communications by investigating how one issue advocacy advertising campaign, a contested form of corporate political speech which makes claims to educate civil society on issues of public importance, was embedded in social contexts and political processes. Finally, this research also contributes to the political sociology literature by providing insights into how private corporations, acting as legal ‘persons’, have the heightened potential to manipulate public participation and restrict civil society involvement in the practice of political-democracy.

In the next chapter, I provide a review of Beck’s risk society, Habermas’ public sphere and the characteristics of political communication in the liberal constitutional democracies of late modernity, concluding with a review of the development of the corporation in U.S. society. Throughout my literature review, I provide the theoretical framework within which Chesapeake’s communication strategies are interpreted. In Chapter III, I offer details of the research strategy and methods used in my study. I discuss the general historical context which gave rise to the Red Rock case, an environment long fraught with conflicts between capital, as well as capital and the lay public in Chapter IV. Chapters V through VII reflect my analysis. In Chapter V, I identify the six communication strategies used by Chesapeake and discuss the importance of direct and indirect influence in forums of decision-making. In Chapter VI, I compare and contrast Chesapeake’s definition of risk before state and lay publics in civil society, addressing how the logics of capital and risk were activated in an attempt to create an external environment accepting of Chesapeake’s long-term goals. In Chapter VII, the final analysis chapter, I investigate the question of corporate power in risk society, focusing on the creation of predictable, and therefore manageable and managed,

pathways of public political action. In the final chapter, Chapter VIII, I offer further discussion and conclusions and suggest directions for future research.

CHAPTER II

REVIEW OF THE LITERATURE

Risk controversies appear with some regularity in late modernity, and represent efforts by entities to control information concerning risk and harm related to advanced technologies. Chesapeake's involvement in the Red Rock case is a good example of such a risk controversy. To establish the context for this research, I first review Beck's risk society thesis, focusing on the production of bounded knowledge in risk society. I then turn to a review of how the production of bounded knowledges in risk society impact civil society decision-making processes. In this section of the literature review, I highlight Habermas' conceptualization of the public sphere, focusing on the colonization of the public sphere by capitalist market imperatives. I then provide a brief overview of the changing role of corporations in society, focusing on the importance of judicial review in providing legitimation for the concept of corporate 'persons' with protected rights to political speech.

The Nature of Risk Society

Ulrich Beck's conceptualization of risk society (Beck 1989/1992/1995/1996/2006/2009) provides a useful framework within which the manifest and latent content of

communications within communication pathways in late modernity can be analyzed. Underlying the concept of risk society is the claim that societies reliant on advanced technologies of late modernity are undergoing—or have already undergone—a fundamental paradigmatic shift in the logic of social organization (Beck 1989), namely a shift from a focus on wealth to one which focuses on risk. According to Beck (1989/1992/1996), social organization in early modernity was grounded in the logic of wealth, with the unequal distribution of wealth legitimated through the capitalist system. In the late modernity of the risk society, unequal distribution of wealth, goods, and services has been overlaid by the unequal distribution of both the residual and the potential risks and harms produced by the very technological advancements upon which society has come to depend (Beck 1989). Thus populations, both nationally and globally, are differentially exposed to social danger situations which reflect the established inequalities of social strata, class, and development (Bullard 1990/2000; Dunlap and York 2008; Gill 2007). These dangers, experienced first by the most disadvantaged populations, especially through the siting of technologies which create ecological devaluations and expropriations (Bullard 2000; Dunlap and York 2008), eventually affect even those persons who profit from their implementation through the “irreversible endangering of human, plant, and animal life on a global scale” (Beck 1989/1996/2006). Thus, in risk society, legitimations for the growth and implementation of technology must focus on the rational management of risk.

The lived and publicized experiences of the ecological devaluations and expropriations of capitalist expansion have created a generalized social recognition of the environmental hazards to which diverse publics—and, ultimately, the entire ecological system—have

been, are, and might be exposed (Beck 1989/1992). However, the non-human causal agents of ecological devaluation and expropriation created by technologies remain, for the most part, invisible and beyond immediate human perception. Regardless of whether these agents are particulate matter released into the atmosphere, gases or other molecular compounds released into air, ground, or water, or radioactivity, for example, statements of direct causality linking technological developments and ecological risk are dependent upon testing and scientific research. Such testing and research, including the scope of investigations, the identification and operationalization of variables, the parties for whom research is undertaken, and the validity of results and their interpretation, occurs in places structurally removed from the general public, namely within and between specialized departments in institutions of higher education, (overwhelmingly) private corporations, and government agencies (Maesele 2011; Reed and Reed 2009; West 2007). These knowledges, both highly specialized and structurally distant from the general public, become difficult—if not impossible—for lay publics to understand (Giddens 1991). This distancing has served to amplify the role of expert knowledge in risk society, and publics, when making decisions concerning past, present, and future harms, have become highly dependent upon interpretations of risk provided by experts (Beck 2009).

Expert knowledge production, which defines the causal link—or lack thereof—between technology and risk, occurs concurrently with heightened perceptions of the hazards of technology within lay publics. These technologies, while developed and implemented for their positive effects, are also experienced through the unequal distribution of ecological devaluations and expropriations (Beck 2009). This inherent contradiction within risk society, namely, the benefits of advanced technology which, when implemented, create

inevitable and irreversible risk and harm, threatens the very legitimacy of the political-economic system (Beck 2009; Habermas 2006). Thus knowledge has become highly politicized, as competing political-economic interests defend technological development by minimizing risk and harm while maximizing positive effects and intended consequences. Claims made by political-economic interests to 'accurate' expert knowledge, therefore, become socially and politically significant (Beck 1989; Schudson 2006) as the lay public attempts to sort the varied and often contradictory content of messages it receives across a wide variety of communication sources.

Risk assessments made by publics regarding future technological developments are influenced by structural distancing from sites of technological development and the ability to understand highly specialized knowledges and processes. The intrinsic demands of technological development in risk society, development which requires collaboration between and within institutions structurally removed from lay publics, leave lay publics in a structural position from which they are ill-suited to understand and assess the accuracy of technocratic claims communicated to the public. In attempts to make sense of the information received from technocratic experts so that individual decisions regarding risk and harm can be reached, Jones (2004) notes that publics have begun to seek knowledge from alternative sources (See also Brown and Masterson-Allen 1994). This quest for alternative knowledge, together with the inherent contradiction within risk society, has created the need for powerful private sector groups, including corporations, interest groups, front groups, and the like, to expand information flows, even to the point of mimicking social movement organizations (McNutt and Boland 2007, Mix and Waldo Forthcoming; Walker 2012), if they are to maintain their control of

capital through the successful management of public perceptions of risk. The very fact that knowledge can be manipulated by altering, minimizing, augmenting, dramatizing, or downplaying information concerning particular risks compared to others and dependent upon purpose and publics targeted becomes a crucial public relations tool, making those who are in the position to construct definitions of risk powerful socio-political actors (Beck 1989). Power struggles between competing interests over particularistic definitions of risk ensue. Because mass media remains a central communication pathway for the dissemination of information to publics (Gamson, Croteau, Hoynes and Sasson 1992) and the ensuing social construction of risk, power struggles over risk definitions are particularly prominent across an ever-expanding array of mass media technologies.

Competing private interests are aware that the content of their communications to publics concerning hazards and risks contribute to public perceptions of risk and harm. The content of communications, because it becomes part of the information upon which individuals draw when making decisions concerning risk and the threat of harm, is therefore critical in directing and perpetuating economic expansion (Cable, Shriver and Mix 2008). Publics, however, are not simply consumers who must be “sold” the benefits of risk technologies. Private interests must also take into account that publics, conceptually independent from the established institutions of the state (Habermas 1996/2006), exercise varying degrees of influence on the state—whether through voting, petitioning, activism, or protest—and thus directly and/or indirectly affect the legislative, judicial, and regulatory policies developed by elected and appointed officials within established institutions of the state. To mediate public involvement in politics that may result in constraints upon corporate practices and market expansion, corporate interests

must also be active along established communication pathways within and between institutions of the state. Thus corporations and business associations act to influence state decision making bodies through lobbying (Sadrieh and Annavarjula 2005; Pellow 2001), contributing funds to political campaigns (Grier, Munger and Roberts 1994), providing expert testimony in congressional and government agency hearings (Kim, Chung and Kim 2011), litigation (Picou, Marshall, and Gill 2004), as well as engaging in many other efforts to influence political forums (Beder 2010; Messer and Shriver 2009; Pellow 2001). What this increased involvement of powerful private corporate interests in political forums means for the survival of political-democracy remains an open question (Beck 1989/1992).

At the one extreme, Beck (1989/1992) theorizes that the dependence on expert knowledge in risk society, when coupled with the systemic need to mediate the risks and hazards produced by complex technologies upon which society depends, threatens to replace political-democracy with more totalitarian forms of government. Beck (1989) writes, “under the driving force of the threat, responsibilities will be redefined, competence to act will be centralized, and all details of the process of modernization will be overlaid with bureaucratic controls and plans” (pp. 102-3) and a state-centered approach. At the other extreme, Beck (1992) sees the possibility of the strengthening of political-democracy through the expansion of democratic participation. In this alternative scenario, Beck (1992) states that due to the reflexivity of risk and harm, the effects of which eventually reach even those who profit most directly from the implementation of technology, risk society has the potential to eliminate “all the protective zones and social differentiations within and between people” (Beck 1992: 111), encouraging especially

grassroots, extra-legislative actions which will exert transformative pressures on both institution of the state and corporate entities. Nevertheless, Beck (1992) goes on to clarify that, “The question...of how the universal challenge of an industrial system producing wealth and destruction is to be solved democratically remains completely open, both theoretically and practically” (p. 117).

Civil Society, Bounded Knowledge, and the Public Sphere

Complicating any construction of risk is the fact that technological developments in risk society do not offer a clear choice between safe and risky alternatives, but only choices between qualitatively different risks (Freudenburg and Pastor 1992). Risks constructions, whether targeting the lay public or institutions of the state, are therefore critical for economic expansion. At the same time, the constantly changing nature of technocratic knowledge in risk society brought on by market imperatives for efficiency and expansion constantly increases uncertainty, the impacts of which are made even more significant by the manipulation of information and knowledge by powerful interest groups (Ekberg 2007; Giddens 1990; Habermas 2006). Insecurity within the public increases at the same time that system imperatives require increased reliance on expert knowledge. The result is not only a citizenry lacking the requisite knowledge and information necessary for the critical assessment of issues affecting the public good (Habermas 2006), but an increase in antagonisms between those profiting from risk, as well (Beck 1992/1996).

One communication pathway connecting the public to constructions of risk is media, particularly mass media and the expanding array of technologies used to provide information to the public. In fact, mass media is broadly considered the primary

communication pathway connecting the public to the public events and social issues impacting the public at large (Gamson et al. 1992; Oliver and Myers 1999). Arguably, media partially fulfills normative expectations of democratic practice as being “a prominent place for public, inclusive debate and discussion” (Perrin 2006; Perrin and Vaisey 2008:781). Thus risk society of late modernity is also media society (Habermas 2006). In an ideal sense, media systems suitable for the functioning of democracy provide unbiased accounts of events and issues so that publics may make fully informed decisions concerning issues that impact the general well-being of society (Gamson et al. 1992). However, media scholars have pointed out that media is neither neutral (Gee 2011a/2011b; Gunter 2005; Richardson 2007) nor does it necessarily provide forums for inclusive political discourse (Perrin and Vaisey 2008). Further, even when polarized, conflicting positions on any given issue may be present in media, the course of action implicitly or explicitly suggested to the public need not promote public participation, but rather suggest that the matter be best left to others, whether technocratic decision-makers or market forces (Maesele 2000).

The democratic ideal of communication which encourages informed public deliberation is captured by Jürgen Habermas’ ([1962] 1989/2006) notion of the public sphere, broadly conceptualized as an inclusive communicative space grounded in critical discourse mediating between civil society and institutions of the state. While the public sphere, in the very early development of liberal constitutional democracy, was found in specific places where public opinion was formed through face-to-face deliberation among competing viewpoints, the public sphere of contemporary liberal constitutional democracies is much more abstract. Habermas (2006) contends that the contemporary

public sphere forms an intermediary system of communication between formally organized and informal face-to-face deliberations at the top of the political system (institutions of the state) and at the bottom of the political system (conversations among individuals in everyday life of civil society). Thus, the public sphere is at the periphery of the political system and contains a wide variety of messages originating from a wide variety of actors, including political actors, interest groups, and civil society actors. Messages are, in turn, selected and shaped by actors within the institution of the mass-media, who process content and present messages in an organized format and are thus instrumental in helping to form considered public opinion.

In order for media to fulfill its roll in facilitating the development of considered public opinions, Habermas (2006) asserts that two conditions must exist. First, a “self-regulating media system must maintain its independence vis-à-vis its environments [i.e.: state and corporate interests] while linking political communication in the public sphere with both civil society and the political center [*and*] second, an inclusive civil society must empower citizens to participate in and respond to public discourse that, in turn, must not degenerate into a colonizing mode of communication” (Habermas 2006:420). In U.S. political culture specifically, claims to equal and active participation in political discourse stand alongside the marked historical absence of a public sphere (Gamson et al. 1992; Oliver and Myers 1999; Perrin 2006, Schudson 1984). Nevertheless, Perrin and Vaisey (2008) argue that U.S. political culture “acts as if participation in a common public sphere were the staple of [U.S.] democratic practice” (p. 781), even though this same political culture is marked by a wide variety of malaises, including low levels of trust in the political process, feelings of powerlessness, apathy, and cynicism, a striking

indifference in political outcomes, and a general lack of political sophistication within civil society (Gamson et al. 1992; Habermas 2006; Iyengar 1991; Somerville 2011).

While an in depth discussion of the theoretical and empirical criticisms of Habermas' ([1962] 1989/1996/2006) public sphere is outside the scope of this review, two attributes of media systems that aid in the development of considered public opinions are of primary concern for this research, namely the independence of media from both the state and powerful private interests and the empowerment of citizens to participate in and respond to public discourse. The first, namely media independence, speaks to both the control over and ownership of media outlets. The second, namely the empowerment of individuals to participate in political discourse, speaks to the implicit and explicit courses of public action embedded within media communications. Habermas' ([1962] 1989) explanation of the historical development of the public sphere, particularly the influence of capital, provides important insights into the current state of media in risk society. According to Habermas ([1962] 1989), very early in the development of liberal constitutional democracy, a fleetingly existent pluralistic public sphere of critical discourse quickly became dominated by the elite interests of merchants and capitalists. These elite interests constrained public debate and influenced authoritatively binding decision-making in favor of the particularistic interests for the expansion of capital. In advanced capitalism, Habermas (2006) contends that the public sphere has been colonized by market imperatives and cannot, therefore, function to facilitate the formation of a truly public opinion crucial to the functioning of democracy.

To have a media system colonized by market imperatives can be understood in a variety of ways. First, colonization by market imperatives can mean the tendency in capitalism

for business interests to become centralized in order to increase efficiency and stifle competition. Gamson et al. (1992) therefore note that malaises in U.S. democracy have coincided with the centralization of media outlets in large, for-profit corporations whose subsequent treatment of 'news' has produced bounded knowledges of issues affecting the common good. Bounded knowledge, in turn, serves to constrain the range and content of solutions to social issues and, in practice, relinquishes political debate to exchanges among proclaimed 'experts' and particularized power interests. Without access to a full range of insights from a structurally independent media, the practice of representative democracy by an ill-informed and fragmented public becomes, in actuality, a competition between powerful interests who, striving to gain the upper-hand in the outcomes of authoritatively binding decision-making, vie for the support of targeted publics through an expanding variety of information outlets.

Second, colonization of the media by market imperatives can also refer to the relative importance given to economic concerns over other concerns when reporters and journalists cover 'newsworthy' events. Because it is impossible for every public event or issue to be covered by mass media, reporters and journalists, when meeting production deadlines, actively decide which particular events and issues qualify as 'news'. In one example of news coverage of public events and issues in Madison, Wisconsin, newspapers, Oliver and Myers (1999) found that public events and issues, whether directly organized by business and business associations or indirectly promoted through organizational sponsorships by businesses and business associations, received high rates of news coverage compared to other types of public events and issues.

Lastly, colonization of the media by market imperatives can be understood as a reflection of the dominance of market imperatives that structure technological innovation and its implementation in risk society (Beck 2006). Risk technologies, the development and implementation of which requires expert and specialized knowledges, are experienced by civil society not only through beneficial effects, but also through increased risk and harm. Competing private interests manipulate information concerning risk and harm, including information in mass-media communications, as they struggle to influence the social construction of risk definitions. Members of the lay public in civil society, facing competing and contradictory definitions of risk, “split apart into minorities of specialists who put their reason to use nonpublicly” (Habermas 1989:175) in face-to-face private conversations in civil society. Adding to the strains on political-democracy are the implicit and explicit suggestions for solutions to public issues which may, in fact, suggest that public action be of particular, and therefore manageable, forms. Communication in risk society, therefore, “completely lacks the form of communication specific to a public” (Habermas 1989:175), making the public sphere public only in theory and not in practice. Communications in the public sphere have, therefore, become a degenerating form of socio-political communication, creating a paralysis of civil society (Habermas 2006), a cultural reliance on bounded technocratic knowledge provided by experts, (Habermas [1962] 1989; Beck 1992/2006, Giddens 1990/1991), and an interpenetration of corporate interests in media, government (Habermas [1962] 1989/2006; Pellow 2001), and regulatory agencies (Miller and Mooney 2010). This suggests, reminiscent of Beck (2006), an actual decrease in the public practice of democracy, allowing power to become consolidated. However, instead of power consolidating in the bureaucracy of the state,

power may, instead, become consolidated in special interests, particularly corporate interests and resulting in business-managed democracy (Beder 2010).

In risk society, knowledge is commodified in technological innovation and expansion. Knowledge related to the risks and harms of technology is also necessarily produced due to the reflexivity of risk. In order for capitalistic markets to maintain, expand or develop markets and realize economic gain, the dissemination of knowledge concerning risk and harm is tightly controlled and manipulated by special interests. This manipulation of knowledge as controlled information is disseminated to the public along a vast array of media technologies, the most important pathway of which is the institution of mass-media. Bounded knowledges and competing and contradictory information concerning risk and harm found in mass-media, as well as the use of information technologies by a growing number of state, corporate, and civil society actors, has resulted in a public communications space (Sethi 1987) rather than a public sphere. Within the public communications space, information provided by special interests compete in a “marketplace of ideas” (Sethi 1987) and lay publics, lacking the requisite knowledge to adequately assess the accuracy of claims concerning risk and harm, are no longer able to hold accountable the very institutions which structure and impact public life. Within this peculiar communicative environment of U.S. political culture, the potential for powerful private interests to manipulate public opinion, manufacture consent for institutional practices, and influence electoral outcomes, public policy, and regulatory efforts increases.

Judicial Review and the Growing Legitimation of the Corporate ‘Person’

Constitutional rights protect the political speech acts of individual persons from undue suppression by a powerful state. In contemporary U.S. society, however, for-profit corporations have gained the legal status of ‘persons’, and protected rights of political speech have been continually expanded through judicial review to include corporate communications. The expanding rights of the corporation to protected political speech, which protect certain forms of corporate communication from regulation by the state, have direct implications for the practice of democracy in the U.S., especially because the manipulation of knowledge concerning risk and harm is of fundamental importance for the expansion of markets and the accumulation of capital. Because the expansion of constitutional protections are defined by judicial decisions, namely decision of the United States Supreme Court (USSC), the process of judicial review is key in understanding the communication strategies developed by corporations in their attempts to manage risk and harm.

The notion of the corporation beginning in English corporate law and extending through at least the mid-19th century in the U.S. regarded the corporation not as private enterprise pursuing particularistic interests separate from the state but rather as a “legal device by which to extend public power to private individuals” (Federman 2003). The corporation, therefore, was originally intended to function as a direct extension of the state’s interest in economic development. In the U.S., the beginning of the contemporary status of corporations as legal ‘persons’ separate from the state is traced to the 1886 Supreme Court case, *Santa Clara County v. Pacific Railroad*, which, while not explicitly addressing corporate personhood *per se*, eventually became cited as precedent in granting

corporations the status of persons (Gerencser 2005; Stoll 2005). Since that time, other constitutional protections have been expanded to corporations, as well. Between 1890 and 1970, expanded constitutional protections of corporations as persons included due process rights, the right to be free from unreasonable search and seizure, the right to a jury trial in a criminal case, the right to compensations for government takings, freedom from double jeopardy, and the right to a jury trial in a civil case (d'Errico 1996; Nace (2003) in Stoll 2005, Sovacool 2010).

The right for individual persons to engage in political speech is considered essential for the proper functioning of a political-democratic state. Since gaining the legal status of 'persons', the right of corporations to engage in speech has also been redefined and expanded, with distinctions between commercial and political speech being the most basic way in which the content of corporate speech is differentiated (d'Errico 1996). Prior to the latter half of the 20th century, there were few attempts at the federal level to legislate the contents of corporate speech (Lipton 2010), and most attempts at the state level have been rejected by the U.S. Supreme Court (Cutler and Muehling 1989). Thus the judiciary, and the practice of judicial review, has become a key communicative space in which corporations have succeeded in creating legitimacy for their use of political speech.

Traditionally, because corporate status was an extension of the state's interest in economic development, company charters defined the commercial purpose of the corporation. As markets were expanded and multiple corporations appeared developing same or similar products, corporate communications which focused on promoting a particular product brand, with the persuasive goal being to convince consumers to

purchase a particular product brand instead of another comparable product, became understood as product advertising. With market differentiation, however, another form of corporate speech appeared which became understood as commercial advocacy advertising. The persuasive intent of this type of corporate speech is to generate support for an entire product category, rather than any particular brand within a product category, and is typically promoted by an industry organization or parent company (Miller and Sinclair 2009). For example, advertisements issued by a particular corporation with the persuasive intent of promoting their particular brand of residential gas heater over all other available brands of gas heaters would fall under product advertising. However, advertisements issued by an association of corporations, all of which develop and sell residential gas heaters, with the persuasive intent of promoting the general category of gas heaters over, say, residential propane heaters, would fall under commercial advocacy advertising. Both types of speech acts by corporations or industry groups fall under the even broader category of corporate commercial speech and such speech is (more or less) regulated by the Federal Communication Commission (FCC), the Federal Trade Commission (FTC), and the Internal Revenue Service (IRS) and is to adhere to established standards of truth.

Judicial review has been instrumental in defining the rights of corporations to engage in political speech. Beginning in the 1960s, the United States Supreme Court (USSC) became active in defining the parameters of acceptable corporate commercial speech. In 1964 (*New York Times Co. v. Sullivan*), the USSC ruled that commercial speech which is substantial and valuable to public opinion *may* be protected speech, even if it is commercial, and in a subsequent 1975 ruling (*Bigelow v. Virginia*), the USSC extended

First Amendment protection to commercial speech if the advertisement discusses *issues* deemed valuable to the public (Heath and Nelson 1985). In 1976 (*Virginia Board of Pharmacy v. Virginia Citizens Consumer Council*), the USSC extended to corporations the *right* to engage in commercial speech under protections of the First Amendment (Stoll 2005). In effect, corporations and industry groups do have the protected right to promote products or product categories which are socially and/or politically contested—or are part of a socially and politically contested broader issue—if the issues are substantial and valuable to the public and/or the formation of public opinion. To further extend the previous example, then, a corporation or industry group which promotes the adoption of solar heating units over gas heating and, thereby, promotes the product category ‘solar energy’ by referencing the ecological benefits to be had by reducing greenhouse gas emissions associated with the use of fossil fuels is engaging in protected commercial speech.

At the same time that the USSC began addressing the content of and rights to corporate commercial speech, it also began to address public concerns regarding the ability for corporations to influence electoral outcomes through advertising and endorsements. In 1976 (*Buckley v. Valero*), the USSC therefore differentiated between express advocacy and issue advocacy. Express advocacy advertising contains wording such as ‘vote for’, ‘elect’, ‘cast your ballot for’, ‘vote against’, ‘defeat’, or similar phrases and is intended to encourage a particular behavior among potential voters for or against a designated, or expressed, candidate. Such advertisements were subjected to federal election laws (Federal Election Campaign Act of 1971), which placed limits on corporate electoral expenditures on political campaigns. Issue advocacy advertising, on the other hand, does

not contain such explicit phrasing and was, therefore, declared to be due the protections afforded political expression under the First Amendment (An, Jin and Pfau 2006). As forms of political speech, neither express advocacy nor issue advocacy advertisements/campaigns are subject to the relatively high standards of truth required of commercial speech.

Additionally, the USSC upheld limitations on individual expenditures on political campaigns, while limitations on independent and total campaign expenditures were ruled as being in violation of the First Amendment. Corporations, therefore, have a right to contribute money to political campaigns, allowing them to indirectly engage in express advocacy² (Nace (2003) in Stoll 2005). Issue advocacy, on the other hand, was not financially restricted, with the Court reasoning that “equity of funding (with clear implications for the deep pockets theory) could not be used to prevent companies from informing the public” (Heath and Nelson 1985:66). Attempts at federal legislation limiting corporate spending on political speech have been challenged in court (Zardkoohi 1985). A 2010 Supreme Court ruling (*Citizens United v. Federal Election Commission*) reaffirmed the right for corporations to engage in political speech, “including the right to spend money to influence elections” (Thompson and Knight 2010). In this case, the USSC ruled that, as a matter of “First Amendment policy, the ‘marketplace of ideas’ and democracy are best served by unrestrained corporate political expenditures” (Lipton 2010:1962).

² Justice Rehnquist and Justice White dissented to the majority opinion of the Court. White argued that restriction on corporate spending did not affect free speech protections because CEO’s could speak out on their own and pay for advertisements with their own money. Rehnquist feared that the perpetual life of corporations, when coupled with their limited liability, could undermine first amendment protections for individual citizens (Stoll 2005).

The legal distinction between commercial advertising, which is regulated, and issue advocacy, which is protected political speech, is open to considerable interpretation. From a strictly commercial standpoint, issue advocacy advertising, also called ‘marketplace’ or ‘controversy’ advertising, is but one form of business communication specifically designed to “protect a company’s market by influencing public policy” (Miller and Sinclair 2009:37) or to “attempt to sway public sentiment” on (often) controversial issues (Cutler and Muehling 1991:49). While issue advocacy advertising has some precedent as a corporate practice beginning in the early 20th century, expanding to political elections in 1996 (An et al. 2006; Burgoon, Pfau, and Birk 1995; Cutler and Muehling 1989; Hall and Reynolds 2010; Sethi 1977/1987), the practice remains highly contested, even within the economic community itself (Carroll 2012; Hamil 1991; Johnson-Cramer 2012; Lea 2012; Moir 2001; Ridley-Duff 2007/2012; van Staveren 2009). USSC judicial review of contested corporate and industry level advertising campaigns, as well as challenges to state and federal legislation reigning in corporate speech, serves to grant legal legitimacy to the concept of corporations as ‘persons’ entitled to unregulated protected political speech. Legality aside, USSC rulings and corporate campaigns have raised serious ethical concerns regarding how far First Amendment protections of political speech can be extended to corporations before the rights of individuals are violated.

Regardless of questions surrounding the legal legitimacy and ethics of issue advocacy advertising (Lukaszewski 2008; DeRupo 2009), this form of commercial speech has been a recognizable part of customary business practice since the beginning of the 20th century (Cutler and Muehling 1989). Issue advocacy advertising is said to have begun with

AT&T's 1908 campaign promoting a regulated nationwide telephone network, expanding in use by 1936 (Burgoon et al. 1995), and becoming frequent by the mid-1970s, especially in energy- (*Ingersoll-Rand Mining Machinery Group, Dresser Industries, Inc., Mobil Oil, Edison Electric Institute*³) and defense-related (*United Technologies Corporation, Grummer, SmithKline Corporation, Bethlehem Steel, Kaiser Aluminum and Chemical Corporation*) (Cutler and Muehling 1989; Sethi 1977/1987) industries. By the 1980s, more than one-fifth of U.S. firms noted their use of issue advocacy advertising (Burgoon et al. 1995). By 1996, issue advocacy advertising publicly entered politics as U.S. political parties, as well as interest groups and PACs, expanded their repertoires of campaign techniques to include this tactic. In the 2004 presidential election alone, approximately \$1 billion dollars was spent on issue advocacy advertising campaigns (An et al. 2006). Hall and Reynolds (2010) found that the major corporate issue advocacy campaigns since 2005 have focused heavily on public policy issues including health care reform, economic policy, and energy and environment policy.

Various factors are attributed to the rise of issue advocacy advertising. Cutler and Muehling (1989) note that for-profit corporations and businesses perceived themselves as being unjustly blamed for a variety of societal failures and, therefore, seek to educate the public through issue advocacy campaigns. Sethi (1987) suggests that corporations, especially beginning in the mid-20th century, are reacting to a lack of objectivity on the part of the media, as well as a general anti-business climate in legislative and regulatory bodies and the judiciary. Anti-business biases have caused corporations to stop relying on more conventional communication techniques such as press releases, letters to the

³ Edison Electric Institute is the industry association of U.S. investor-owned electric utilities. These utilities provide 70% of U.S. electricity needs, as well as representing international industry-related firms.

editor, or other un-paid mass media coverage when trying to achieve positive publicity. Corporations have turned, instead, to paid corporate communications in order to assure that viewpoints consistent with a corporation's expectations reach targeted publics. Miller and Sinclair (2009) suggest that, as public and media criticism regarding such issues as the environment and energy gained foothold in the general public in the 1970s, industries involved in the generation of risk-related products such as coal, oil, gas, alcohol, tobacco, and pharmaceuticals became particularly active in issue advocacy advertising and campaigns as part of efforts to establish, maintain, and/or restore public trust or legitimacy.

Formalized bodies of the state, which define both the parameters of acceptable speech and the regulatory contexts of technological harm, are, according to Sethi (1987), the most formidable barrier between corporations and the positive public perception and acceptance of particularistic corporate interests. This is because, once established and institutionalized, formal constraints are slow to change, requiring the election and/or appointment of public representatives sympathetic to corporate interests, as well as considerable effort on the part of corporations to actively provide testimony, bring or contest lawsuits in court, and/or challenge legislation, regulatory agency rules, or lower court settlements in appellate courts.

Analytical Framework

The risk society thesis provides a useful analytical framework within which to understand the expansion of corporate communication strategies over the last century. Risk societies are organized around the processes of distribution of harm and risk, experienced in

unequal ecological devaluations and expropriations, as well as the imbalanced distribution of technocratic knowledge concerning the causes of harm and risk. Due to the organizing principles of risk society, concurrent developments of a growing general awareness of environmental risks associated with advanced technology and an increasing structural distancing of technological development and requisite knowledge production from the lay public have occurred. These developments, in turn, have contributed to a legitimation crisis caused by the requirements of the expanding technologies upon which risk societies have come to depend and threatening the very legitimacy of the political-economic system itself. In response, political-economic interests must defend technological development by minimizing risk and harm, emphasize the accuracy of information presented, and expand state and civil society venues in which risk definitions are presented. Contemporary corporations, unlike early corporations which were under direct regulation of the state and served the state's interests in economic expansion and development, have gained legal legitimacy as 'persons' independent from the state with protections afforded political speech. The standards of truth required of conventional commercial advertising are higher than that of political speech, however. These lower standards of truth, when coupled with the communication of bounded knowledges and the inaccessibility of technocratic knowledges to lay publics, give corporations considerable freedom to construct risk definitions at local, national, and transnational/global levels.

The drive for capital accumulation encourages corporations to craft particularistic claims targeting lay publics in order to encourage specific social constructions of risk. As the ecological risks associated with the hegemonic hard energy path, which includes the

burning of fossil fuels, the development, production, and implementation of synthetic fuels, and nuclear energy, have gained salience in the global community, competing risk definitions concerning energy are particularly apparent (Aldridge 2009). Conflicts over definitions of risk between capital interests within the energy industry have not only pitted once mutually compatible fossil fuel energy sectors against each other, but hard-energy interests against soft-energy/sustainable interests (Aldridge 2009). The construction of risk by particular capital interests is intended to create an environment in which a corporation, or association of corporations, can benefit economically from the nature of risk they construct. In addition to mass-media, the intrinsic requirements of risk society also cause risk controversies to emerge in the regulatory, legislative, and judicial arenas of the state. These arenas, like the arenas in which the technological developments and requisite scientific knowledge production of risk society are produced, are structurally removed from civil society.

This research investigates a single risk controversy within the energy industry. This risk controversy occurred in Oklahoma and became known as the Red Rock case. In order to provide the framework within which the Red Rock case can be understood, this chapter reviewed Ulrich Beck's conceptualization of the risk society of late modernity. In risk society, capital interests like Chesapeake must provide definitions of risk and harm in order to maintain, expand, or develop markets. Risk definitions are highly politicized and become a source of power. The chapter then considered Jürgen Habermas' theory of political communication in late modernity, reviewing how the public sphere—an abstracted communicative space in which public opinion is theorized to form—is now colonized by market imperatives. The importance of market imperatives in late

modernity is then elucidated through a brief review of the development of the corporate 'person', including specific legal protections including that of protected political speech. Corporate 'persons', acting as political communicators through engagement in protected political speech, have gained a level of legal legitimacy similar to that granted constitutionally to the individual person. In the next chapter, I discuss my research strategy, including data sources and collection, methods, and research questions.

CHAPTER III

RESEARCH STRATEGY

The case study method, defined loosely as the detailed investigation of social phenomena in order to provide an analysis of the context and processes which illuminate the theoretical issues being studied (Hardy 2001; Hardy, Harley, and Phillips 2004; Kohlbacher 2006) is the central component of my research strategy. The selected case focuses on the proposed construction of a coal-fired, baseload electric generation facility intended to expand the existing Sooner Power Plant near Red Rock, Oklahoma. The originating application, however, concerned future peaking needs to be met with natural gas peaking plants and was filed with the Oklahoma Corporation Commission - Public Utility Division (OCC PUD) by Public Service Company of Oklahoma (PSO), a subsidiary of Ohio-based American Electric Power (AEP), in January, 2005. By the time the OCC held public hearings in the fall of 2007, two additional applications, one filed by PSO requesting that the OCC confirm the need for additional baseload capacity and another filed by OG&E requesting that the OCC allow for the recovery of construction costs to begin before the plant was completed, had been consolidated for hearing purposes only into what became known as the Red Rock case. The most public portion of the Red Rock case was an issue advocacy campaign sponsored by Chesapeake. I,

therefore, focus on Chesapeake's involvement in the political-economic debate concerning the Red Rock power plant.

Because qualitative methods are well suited for the investigation of meanings, contexts, processes, as well as the identification of discursive practices (Denzin and Lincoln 2008; Foucault 1970/1972; Hessey-Biber and Leavy 2006), I used qualitative analysis for this study. Specifically, I undertook a content analysis and a critical discourse analysis of artifacts of communication, namely written texts and, where appropriate, associated images. Content analysis analyzes texts and images in an effort to understand the nature of social reality as it 'objectively' exists at a particular time (Hardy et al. 2004; Hardy 2001; Phillips and Hardy 2002) and is characterized by a concern with being objective and systematic, producing analytic categories amenable to later quantitative analysis and even hypothesis testing (Kassarjian 2001; Krippendorff 2004). Discourse analysis, on the other hand, strives to uncover the way in which what is experienced as social reality is produced, locating meanings historically and socially through interrelated bodies of texts, or 'discourses', that bring ideas, objects, subjects, and practices into social reality, structuring the nature of relationships and privileging some with power while disempowering others (Hardy et al. 2004, LeGreco and Tracy 2009).

To add "rigor, breadth, complexity, richness, and depth" (Denzin and Lincoln 2008:7) and to heighten the credibility of research findings, I triangulated data (Hessey-Biber and Leavy 2006). The triangulation of data draws on multiple sources and standpoints in order to "attempt to secure an in-depth understanding" (Denzin and Lincoln 2008:7) of risk definitions in the Red Rock case (Hessey-Biber and Leavy 2006). Data include newspaper articles and multi-model issue advocacy advertisements, regulatory agency

and judicial documents, and the web site content of the now-defunct *Know Your Power* (KYP) campaign website.

Newspaper articles and print issue advocacy advertisements are used because journalism “exists to enable citizens to better understand their lives and their position(s) in the world” (Richardson 2007), with print media (i.e., newspapers) traditionally considered to serve as a key communication pathway for the information from which civil society makes knowledgeable decisions concerning issues of public importance (Richardson 2007). Secondly, “News media are the primary venue through which competing risk claims are disseminated to the public making the question of the systematic bias in coverage an important one” (Gunter 2005:672; Lussier and Sherman 2009; Richardson 2007). Oklahoma Corporation Commission (OCC) documents contained in the public record of the Red Rock case are used because, due to the nature of the structuring of electric generation, state agency regulatory bodies have authoritative oversight over public utilities, here, PSO and OG&E. The inclusion of documents filed with the Oklahoma State Supreme Court (OSSC) related to an Application to Assume Original Jurisdiction and a Petition for Writ of Prohibition against the OCC in the Red Rock case rests with the importance of judicial decisions and opinions in structuring competing claims regarding structured interactions in U.S. society. The use of the *Know Your Power* (KYP) website, funded by Chesapeake, rests on the increased use of the Internet by government, business entities, and civil society organizations as a vector, or communication pathway, for providing information to publics (Deacon, Pickering, Golding and Murdock 1999; Lussier and Sherman 2009).

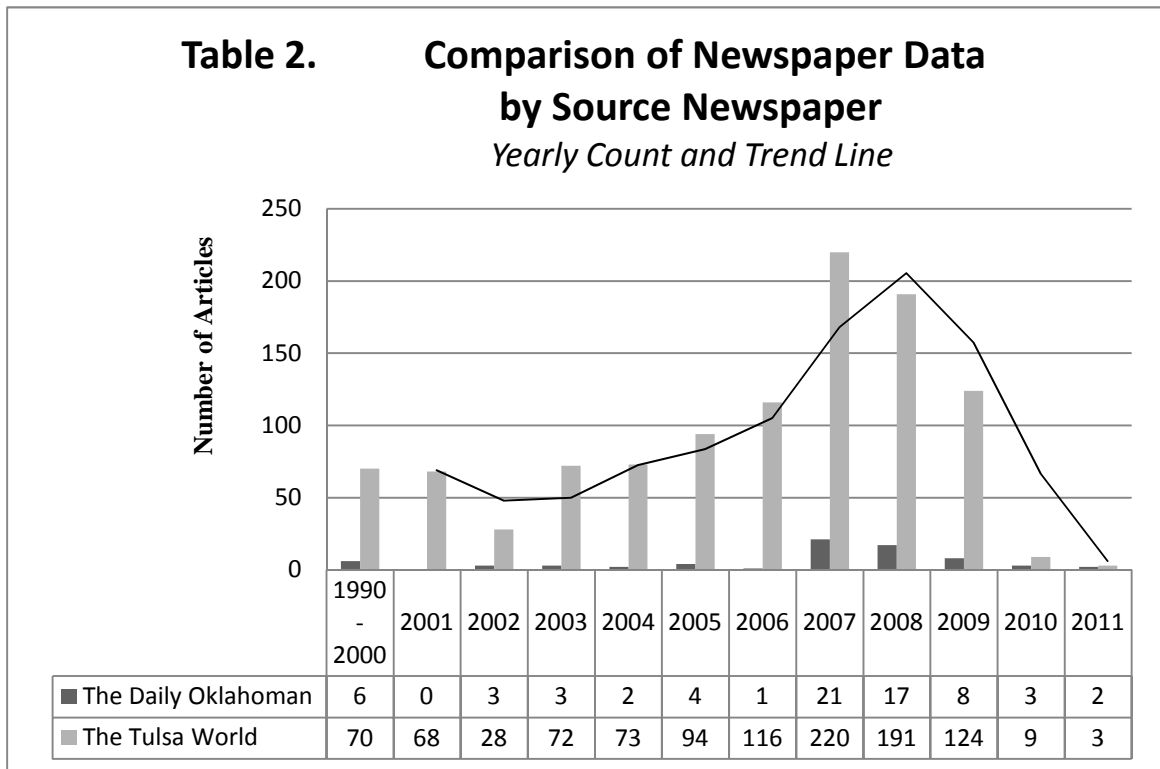
Newspaper articles, editorials, letters to the editor, and op-eds⁴ inspected during analysis are from the *Tulsa World (TW)* and the *Daily Oklahoman (DO)*, covering the time span from January, 1990, through January, 2011 (N = 1,330 articles). These newspapers are used because they report the highest circulation in Oklahoma, cover national, regional, and local issues, and meet Oklahoma requirements to qualify as a newspaper of general circulation for the publication of public notices (25 OS §§101-114). This body of text was collected using the on-line archives of both newspapers. Search terms, moving from the general to the specific, were ‘electricity’, ‘electric generation’, ‘coal’, ‘coal-fired plants’, ‘Red Rock’, and ‘Know Your Power’. (See Table 2 on page 36 for the distribution of articles across time for both newspapers). The newspaper materials were read chronologically in order to gain a general understanding of the broader historical context concerning electric generation in which the Red Rock case occurred⁵. I focus especially on news articles, op-eds, and letters to the editor published between January, 2005, through December, 2007, which mark the beginning and end points of the Red Rock case before the OCC (n = 456) .

Newspaper issue advocacy advertisements from, and in response to, the 2007 *Know Your Power (KYP)* campaign were collected during the spring of 2012. Collection began with a visual search of the microfilm collection of the *Stillwater News Press (SNP)* available through the Stillwater Public Library and furnished by The Oklahoma Historical Society.

⁴ An op-ed is sometimes confused with an article written by the editor or editorial board, i.e., an editor’s opinion piece. However, an op-ed is often found on the page ‘opposite the editorial’ page. An op-ed, which names the author, offers the opinions of the author, which are not necessarily those of the editor or editorial board.

⁵ An additional 7 articles from the *Daily Oklahoman* covering the years 1980 through 1989 were also read to aid in contextualizing the Red Rock case; unfortunately, access to articles covering the same time period from the *Tulsa World* were not available through the newspaper’s website.

The *SNP* microfilm search was followed by a microfilm search of both the *DO* and the *TW*, continuing until no new images were found. These advertisements were compared



to those entered into the public record at the OCC, and it was confirmed, at the very least, that no other advertisements had been entered into the public archives of the Red Rock case. Five unique KYP advertisements were found; a final social responsibility advertisement by Chesapeake followed the campaign. One KYP issue advocacy advertisement featured a large photograph of a young girl holding an inhaler in front of her mouth, another featured a female representative of the American Lung Association of the Central States voicing concern about the effects of toxic emissions on fetal development, a third featured a photograph of Oklahoma State Treasurer, Scott Meacham, emphasizing his fiscal responsibility to oppose Red Rock, and a fourth, very dark photograph showed multiple smokestacks spewing highly visible smoke into the air.

In total, eighteen advertisements were analyzed and included both KYP advertisements and responses to the KYP campaign by other corporations (for example, Devon Energy), business associations (for example, CEED), and public utilities (OG&E).

Web content from the now defunct KYP website located at *knowyourpower.net* resulted in twenty-nine pages of text, including images. These data were available through Dr. Tamara Mix, Oklahoma State University, Department of Sociology, and was collected on February 17, 2008. Subsequent attempts through May 24, 2013, to retrieve data from web archives (i.e., web.archive.org) did not provide additional texts concerning the *Know Your Power* web campaign as implemented in Oklahoma. The page, ‘About Us’, identified KYP as “a coalition formed to educate citizens – on a state-by-state basis – about power generation plants in their states and especially about newly proposed coal-burning plants”. This is the only page to mention Chesapeake’s relationship to the KYP internet arm of the KYP campaign, with the text reading, “Chesapeake Energy Corporation is the founding sponsor and to date has been the primary source of funding for KYP chapters nationwide”. Another page, titled “Send A Message”, provided links to sample letters to “your state legislator”, “a mayor or city council representative”, and “to the editor”⁶. Unfortunately, the letter templates were not collected as part of the original data and are no longer available in the public domain (web.archive.org). Three pages were Oklahoma specific (six pages also addressed the proposed Holcomb coal-fired plant in Kansas). One Oklahoma-specific page (‘Energy Profile’) addressed primary fuel use

⁶ The links were entitled: “Sample letter to your state legislators”, “Sample letter to mayor or city council representative”, and “Sample letter to the editor”. The web archive at web.archive.org also captured these links on January 28, 2008. The letters themselves, however, are no longer available. Clicking on the links results in the message, “404: Page not found. This error is generated when there was no web page with the name you specified at the web site”.

in Oklahoma, mentioning the abundance of natural gas resources in the state, and a second ('Related Links') provided active links to the homepages of the OCC, the Oklahoma Sierra Club, the American Lung Association, and the Energy Information Administration. The final Oklahoma page ('Current Status') announced "Victory in Oklahoma".

Documents from the OCC public archives related to the OCC's public hearings on the Merits of the Case comprise the most comprehensive data concerning the case (N = 3,507 pages). These texts were retrieved during the summer of 2011 from the OCC website and are in the public domain. Documents include: (1) all motions, statements of position, expert witness lists, expert witness direct⁷, supplemental and rebuttal testimonies, briefs, and motions generated by all applicants and interveners in the cause, (2) all reports, recommendations, orders, and final orders issued by the Administrative Law Judge (ALJ) and the Oklahoma Corporation Commissioners, and (3) all officially filed statements of public comment. Subsumed under the OCC documents are related documents from the Oklahoma State Supreme Court (OSSC), including an Application to Assume Original Jurisdiction and a Petition for a Writ of Prohibition filed by the Quality of Service Coalition (QSC) and Chesapeake (n = 23 pages). Also subsumed under the OCC documents are public comments submitted to the OCC (n = 1,250 pages). These public comments include: (1) e-mails, letters, and news articles submitted by individuals, (2) e-mails, letters, news articles, and form letters submitted by small businesses, hospitals, corporations, and cities, towns, and municipalities, and (3) letters and studies submitted

⁷ Direct testimony refers to the statements made by a party or the party's witness under oath.

by civil society organizations, including but not limited to the Sierra Club and the American Cancer Society.

While examining the newspaper, website, advertisement, and public comment data, I used an interpretive approach to content analysis, making notes and creating loose analytic coding categories (Hessey-Biber and Leavy 2006). This approach allowed for a nuanced understanding of the themes that emerged in the archival documents. Each artifact was examined chronologically line by line and brief analytical memos were made. I then utilized open coding techniques (Berg 2004) creating a more systematic series of grounded, common, and consistent categories. The emergent categories were: need, corporate involvement, environmental implications, facility cost, strategies and tactics, ethical discussions and implications, perceptual shifts concerning primary fuels, regulations, stakeholders, and timeline of key events.

The OCC and OSSC documents, the structure and content of which are required to meet pre-determined standards set forth in the Oklahoma Administrative Code (OAS) and the Oklahoma Statutes (OS), statutory provisions, and common law were approached in two ways. During the first reading of these documents, I again used an interpretive approach to content analysis, making analytical notes and creating loose analytic coding categories (Hessey-Biber and Leavy 2006). As in the newspaper, website, and advertisement data, I then utilized open coding techniques (Berg 2004) creating a more systematic series of grounded, common, and consistent categories. The emergent categories in the court documents were: need, used and useful, cost, recovery of construction work in progress, competitive bidding, and hedging. These categories were reduced to 'need', under which the category 'used and useful' was subsumed, and 'cost', under which the categories of

‘recovery of construction work in progress’, ‘competitive bidding’, and ‘hedging’ were subsumed. Unique categories only emerging in documents submitted by two interrelated interests included: constitutional rights, damages and suffering, and abuse of power.

I next approached the OCC and OSSC data from a critical discourse analytic perspective. I analyzed the documents for the presence of formal arguments, which required the identification of premises and conclusions, as well as the presence of supporting arguments and isolated claims (Gee 2011a/2011b, Richardson 2007). This time-intensive process allowed for the identification of explicit and implicit assumptions upon which claims and arguments were based, the manifest intent or purpose of the document, and the most likely latent intent of each document under analysis. Upon completion, the emergent categories in OCC and OSSC categories were collapsed into cost, need, and free-market neoliberalism/opposition to state power. I then approached the newspaper, focusing on the years 2005 – 2007, and the print and web KYP data from a critical discourse analytic perspective. I analyzed the documents for the presence of formal arguments. Because formal arguments were less common in these data, I also analyzed these texts for implicit and explicit claims and rhetorical forms of argumentation. The arguments and claims found in the OCC and OSSC documents were then compared to claims present in the newspaper and KYP print media and internet campaigns.

Written texts (and photographs) provide pertinent and nuanced information, but have some limitations. The use of these forms of archival materials through content and discourse analysis does not provide express opportunity to access public perception. In this case, public engagement in editorial venues through news outlets was limited. The KYP website did maintain a comment site while the campaign was active in Oklahoma,

but there are no public comments from Oklahoma on the KYP website; a search of web archives revealed that there was content added to the page on Dec. 19, 2007, which consisted of one page directed toward the Holcomb plant in Kansas and appeared under the tab “Rhetoric vs. Reality”. Dr. Tamara Mix had some limited contact with a Chesapeake corporate representative, who despite admitting that the online site and ad campaign were the only form of community outreach, felt that the campaign was a good faith effort to engage in grassroots, community coalition building and public education. Those comments are largely extemporaneous and anecdotal and cannot be systematically analyzed.

Limitations

The selection of news matter was restricted to locate newspaper coverage of the use of coal in electric generation, with a particular focus on the role of Chesapeake Energy Corporation in the Red Rock debate. The data are, therefore, limited and can in no way provide insight into how either newspaper covered energy issues as a whole, or how particular events and issues were selected by journalists for coverage. The data do, however, allow the Red Rock case to be temporally situated within the larger geopolitical struggles which precipitated the U.S. turn to domestic supplies of coal for electric generation, as well as political-economic pressures to deregulate the public utility.

The methods and data used in this study necessarily limit the ability to generalize findings across a wide variety of dissimilar cases. In particular, the manifest and latent content of Chesapeake’s communications are specific to this particular case. A further

limitation is that not all of Chesapeake's corporate communications in the Red Rock case are publicly accessible. Nevertheless, the identification of corporate communication strategies, even where specific content is absent, is useful in identifying concerted corporate involvement in processes intended to directly and indirectly influence authoritatively binding decision-making.

A further substantial limitation is that no definitive conclusions can be drawn concerning the effectiveness of the corporate communication strategies undertaken by Chesapeake in this case. Corporate communications are related to both short-term and long-term goals for the capital expansion of corporations and economic sectors. Long-term goals and strategies, however, especially those of an entire energy sector, cannot be addressed through either the time-span this study considers or the strategies of one corporate actor.

In spite of these limitations, this research makes a valuable contribution to the risk society, corporate strategic communications, and political sociology literature. First, this research provides a rich description of how one corporation maintained vertical oversight of regulatory, legislative, and judicial processes structurally connected to a perceived competitor's decision that threatened to limit the corporation's market share. Secondly, this research highlights the origins and intent of one corporation's carefully crafted risk definitions targeting individuals within state institutions and civil society. Finally, corporate involvement in the definition of risk for state and civil society, especially under the auspices of protected political speech, has ramifications for the practice of political-democracy.

The next chapter, Chapter IV, provides the historical context from which the Red Rock case arose. This chapter is then followed by three chapters presenting the analyses and findings. Chapter V addresses the first research question, namely, “What corporate communication strategies did Chesapeake use to control information concerning the Red Rock debate?”. Chapter VI addresses the question, “How did Chesapeake construct risk and shape the coal versus natural gas debate?”. Finally, Chapter VII addresses the final two questions, namely: (1) “How does Chesapeake’s involvement in the Red Rock case illustrate corporate power?”, and (2) “What are the implications of corporate power on public participation in democratic process?”

CHAPTER IV

ESTABLISHING CONTEXT

Risk definitions in late modernity are strategically defined and do not arise independently of the social environment (Lupton 1999). The context in which risk definitions arise, “including temporal, sociocultural, historical, political, economic, legal, and biophysical factors and conditions” (Ritchie and Gill 2008:186), shape how publics will interpret and socially construct risk and harm. It is, therefore, necessary to situate the proposed expansion of OG&E’s coal-fired Sooner Power plant near Red Rock, Oklahoma, within its historical political-economic contexts. In order to provide this context, all newspaper articles collected from the *TW* and the *DO* were read in chronological order, and notes were taken to identify general social and political trends impacting electricity production. When necessary, outside sources such as the U.S. Code, the Oklahoma Constitution, Title 17 of the Oklahoma Statutes, and the Oklahoma Administrative Code (OAC) were consulted to provide clarification of newspaper data.

In this chapter, I first clarify the status of the U.S. public utility. I then trace the impacts of the OPEC Oil Embargo on both the choice of primary fuels used to meet baseload and

peaking electricity demands and the subsequent national-level push to deregulate the public utility. I then clarify the legal structuring of the regulation of the public electric utility in Oklahoma, tracing how an application to the OCC moves through the regulatory process. Finally, using only the OCC data, I end the chapter with a clarification of the Oklahoma public utility applications which were combined to form what became publicly known as the Red Rock case. The overview presented in this chapter provides the necessary historical and structural context within which Chesapeake's corporate communication strategies in the Red Rock debate can be understood.

Providing for the Common Good through the Regulated Public Utility

Historically, as the generation of electricity became increasingly widespread, the term 'public utility' was used to describe the growing industry (Warkentin 1998). As a public utility, electric utilities are considered to be vested with the public interest, a concept with roots in case law in which certain businesses were "common callings" (Warkentin 1998:48). As such, businesses designated as common callings were bound by the general rule that they were forbidden to refuse to sell a product or service to anyone; these businesses would serve all consumers, without discrimination, at a reasonable cost. Electric generation has also been called a 'natural monopoly', a classification which occurs when, due to economies of scale, one large business concern, here an electric generation plant, can supply an entire market more efficiently and at lower cost than many small producers (Lussier and Sherman 2009). The 'natural monopoly' status of the electric public utility is due to technological requirements of electric generation; electricity is generated at a centralized generation facility, transmitted to stations located within the general areas where the electricity is to be used, and, finally, distributed to

individual end users, whether residential, commercial, or industrial. The construction and maintenance requirements of electricity generation facilities, transmission lines and stations, and distribution lines and end-use measurements make electric utilities the most capital-intensive industry in the U.S. (Warkentin 1998), and open competition is traditionally considered to lead to cost-intensive duplications in the system which would not only be counterproductive, but increase electric rates for the end-user (Warkentin 1998; Lussier and Sherman 2009).

In classical liberal and neo-liberal economic theory, monopolies are undesirable in a capitalist economy; a monopoly with control over an entire market no longer has the necessary incentives to pursue the highest quality possible at the lowest possible cost to consumers, incentives which can only be provided by market competitors. Therefore, industries with natural monopoly status, such as the public utility, are regulated by federal and state governments. State government commissions regulate electric public utilities by overseeing territories, approving franchises, supervising transmission and distribution quality issues, and approving rates charged to end-users.

Coal or Natural Gas? Nothing New in Oklahoma

Prior to the 1970s, many electric generation facilities relied on petroleum as a primary energy source, with others, as was typical in Oklahoma, relying heavily on natural gas. In 1978, however, in response to the 'energy crunch' caused by the U.S. reliance on fossil fuels and the OPEC Oil Embargo (1974), federal legislation prohibiting the construction and operation of electric generation facilities fueled only by petroleum and/or natural gas was passed by Congress (Powerplant and Industrial Fuel Use Act (FUA); 42 U.S.C. 8301

et seq, 1978). Further provisions of the FUA required that electric generation facilities be certified as to their capability to use coal, or another alternate fuel, as a primary energy source (FUA Section 201(d)). Beginning in the 1970s, gaining support during the 1980s, and intensifying in the 1990s, a push toward the deregulation of the U.S. electric public utility system occurred, gaining ground at both the national and state level. This push toward deregulation was based primarily on the assertion that electric “generation has not produced measurable economies of scale for some time” (Warkentin 1998:47).

Regulatory changes began occurring in support of competition in the wholesale electric generation market (Hess 2011), a trend that is verifiable in the Oklahoma Statutes. In 1987, FUA was amended, and the prohibitions against the use of natural gas or petroleum as a primary energy source in new and existing electric power plants and major fuel-burning installations were repealed.

As the use of coal (and nuclear energy) grew, public concern regarding the health and environmental impacts of the burning of non-renewable fossil fuels to generate electricity, as well as the nuclear generation alternative, were growing. Relevant to this research are the emissions concerns surrounding coal consumption; as electric utilities turned to domestic coal, especially high-sulfur coal, the greatest concern was that of ‘acid rain’, produced when water vapor in the atmosphere combines with sulfur dioxide in the air, forming sulfuric acid as it falls to earth and negatively effecting water bodies, cropland, wildlife, and tree growth. The proliferation of large-scale coal-fueled electric generation plants in the Ohio Valley and other parts of the Midwest were considered to be a major source of the increased acidification of the environment, especially in the Northeast and Canada. As can be expected within the framework of risk society, attacks

by industry associations on the expert knowledge production which explained the formation of acid rain, as well as federal level legislation to regulate SO₂ emissions related to the formation of acid rain, began (and bear a similarity in form and content to more contemporary attacks on anthropogenic climate change). For example, the following claims are presented by Carl Bagge, President of the National Coal Association, Washington, D.C., at an address to the Mid-America Energy Summit in 1983:

Studies that portend acid rain is a major threat to the health of Americans and to cropland, wildlife and environment have identified only 215 bodies of water nationwide that are acidified, he said. Of these, 206 are in New York and all are in the Northeast...Moreover, 49 are nothing more than ponds and 152 are too small to qualify under federal specifications as lakes...Also, Northeastern supporters of tighter emission controls on the coal industry are failing to consider millions of automobiles and thousands of installations that burn fuel oil in that part of the country might be more to blame for possible acid rain problems, Bagge noted. Supporters of new controls, despite having no scientific evidence to show the problem either really exists or is caused by coal, are willing to extract billions of dollars from the industry and consumers, he said. [Vandewater 1983].

In Oklahoma, electric generation in the 1920s often burned high-sulfur coal from Oklahoma mines. In the 1930s, however, the use of natural gas for electric generation expanded. For example, OG&E converted two of its coal burning units, Muskogee 1 and 2, to the more abundant, more easily transported, and relatively cleaner natural gas. Until 1975, OG&E added natural gas burning plants as demand for electricity in the state increased. As in the nation as a whole, however, natural gas was also a primary fuel for heating, competing with electric generation needs after the on-set of the OPEC Oil Embargo of the early 1970s. Natural gas prices rose and, by the end of the 1970s, natural gas shortages in the Northeast and Midwest contributed to the Powerplant and Industrial

Fuel Use Act, or FUA (1978), mentioned above, which prioritized natural gas for heating, not electric generation. While some regions in the U.S. turned to nuclear energy, Oklahoma consistently rejected this option, choosing lower-sulfur, Wyoming coal instead.

Oklahoma's turn to Wyoming coal was not contention-free, however. Some of the concerns illustrated in the following quote, while local in focus, are suggestive of many of the claims against the burning of coal today, including supply and generation facility requirements, cost, inefficiency, and negative environmental impacts:

Coal's drawbacks, however, are many. It requires massive storage space, unlike gas, which just flows out of pipelines and is burned immediately. Coal requires huge crushing and handling equipment. Because coal burning is dirty, it requires tremendous anti-pollution equipment. And burning coal leaves ash as a by-product, so disposal is a constant concern... All these things translate into higher cost... Because the coal-burning plants require so much handling and anti-pollution equipment...the Sooner units, use a large amount of the electricity they produce just to drive their own components... Each of these units is rated at 550 megawatts of generating capacity. But about 35 megawatts of each unit, or almost 7 percent of capacity, goes to power its own associated equipment, without creating any direct revenues for the company...For [Muskogee 4 and 5], \$35 million had to be spent just on electrostatic precipitators. The giant equipment is used to extract ash and pollutants from plant exhaust so the hot air coming out of the 350-foot smokestacks includes no visible smoke and is more than 99 percent ash free... The low-sulfur coal, which is less polluting, is used here in place of Oklahoma's high-sulfur coal comes by rail from Wyoming....[Vandewater 1984].

Nevertheless, the above excerpt is representative of the concerns surrounding coal-fired baseload generation in Oklahoma at the onset of the national push to deregulate the electric utility in the mid-1980s.

Co-Generation Facilities Vie for the Electricity Market

Oklahoma public utilities moved to meet electricity demand primarily through the use of coal-fired baseload electric generation plants for continuous electricity demand combined with natural gas-fired peaking plants for occasional periods of increased electricity demand. With the political attempt to deregulate the electricity market, however, non-public utility power producers, called independent power producers, proliferated. These producers built less capital intensive natural gas co-generation electric generation facilities for, primarily, industrial users. Co-generation technology captures heat lost during the production of electricity and converts it into thermal energy, usually in the form of steam or hot water, with both electricity and thermal energy available for sale on the energy market. Energy companies interested in expanding markets proposed a solution for meeting future electricity demand: a co-generation facility could provide cheap steam both for residential, commercial and industrial heating and industrial processes while, at the same time, providing electricity—if utilities were required by regulators to buy power from co-generation facilities at rates set by corporation commissions. Co-generators challenged utilities' long-term planning before corporation commissions, arguing that, if co-generation were not embraced, baseload coal-fired facilities combined with natural gas peaking plants represented a high-cost, high-risk solution for meeting future electricity needs. The following claims attributed to Don Smith, then president of Oklahoma City-based Smith Co-generation Management, Inc., who challenged OG&E's long-term plan for meeting electric needs, are representative of co-generation challenges of the 1990s:

Oklahoma Gas and Electric Co. customers will face power shortages and pay tens of millions of dollars a year more than they should if the electric utility doesn't prepare for growth...If this commission doesn't act to stop OG&E's high-cost strategy...(it) will cost ratepayers on average \$33 million an year (extra) for each of the next 40 years...The solution to that problem is for OG&E to buy power from two new 110-megawatt steam and electricity generating plants that [Smith's] company proposed to build in Oklahoma City by 1993...Such plants not only could sell power to OG&E for no more than its lowest-cost alternative but also could attract industry by providing cheap steam for heating and industrial processes...[Smith] wants the Corporation Commission to order OG&E to buy power from his proposed co-generation plants at a rate set by the agency" [Vandewater 1991].

These lines of reasoning against public utility planning summarized in the above quote did not abate over time, as is evidenced by the following statement made a full thirteen years later by former Louisiana Senator, Bennett Johnston, speaking on behalf of Burlington, Massachusetts, based InterGen⁸ before the Public Utility Purchased Power Study Commission, an Oklahoma legislative task force:

Oklahoma electric utility customers could save nearly \$90 million a year if state regulators required utilities to buy power from the least expensive sources...requiring utilities to accept competitive bids for all the power they use...OG&E customers alone could have saved at least \$51 million this year if the utility had bought more electricity from Redbud⁹ and other independent power producers. [Wilmoth 2004].

The review of the historical context of electric generation above shows that the proposed expansion of OG&E's Sooner Power Plant near Red Rock, Oklahoma, which was part of what became known as the Red Rock case, grew from an environment long fraught with concerns about U.S. dependence on foreign sources of petroleum after the on-set of the OPEC Oil Embargo, energy security,

⁸ InterGen owns a 1,200 megawatt natural-gas-fired power plant in Luther, Oklahoma.

⁹ Redbud, a 1,230 megawatt natural-gas-fired power plant constructed and operational in 2004 near Luther, Oklahoma, was acquired in a settlement between Kelson Holdings LLC and OG&E in 2008.

a tension between choices of primary fossil fuels for specific end needs, a growing concern with federal environmental regulations, and a general push toward deregulation of the public utility. The following public comment submitted to the OCC concerning the Red Rock case—and which informs the title given to this research project—implicitly addresses the concerns and contentions related to electricity production:

OG&E customer literature itself disclosed (*sic*) (within the past two years) that the [Sooner Power] plant almost went off-line, due to the fact that the coal was down to a two day supply...This is a self admitted example of a potential for catastrophe to Oklahomans depending on energy....Kay County...is already at a statistically significant level [for current emissions] of Sulpher (*sic*), [and] based on available air space for incremental/additional permitting, 80% or more is already allocated....additional emissions [caused by the Red Rock expansion of the Sooner Power Plant] would violate the Clean Air Act, and several other laws....Why is coal even being considered, when Oklahoma has much cleaner natural gas which should be supplemented with Solar (*sic*) and windpower (*sic*) on the large acreage (*sic*) at this site? Are we the Taxpayers supposed to be paying for another Corporate Welfare scheme? Or is it Bush's "Clean Coal" Agenda" (Saying "Clean Coal" is like saying "Dry Water")...As our voice, demand a viable system. NO COAL EXPANSION!!! [Public Comments, 7/23/2007, p. 206].

Oversight of the Electric Public Utility in Oklahoma

I now turn to address the regulation of the public electric utility in Oklahoma. In Oklahoma, the agency legislated to maintain oversight of regulated public utilities is the Oklahoma Corporation Commission, with the Public Utilities Division (OCC PUD) responsible for processing all public utility applications. The authority with which the OCC operates is found in the Oklahoma Constitution, Title 9, and the Oklahoma Statutes, Title 17. The Commission is headed by three Commissioners, whose offices are filled

through a staggered, general election. As of 2010, each Commissioner serves a six-year term, with one position open for election every two years. Prior to 2010, there was no statutory limit placed on the number of terms, whether consecutive or non-consecutive, an elected Commissioner could serve, making Corporation Commissioner, Bob Anthony (R-OK), who served as a Commissioner during the Red Rock case, the longest serving Commissioner in the U.S.

(www.occ.state.ok.us/Comm/Anthony/Bob_Anthony_Bio.html). The Commission has the authority to create any rules necessary for the execution of the duties specified for the agency within the Oklahoma Constitution and legislation. Any promulgated rules, after submission to the Governor and upon the Governor's signature, become part of the Oklahoma Administrative Code (OAC).

Hearings of applications, or 'causes', occur before an Administrative Law Judge (ALJ), and those whose presence is required include: (1) OCC PUD staff representatives, associated counsel of record, and (when necessary) expert witnesses, (2) the Attorney General or designated representatives, associated council of record, and necessary expert witnesses, and (3) representatives for the utility or utilities filing an application, together with council of record and necessary expert witnesses. The cost of expert witnesses testifying for the OCC PUD and the Attorney General are paid by the filing utility and, upon appropriate action as specified by legislation and the OAR, these costs can usually be recovered by the utility through OCC-approved rate increases. Both the Attorney General's office and the OCC maintain internal legal departments, from which councils of record are drawn.

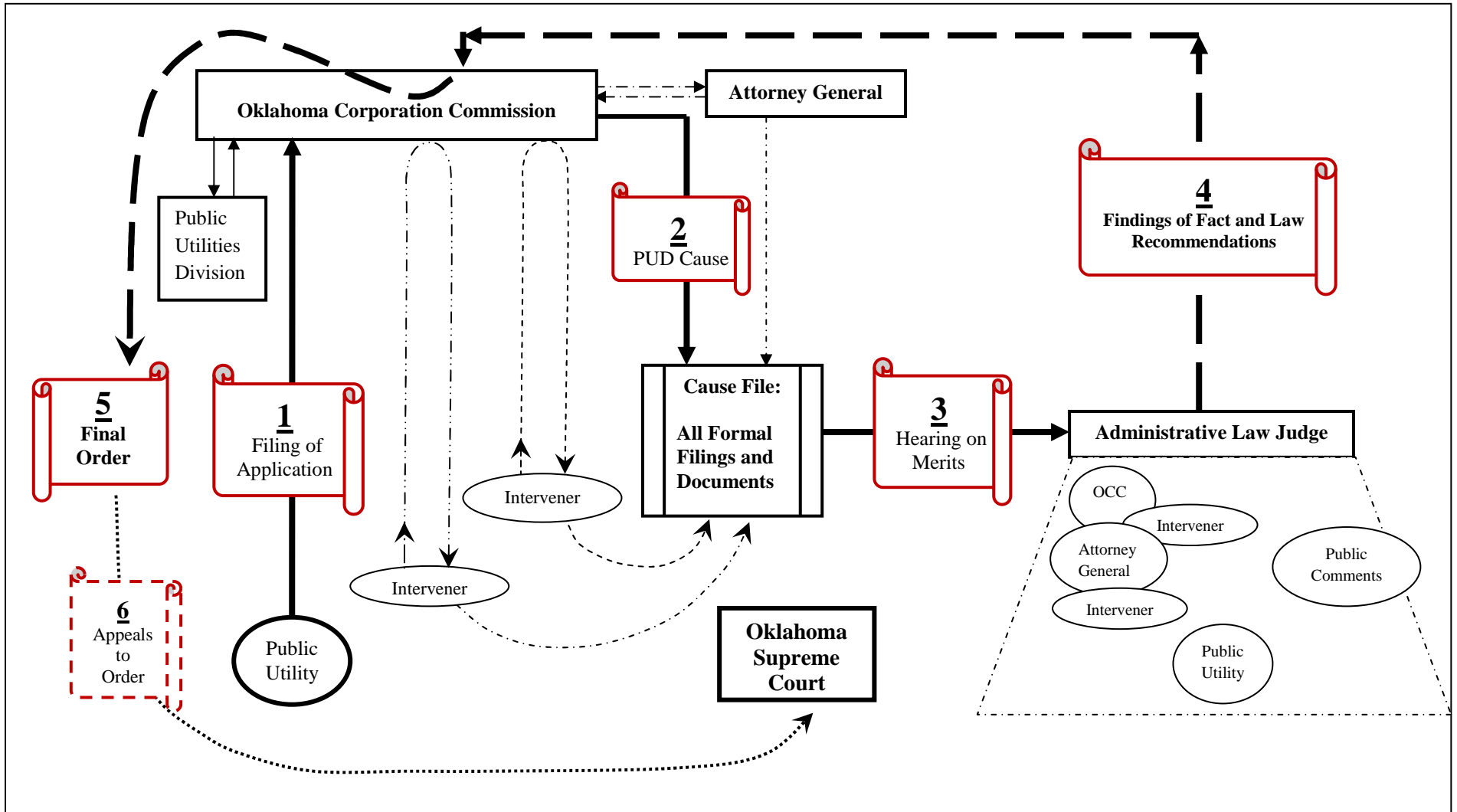
In any cause before the OCC PUD, parties claiming to be affected by a filed cause may file a Motion to Intervene. Upon hearing, a petitioning party may be granted intervener status by the Commission and be recognized as a party of interest¹⁰ in the cause being heard. While hearings occur before an ALJ, who administers a report of findings and recommendation to the OCC, the OCC is not mandated to wholly adopt the recommendation of the ALJ in its issuance of a final order. Upon the issuance of a final order, the Oklahoma State Supreme Court (OSSC), the court with jurisdiction to hear civil appeals, is the appeal court to which utilities and/or parties of interest with intervener status may turn for potential relief. See Figure 1 on page 55 for a summary of how a cause before the OCC PUD travels through the procedural process.

The Principle of Judicial Efficiency: Creating the Red Rock Case

What became reported in the media as the Red Rock case was the consolidation of three separate yet interrelated causes pending before the OCC. The initial cause was an application by the Public Service Company of Oklahoma (PSO) for a Determination that Additional Electric Generation Capacity will be Used and Useful (CAUSE PUD 200500516), which became generally known as the ‘peaking case’. Independent power producers Lawton Co-generation, LLC, and Energetix, LLC (Energetix) were parties of interest in this case, as were the associations Oklahoma Industrial Energy Consumers (OIEC) and the Quality of Service Coalition (QSC). The second cause was an application by PSO for a Determination that Additional Baseload Electric Generation

¹⁰ When the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest. Intervention is allowed under the Oklahoma Statutes (O.S.) and under the Oklahoma Administrative Code (OAC).

FIGURE 1. Simplified Depiction of how a Public Utility Division Cause Progresses through the Oklahoma Corporation Commission



Capacity will be Used and Useful (CAUSE PUD 200600030), which became generally known as the ‘baseload case’.

The peaking and baseload causes filed by PSO were consolidated for the purpose of hearing only in response to a motion from the Attorney General, Drew Edmondson, who cited the common law Principle of Judicial Efficiency as the relevant principle for consolidation. The logic supporting the Motion to Consolidate was that both the peaking and baseload cases were the product of a single Integrated Resource Plan (IRP) produced by PSO in compliance with legislation, and that both causes rested on almost identical testimony of the same expert witnesses. Therefore, consolidation would conserve valuable judicial resources.

The third and final cause consolidated into the Red Rock case was the application of Oklahoma Gas and Electric Corporation (OG&E) for an Order of the Commission Granting Pre-approval to Construct Red Rock Generating Facility and Authorizing a Recovery Rider (CAUSE PUD 200700012). This application was the result of a Request for Proposal (RFP) initiated by PSO to meet its estimated future baseload electric generation needs and in response to which OG&E won the bid¹¹. Other interveners in the Red Rock case included Redbud, LLC, American Electric Services Pacific, Inc., (AES Pacific), and American Electric Services Shady Point, LLC (AES Shady Point), who, along with OG&E, had also submitted bids in response to PSO’s RFP. Additional interveners included the OIEC, OG&E Shareholders Association, Wal-Mart Stores East,

¹¹ The Red Rock generation facility was to be the combined effort of PSO, OG&E, and OMPA. However, the OMPA is not a regulated utility under Oklahoma law. OMPA had a contractual agreement with OG&E which concerned only the portion of OG&E’s contract with PSO. Since OG&E’s contract with OMPA did not affect the portion of the Red Rock expansion to be controlled by PSO, the OMPA does not enter into the proceedings before the OCC.

LP, and the Quality of Service Coalition (QSC). [See Table 3 on page 58 for a summary of applicants and interveners in the Red Rock case].

From the list of formally recognized parties involved in the Red Rock case before the OCC (Table 3, page 58), it is obvious that Chesapeake Energy Corporation was not a formally recognized intervener in the Red Rock case. Nevertheless, newspaper articles in 2007 frequently mentioned Chesapeake in conjunction with the Red Rock case; the exact nature of Chesapeake's involvement, however, remained highly ambiguous. For example, in addition to explicit references to the corporate entity, Chesapeake Energy Corporation, articles also referred to statements made by Chesapeake's owner and CEO, Aubrey McClendon, both before the OCC and the Society of Petroleum Engineering, as well as frequently quoting Chesapeake's Senior Vice-President of Corporation Development, Tom Price, Jr. Chesapeake Energy Corporation was also mentioned in conjunction with the Quality of Service Coalition (QSC), an unincorporated association granted intervener status in the Red Rock case. In addition to involvement in the Red Rock case, newspaper articles also explicitly named Chesapeake Energy and Aubrey McClendon in relation to a group which called itself the Texas Clean Sky Coalition; Chesapeake, an outspoken member of the coalition, had spent "more than \$1 million in advertising to oppose the plan [by Texas Electric Corporation (TXU) to build 11 new coal-fired electric plants in Texas]" (Wilmoth 2007a). In Oklahoma, Chesapeake and Aubrey McClendon were mentioned in relation to yet another coalition, *Know Your Power*, which appeared to sponsor advertisements in Oklahoma newspapers in opposition to the proposed coal-fired baseload facility considered by the OCC in the Red Rock case. A website, located at *knowyourpower.net*, also materialized targeting not only the

Table 3. Applicants and Interveners in the Red Rock Case

Applicant (Filing Date)	Cause Number	Intervening Party (Date Intervention Status Granted, Commission Order Number)
Public Service Co. of Oklahoma (PSO) (Filed: Dec. 21, 2005)	NO. PUD 200500516 Application for a Determination that Additional Electric Generating Capacity will be Used and Useful	<ol style="list-style-type: none"> 1. Oklahoma Industrial Energy Consumers (Jan. 17, 2006; Order No. 518228) 2. Energetix, L.L.C. (Jan. 30, 2006; Order No. 519057) 3. Lawton Co-generation, L.L.C. 4. Quality of Service Coalition (March 29, 2006; Order No. 52295) 5. Redbud Energy, LP (July 19, 2006; Order No. 527197)
Public Service Co. of Oklahoma (PSO) (Filed: Feb. 1, 2006)	NO. PUD 200600030 Application for a Determination that Additional Baseload Electric Generating Capacity will be Used and Useful	<ol style="list-style-type: none"> 1. AES Pacific Inc./AES Shady Point L.L.C (Nov. 21, 2006; Order No. 532455) 2. Oklahoma Industrial Energy Consumers (March 1, 2006; Order No.520924) 3. Energetix, L.L.C. (March 1, 2006; Order No.520925) 4. AES Pacific Inc./AES Shady Point L.L.C (March 16, 2006; Order No.521753) 5. Quality of Service Coalition (April 5, 2006; Order No. 522764) 6. Oklahoma Gas &Electric Company (Jan. 18, 2007; Order No. 534335)
Oklahoma Gas and Electric Co. (OG&E) (Filed: Jan. 17, 2007)	NO. PUD 200700012 Application for an Order of the Commission Granting Pre-Approval to Construct Red Rock Generating Facility and Authorizing a Recovery Rider	<ol style="list-style-type: none"> 1. Oklahoma Industrial Energy Consumers (Jan. 31, 2007; Order No. 534938) 2. Public Service Company of Oklahoma (Jan. 31, 2007; Order No. 534939) 3. OG&E Shareholders Association (Feb. 22, 2007; Order No. 535822) 4. Redbud Energy, LP (Feb. 23, 2007; Order No. 535899) 5. Wal-Mart Stores East, LP Feb. 23.2007 (Order No. 535897) 6. AES Pacific Inc./AES Shady Point L.L.C (Feb. 23, 2007; Order No. 535901)

proposed plant in Oklahoma, but proposals for coal-fired baseload electric generation in Kansas, as well. In Kansas, both the *knowyourpower.net* website, and a print advertisement campaign were ruled to be illegal, and *Know Your Power* became defunct.

Some fleeting references were also made to possible Chesapeake political activity at the national level. Chesapeake was apparently associated with a 502(c)(4) lobbying organization in the state of Delaware, the Clean Skies Coalition, which employed a lobbyist in its behalf. The Clean Skies Coalition was the apparent forerunner of the American Clean Skies Foundation, officially recognized as a public charity by the IRS in November, 2007, with headquarters located in Washington D.C. While the exact nature of Chesapeake's involvement in either the Clean Skies Coalition or the American Clean Skies Foundation is beyond the scope of this research, it is nevertheless interesting that Oklahoma newspapers reported the resignation of Oklahoma Corporation Commissioner, Denise Bode, from the OCC shortly before hearings were to commence on the Red Rock case. Bode left the OCC to become the CEO of the American Clean Skies Foundation, from where she stated that the purpose of the Foundation was to promote natural gas by providing "as much information as possible...to be a kind of *Heritage Foundation* for the energy and the environment" (Cappiello 2008). This Foundation launched a website, *cleanskies.org*, in 2007 and began broadcasting Clean Skies.tv in 2008. The five members of the Foundation's original Board of Directors represented four corporations, three of which are headquartered in Oklahoma. One corporation, Chesapeake Energy, supplied two of the five directors, namely, Aubrey McClendon and Tom Price, Jr., names which had become very familiar in Oklahoma in relation to the Red Rock case.

This chapter showed that the Red Rock case did not emerge suddenly, but was deeply rooted in global geo-political issues, national energy policies, domestic sources of primary fuels, and local energy demands. Before the OPEC Oil Embargo (1974), petroleum was the primary fuel of choice for electric generation, with some areas in the

nation, particularly Oklahoma, becoming heavily reliant on natural gas. The FUD (1978) restricted the use of both petroleum and natural gas as a primary fuels for electricity generation, however, and domestic coal became the primary fuel of choice for baseload electric generation, with natural gas becoming a source for temporary peaking needs.

A political-economic push to deregulate the electric public utility gained momentum in the 1990's, and Oklahoma legislation changed to reflect the trend. Independent power producers, who built smaller, lower-cost co-generation facilities, proliferated. In Oklahoma, corporate interests seeking to expand markets challenged the regulatory structure, attempting to convince Commissioners to require utilities to purchase electricity from co-generating interests. The 2000's saw great fluctuations in the price of natural gas, and the electricity purchased by public utilities through contracts and on the spot market to meet peaking demands caused heavy rate increases for end-users, especially residential users. It was into this general political-economic environment that the Red Rock case emerged.

The OCC is given authority by Title 9 of the Oklahoma Constitution and Title 17 of the Oklahoma Statutes. Applications filed by public utilities with the OCC follow a specific course through the regulatory process, summarized in Figure 1 on page 55. Entities who consider themselves to be potentially adversely impacted by a final OCC order supporting a public utility's application may file an Motion to Intervene with the OCC-PUD. The Red Rock case was the consolidation of three applications filed between December, 2005, and January, 2007, by two Oklahoma public utilities. PSO filed the first two applications, which became known as the peaking and baseload cases, and OG&E filed the final application requesting pre-approval to construct the Red Rock

facility and authorizing a recovery rider of financing costs. There were a large number of interveners in the Red Rock case. The applicants, causes, and interveners in the Red Rock case are summarized in Table 3 on page 58.

Chesapeake Energy Corporation did not formally intervene in the Red Rock case. Nevertheless, newspaper coverage of the Red Rock case frequently mentioned Chesapeake, as well as its owner and CEO, Aubrey McClendon, and its Senior Vice-President of Corporation Development, Tom Price, Jr. in relation to the case. In the next chapter, I clarify Chesapeake's relation to the Red Rock case and answer the first research question: "What corporate communication strategies did Chesapeake use to control information concerning the Red Rock debate?"

CHAPTER V

NATURAL GAS IS ON THE RIGHT SIDE OF HISTORY! STAND WITH CHESAPEAKE AGAINST COAL¹²

In risk society, the careful control of information concerning the risks and harms caused by advanced technologies is critical in directing and perpetuating economic expansion (Cable, Shriver, and Mix 2008). Competing private interests are aware that the content of their communications to publics concerning hazards and risks contribute to public perceptions of risk and harm. The content of communications becomes part of the stores of information upon which individuals draw when making decisions concerning risk and the threat of harm. As media technologies expand, so, too, does the use of media technologies by state, civil society, and corporate actors, as communication pathways expand to provide risk definitions to publics seeking alternative information sources (Jones 2004). This chapter identifies the communication strategies used by Chesapeake to control information concerning risk in the Red Rock debate.

In order to identify Chesapeake's corporate communication strategies related to the Red Rock case, I first clarified Chesapeake's relationship to the formal OCC proceedings

¹² Adapted from Aubrey McClendon's public comments at the OCC public hearings [Public Comments, pp. 148 – 151].

regarding the Red Rock facility. To do this, I compared each mention of Chesapeake, Aubrey McClendon, Tom Price, Jr, and *Know Your Power* reported in the *TW* and *DO* with the OCC data. This led to the identification of a relationship between Chesapeake Energy Corporation and the Quality of Service Coalition (QSC), an intervener and recognized party of interest in all three of the causes that were consolidated into the Red Rock case. This led to the identification of four corporate communication strategies used by Chesapeake in communicating both directly and indirectly with the state. I then analyzed the OCC data, including the OSSC data subsumed under the OCC documents, to identify themes in the data. General themes which pertained to all entities emerged. However, three themes emerged which were specific to only the QSC and Chesapeake. I then analyzed key documents for the presence of formal arguments, identifying premises and conclusions.

To understand how the OCC data related to statements attributed to Chesapeake in the newspaper data, as well as to the *Know Your Power* issue advocacy advertising campaign, I then compared the formal arguments in the OCC data to the more informal claims reported in the newspaper data and in the issue advocacy campaign. I identified two corporate communication strategies used by Chesapeake in communicating with lay publics in civil society.

In this chapter, I first explain the relationship between Chesapeake Energy Corporation and the Quality of Service Coalition (QSC). I then identify and explain the six corporate communication strategies used by Chesapeake in the Red Rock case. I end the chapter by relating these corporate communication strategies to risk society.

The Unincorporated Association: Representation without Member Documentation

In newspaper coverage of Red Rock, the names of Chesapeake Energy Corporation, its owner and CEO, Aubrey McClendon, and its Senior Vice-President of Corporation Development, Tom Price, Jr., were mentioned in relation to the Red Rock case. Analysis of the OCC documents revealed that Chesapeake, in behalf of itself, did not file a Motion to Intervene in the Red Rock case, being represented instead by the Tulsa-based Quality of Service Coalition (QSC). The QSC was represented formally before the OCC and the OSSC by its attorney of record, Lee Paden. In the QSC's Motion to Intervene, the organization self-identified as an unincorporated association whose members, having valid franchises with PSO, had a direct interest in the OCC proceedings. To support QSC's claim of direct interest, the motion asserted that, as "customers of PSO", members' rates, charges, tariffs, and terms and conditions of service might be affected by the outcome of the proceedings and, therefore, its participation in the hearings was necessary. The QSC, with no objections from principle applicants or other interveners, was granted intervener status as a party of interest by the OCC.

Due to the nature of the relief sought by QSC within its Motion to Intervene, QSC was granted full participation in discovery, the filing and presenting of testimony, cross-examination of witnesses, participation in all formal and informal conferences and hearings, and the filing of briefs and any other pleadings "to the extent the association deemed it necessary to protect its interests". Unfortunately, due to the legally informal nature of an unincorporated association, which has no legal requirement to formally file a

list of members with any agency, the actual members of the QSC are not identifiable¹³. However, Chesapeake was identified in newspaper accounts and within a number of formal documents in the OCC data as the most active member of the Coalition.

The common law purpose of an unincorporated association is to actively and adequately represent the particular interests and concerns of its members before external entities. Those members who feel their interests are not adequately represented by the unincorporated association are under no obligation to remain members. Based on common law, therefore, the QSC was responsible for actively and adequately representing the interests of its members, including its most active member, Chesapeake, before the OCC.

As an intervener and recognized party of interest in the Red Rock case, the QSC, and by association, Chesapeake, entered the following major formal motions, pleas, briefs, and appeals into the OCC record:

1. Motion for Amendment of PSO Testimony (May 19, 2006)
2. Bench Memorandum [on Rule-Making Questions of Pre-Approval] (March 13, 2007)
3. Statement of Position (May 21, 2007)
4. Motion to Suspend Procedural Schedule and Stay Proceeding (June 11, 2007)
5. Proposed Exhibit List (June 27, 2007)
6. Brief Requested by the Administrative Law Judge Concerning the Issuance of a Request for Proposal Under the Oklahoma Corporation Commission's Competitive Bidding Rules, OAC 165:35:34 (August 13, 2007)

¹³ The *Tulsa World* (2007) reports that the Quality of Service Coalition is "a consortium of Oklahoma businesses, municipalities and homebuilders" (Womack 2007a).

7. Brief Requested by the Administrative Law Judge Concerning the Existing Authority of a Utility to Engage in Hedging (Gas/Coal). Whether Changes Would need to be made to Commission Rules and/or Oklahoma Statutes to Authorize and/or Encourage Hedging and the Potential Regulatory Pitfalls of Hedging (August 13, 2007)
8. Quality of Service Coalition's Proposed Findings of Fact and Conclusions of Law for Inclusion in the Report of the Administrative Law Judge (Proposed Report of the Administrative Law Judge) (August 13, 2007)
9. Appeal to the Report of the Administrative Law Judge (August 28, 2007)

The first corporate communication strategy I identified, therefore, is indirect corporate participation of a corporate entity/person in a rule-making body of the state, here a regulatory body, through an unincorporated association of similar interests.

Enhancing Social Responsibility: Corporate 'Experts' as Concerned Citizens

Both the *TW* and the *DO* reported that Aubrey McClendon verbally opposed the Red Rock facility during public hearings on the Merits of the Case. Examination of OCC documents confirmed that, during the Hearing on the Merits on the Red Rock case which began on July 2, 2007, continued on July 9, and concluded on July 31, 2007 [exact dates: July 9 – 11, 16 – 20; 23 – 26, 30 and 31], and which was opened daily to public comments by the ALJ, Aubrey McClendon, owner and CEO of Chesapeake, verbally contested the Red Rock case on July 30, 2007. Following common law practice, those members of the lay public who verbally address the ALJ read their comments from written statements, which are then submitted into the public record of the case. McClendon's public comments included a four-page letter with four newspaper article

attachments¹⁴. In the public comment, McClendon clarified his (and Chesapeake's) opposition to the Red Rock facility, as well as opposition to new legislation (Title 17 O.S. §286). The analysis of the manifest and latent content of McClendon's public comment is consistent with the summary content of documents formally submitted by the QSC to the OCC. Because the QSC's documents will be considered in greater detail later, McClendon's comments will not be specifically addressed here. Thus, the second corporate communication strategy is direct corporate participation, through a corporate 'expert' acting as a member of civil society, in a rule-making body of the state, here a regulatory body, during a public hearing.

Additionally, according to both the *TW* and the *DO*, Aubrey McClendon sent letters to Oklahoma legislators urging opposition to the Red Rock project. These letters, while being included as a strategy used to oppose the Red Rock facility, are unavailable in the public domain and, therefore, cannot be included in the content and discourse analysis. The third corporate communication strategy I identified is, therefore, direct representation of interests before state legislators through the circulation of letters to legislators by a corporate expert acting as a member of civil society.

Double Representation: The Corporation and its Unincorporated Association

Both the *TW* and the *DO* reported that Chesapeake and the QSC petitioned the Oklahoma State Supreme Court (OSSC) in order to halt the Red Rock proceedings. An inspection

¹⁴ One article is entitled, "Redbud officials question need for Red Rock Plant" (Francis-Smith. July 13, 2007. Vol. 112(136), *The Journal Record*). The second is, "Inside Messy Reality of Cutting CO2 Output: A Power Giant, Waiting for Congress to Act, Takes Some Baby Steps" (Smith. July 12, 2007. *The Wall Street Journal*). The third article is: "Costs Surge for Building Power Plants" (Wald. July 10, 2007. *The New York Times Late Edition*). The final article is: "Coal's Doubters Block New Wave of Power Plants" (Smith. July 25, 2007. *The Wall Street Journal*).

of the OCC data, under which OSSC documents were subsumed, confirmed that Chesapeake, as first petitioner, and the QSC, as second petitioner, filed an Application to Assume Original Jurisdiction and Petition for Writ of Prohibition on June 8, 2007, with the Oklahoma State Supreme Court (OCC as respondent). In Oklahoma, the extraordinary Writ of Prohibition is a common law writ not specifically mentioned within the Oklahoma Statutes (1953 OK CR 72, 97 Okl. Cr. 41, 257 P.2d 849 *State Ex Rel. v. Lackey*), although a definition of a Writ of Prohibition is provided in rules of the Oklahoma Court of Criminal Appeals (OCCA) (OCCA Rule 10.6). According to common law, a filing for an extraordinary Writ of Prohibition must, at minimum, include a petition and a brief which sets forth the arguments and authorities for the assertions of the petition. Additionally, the petitioner has the burden of establishing: “(1) a court, officer or person has or is about to exercise judicial or quasi-judicial power, (2) the exercise of said power is unauthorized by law, and (3) the exercise of said power will result in injury for which there is no other adequate remedy” (Eschols: n.d., p. 7). If granted, the Writ of Prohibition results in an order, called an Order of Mandamus, that directs the court, officer or person to cease the exercise of power; in this case, the OCC would be required to immediately stop proceedings. Related to, and in conjunction with, the actions taken by Chesapeake and the QSC at the OSSC, the QSC filed a Motion to Suspend Procedural Schedule with the OCC on June 11, 2007 (Point 4 on page 65). Chesapeake’s and the QSC’s application and petition were denied without comment by the OSSC on August 7, 2007. The fourth corporate communication strategy I identified is, therefore, direct corporate representation, strengthened by a joint filing with an

unincorporated association representing the corporation's interests before another agency of the state in a related matter, at the highest level state court.

The Corporate 'Expert': Building Bridges between the State and the Public Sphere

Aubrey McClendon was featured, alongside Stuart Solomon of OG&E, in an op-ed article published in the *TW* on August 26, 2007 (McClendon 2007). Both McClendon's and Solomon's positions on the Red Rock facility were published under the heading, "Point / Counterpoint." McClendon's letter was written in a numbered format presenting five reasons to oppose the Red Rock facility. These reasons include:

- 1. It's a bad deal for rate payers.** OG&E's president has suggested that construction costs for the coal plant were too risky for company shareholders to shoulder, but it would be fine for Oklahoma residential and business ratepayers to front the complete cost....
- 2. Oklahoma doesn't need it.** We have more than enough excess capacity in Oklahoma to meet the projected future need for power. State-of-the-art, combined-cycle natural gas plants...
- 3. The environmental burden is too heavy...**Tulsa experienced several ozone alerts this month...Proximity to Red Rock could mean Tulsa bears the brunt of the pollution...with major negative economic and public health consequences...
- 4. Coal is cheap—not!** Power generated by the Red Rock coal plant will certainly cost ratepayers more than expected in the future as a bipartisan bill will likely soon pass in Congress to cap or tax carbon emissions...How much ratepayers will pay is not known....
- 5. "Ultra super critical" technology is unproven...**This technology, still unproven in the U.S., makes dirty coal only 10 percent cleaner. That's like getting a dirty shirt from the cleaners with only 10 percent of it cleaned. It is not clean. Oklahoma ratepayers should not be the guinea pigs for this new technology. [McClendon 2007]

These reasons are all contained prominently within the print advertisements of the KYP issue advocacy campaign. As found in the print arm of the KYP issue advocacy

campaign, McClendon calls natural gas a fuel of the 21st century, presenting the only choice for the OCC concerning Red Rock as “no”.

Unlike the print and web arms of the KYP issue advocacy campaign, however, McClendon’s (2007) letter does mention unconventional drilling techniques, stating, “new drilling technologies...make it possible to find gas at depths and in formations unimaginable a few years ago.” There are only positive results attributed to new drilling technologies, namely, “clean, abundant, reliable and affordable” (McClendon 2007) natural gas (See Charman 2010 for a discussion of environmental effects of horizontal drilling, or ‘fracking’). The fifth corporate communication strategy identified in the data is, therefore, direct representation of corporate interests before lay publics in civil society through the publication in print mass media of a statement from a corporate ‘expert’ defining risk.

Educating Civil Society: Chesapeake Exercises Rights to Protected Political Speech

The most publicly prominent effort by Chesapeake in the Red Rock case was an issue advocacy advertising campaign which included television and radio spots, print advertisements in area newspapers, and a website. Because television and radio advertisements were no longer available in the public domain, only the print advertisements appearing in area newspapers and website materials were analyzed. The newspaper portion of the issue advocacy campaign began as a three-page (consecutively running) spread on Sunday, July 29, 2007, in the *DO*, two days before the final public hearing before the ALJ and one day before Aubrey McClendon’s oral reading of his public comments at the hearings. The same advertisement ran in the *SNP* on Sunday,

August 5, 2007, one week after the first publication and five days after the hearings on the merits concluded. This inaugural advertisement was the only print advertisement in the KYP print campaign to feature the Chesapeake brand logo and name, as well as the only advertisement which featured both the Chesapeake and the *Know Your Power* (KYP) logo. With this launching of KYP, Chesapeake announced the web portion of its issue advocacy campaign. The print advertisement promised:

In the coming weeks, each question [concerning the Red Rock coal plant] will be the focus of a thoroughly researched and balanced presentation of the facts. We'll also make it easy for your voice to be heard. Very soon, you'll be able to email your legislators, mayor, city council members and others with your opinion, urging action at [logo *knowyourpower.net*].

The next print advertisements of the KYP issue advocacy print campaign did not appear until Sunday, September 2, 2007, however, with the final advertisement, a social responsibility ad, running on or around September 18, 2007. In total, four distinct issue advocacy advertisements were created for the campaign. All advertisements across papers on any given day were not identical; further, not all papers carried all four core advertisements. Consistent across all four advertisements, however, was the lack of the Chesapeake name or logo, as well as the prominent display of the *Know Your Power.net* logo. Also consistent across these issue advocacy advertisements—and located at the very bottom of the page, directly under the centered *Know Your Power* logo—was the statement, “A Statewide Coalition of Concerned Doctors, Health Organizations, Educators, Citizens, Businesses and Students”. For a summary of the advertisements, see Table 4 on page 72. The final corporate communication strategy identified in the

TABLE 4.

SUMMARY OF CHESAPEAKE’S PRINT ADVERTISEMENTS in the *KNOW YOUR POWER* CAMPAIGN

TOPIC	VENUE	SIZE	DATE	SPONSOR	PHOTOGRAPH					
					Number	Represents : Knowledge within			Represents: Threat/Harm to	Represents: Benefit to
						Government	Business Professional	SMO	Lay Public (Civil Society)	Lay Public (Education)
Introduction <i>KYP</i>	DO	3 full pages	7/29/2007	Chesapeake	-	-	-	-	-	
	SNP	3 full pages	8/05/2007							
Cost Risks	DO	1 full page	9/01/2007 9/02/2007 9/04/2007	KYP	1	State Treasurer	-	-	-	
	TW	1 full page	9/05/2007 9/09/2007							
Health Risks <i>Asthmatic children</i>	SNP	1 full page	9/02/2007	KYP	2	-	Medical Doctor	-	Child with Inhaler*	-
Health Risks <i>Particulate matter</i>	DO	1 full page	9/09/2007	KYP	2	-	Medical Doctor	Am. Lung Assoc.	-	-
	TW	1 full page	9/09/2007							
Conclusion <i>Red Rock is Wrong</i>	SNP	1 full page	9/07/2007 9/08/2007	KYP	1	-	-	-	Dense Smoke from Smokestacks**	-
Social Responsibility	DO	½ page	9/09/2007	Chesapeake	1	-	-	-	-	Minority Female Child at Desk
	TW	½ page	9/18/2007							

* This particular photograph is also found on the KYP website, ‘Rising Pollution’ .

** This particular photograph is also found on the KYP website, ‘Background’.

data is, therefore, the implementation of a multi-media issue advocacy advertising campaign which promised to educate and inform the public concerning the residual risks and future threats of harm related to coal-fired electric generation. A thorough reading of newspaper material and official state documents reveals that communications with which Chesapeake was either indirectly or directly involved concerning the Red Rock case included at a minimum: (1) formal representation before the OCC by the Quality of Service Coalition (QSC) in the three combined causes known as the Red Rock case, (2) the direct (and joint) filing of an Application to Assume Original Jurisdiction and a Petition for Writ of Prohibition with the Oklahoma State Supreme Court, (3) oral and written opposition to the Red Rock proposal during public hearings at the OCC, (4) letters to state legislators urging opposition to the Red Rock power plant, (5) an op-ed letter (McClendon 2007) in at least one newspaper with large circulation, and (6) the use of an issue advocacy media campaign across diverse media, including television and radio spots, newspapers, and the Internet.

Beck's framework of the risk society states that, in risk society, the logic of the accumulation of capital is overlaid with the logic of the distribution of risk and harm. Corporations seeking to create, maintain, or expand their markets in pursuit of wealth are directly connected, in varying degrees, to advanced technologies, the implementation of which differentially expose human populations to ecological risk and harm. Fear of harm can create opposition to corporate practices. Corporations must, therefore, carefully manage scientific knowledge which causally connects technologies to risk and harm if corporations are to foster externalized social environments conducive to corporate goals and practices. As information technologies expand, so too must corporations expand

their utilization of media technologies if they are to broaden their control of information concerning risk and harm. Beyond the use of more traditional forms of communication traditionally found within communications with the state (face-to-face verbal communication and highly formalized written texts) and lay publics (op-eds in newspapers and statements to reporters), Chesapeake also implemented an issue advocacy advertising campaign which utilized newspaper print and web formats, television and radio advertisements, and the Internet.

Habermas' conceptualization of the public sphere, an ideal communicative space for the formation of deliberated public opinion which mediates between formal institutions of the state and civil society, indicates that corporate communicators must, when constructing risk definitions, tailor communications to meet the expectations of the state as well as the expectations of civil society. The purpose of these tailored communications is to manage social constructions of risk and harm relevant to the accumulation of wealth. Chesapeake's involvement in the Red Rock case can, therefore, be divided into communications managing risk and harm within formal institutions of the state and communications managing risk and harm within lay publics in civil society. Of the strategies identified, four involved strategic communications with the state, including: (1) formal yet indirect involvement through the QSC at the regulatory agency overseeing public utilities, (2) informal yet direct public comments at a public hearing at the OCC (comments subsequently entered into the permanent record), (3) formal direct involvement with the judiciary, here, the highest court of original jurisdiction over civil matters in Oklahoma, and (4) informal engagement of legislators through, at a minimum, letters written to make clear Chesapeake's stance regarding Red Rock. The final two

strategies were directed at the lay public in the form of: (1) a multi-media issue advocacy campaign, and (2) an article written by Aubrey McClendon for the press which was published in the *TW*, the newspaper with largest circulation in the state of Oklahoma. Table 5 on page 76 provides a summary of these communications and their target audiences. An overview of how these strategies related to each other across time is provided in Figure 2 on page 77.

Because the complex technologies upon which risk societies depend do not offer clear choices between risks but rather choices which are either more or less risky, expert knowledge is vulnerable to manipulation by communicators. The content of communications that are directly constructed by a communicator are under the control of the communicator, and the information concerning risk and harm crafted within these communications serve the express interests of that communicator. Chesapeake, as a corporate communicator, had direct control over a majority, but not all, communications associated with the corporation in the Red Rock case. Communications over which Chesapeake had complete control over information concerning risk and harm include the content of the KYP issue advocacy campaign, the article published in the *TW* authored by Aubrey McClendon, the letters written by Aubrey McClendon to Oklahoma legislators, and the oral comments made by Aubrey McClendon during the OCC public hearings, comments which were subsequently entered into the OCC record. Additionally, direct communications are necessary (yet in this case undocumented) if an interest wishes to be adequately represented within an unincorporated coalition, and such direct communication undoubtedly occurred between Chesapeake and the QSC.

Table 5.

Summary of Chesapeake’s Corporate Communication Strategies in the Red Rock Case

Communicator	Target Audience is the State			Target Audiences are Lay Publics within Civil Society			
	<i>Legislative</i>	<i>Regulatory</i>	<i>Judicial</i>	<i>Consumers of Print Media</i>	<i>Consumers of Web Media</i>	<i>Consumers of TV Media</i>	<i>Consumers of Radio Media</i>
QSC Party of Record	-	OCC	-	-	-	-	-
Aubrey McClendon, Owner/CEO of Chesapeake	-	Public Comments at OCC	-	-	-	-	-
Aubrey McClendon, Owner/CEO of Chesapeake	Letters of Position*	-	-	-	-	-	-
Chesapeake and QSC Application Petition	-	-	Oklahoma Supreme Court	-	-	-	-
Aubrey McClendon, Owner/CEO of Chesapeake	-	-	-	Op-ed in <i>TW</i>	-	-	-
Chesapeake	-	-	-	<i>Know Your Power Print Arm</i>	<i>Know Your Power Web Arm</i>	<i>Know Your Power TV Arm**</i>	<i>Know Your Power Radio Arm***</i>

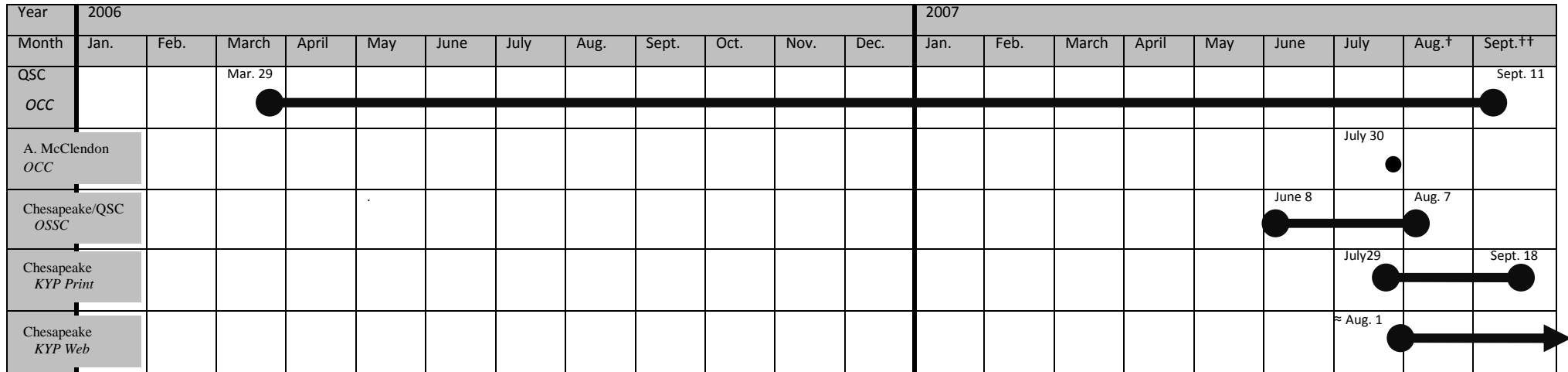
* Content unavailable; not included in content or discourse analysis.

** Content unavailable; not included in content or discourse analysis.

*** Content unavailable; not included in content or discourse analysis.

FIGURE 2.

Temporal Overview of Chesapeake’s Corporate Communication Strategies in the Red Rock Case



† Public Hearing on the Merits of the Case heard before the ALJ began on July 2, 2007, and ended on July 31, 2007.

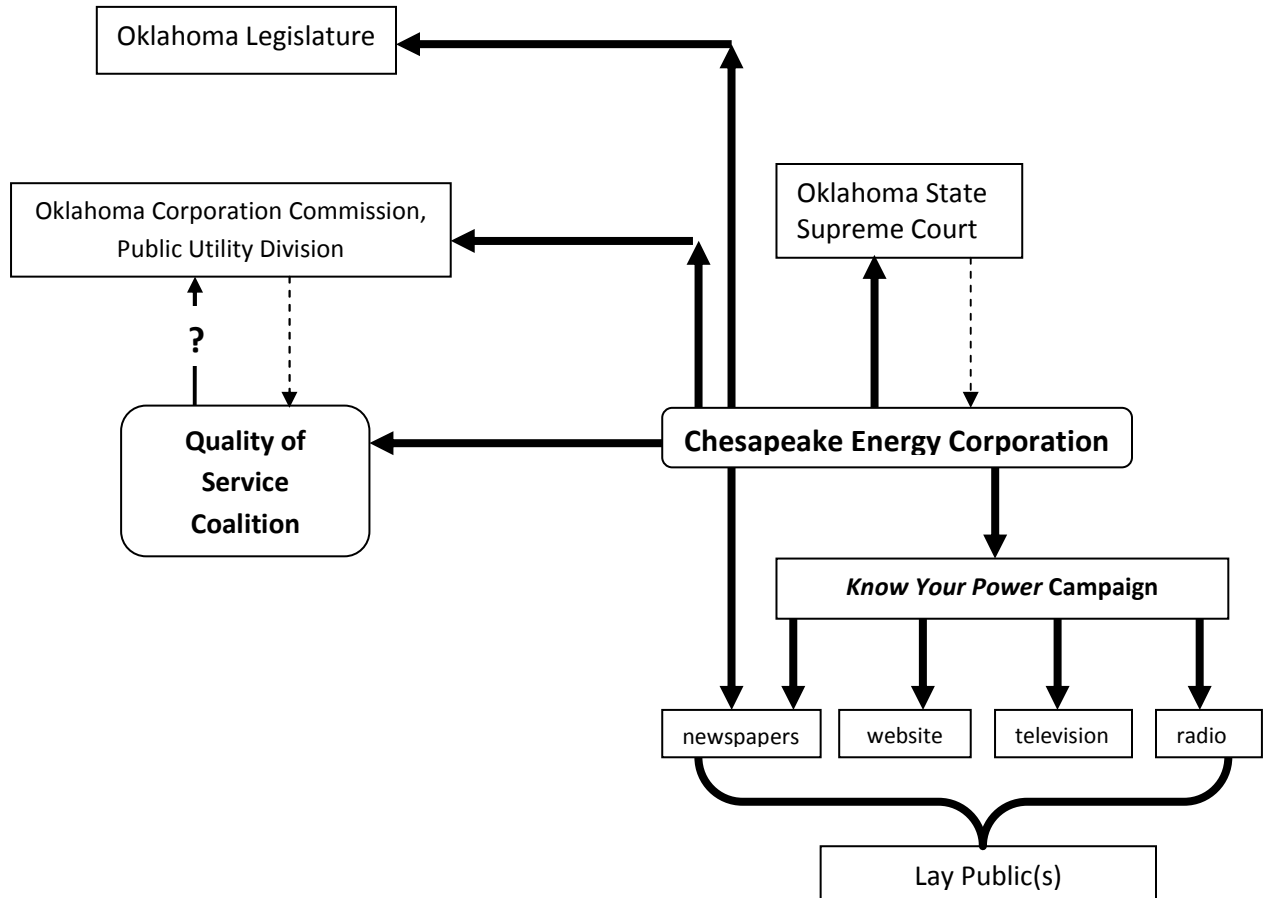
†† The ALJ issued Findings of Fact and Recommendations on August 21, 2007. The OCC held public deliberations on or around Sept. 11, 2007 and issued its Final Order to all applicants and interveners on or around Oct. 11, 2007.

NOTE: Due to the unavailability of McClendon’s letters to state legislators, they are not included in this overview.

The earlier assumption (which was based on common law understandings of the purpose of the unincorporated association) that Chesapeake was actively and adequately represented before the OCC is strengthened through the joint filing before the OSSC. The link between Chesapeake and the QSC establishes, at the very least, Chesapeake's indirect control over the content of communications passing from the QSC to the OCC. Direct and indirect control over communications, when combined with the audiences targeted by these communications, provides an overview of communication pathways between Chesapeake and key audiences external to the corporation, audiences who can, in varying degrees, either act to constrain or expand potential markets. These communications pathways, with relative levels of control, are presented in Figure 3 on page 79.

This chapter answered the first research question, "What corporate communication strategies did Chesapeake use to control information concerning the Red Rock debate?" Data analysis revealed six communication strategies, four of which addressed various audiences within the state and two which addressed lay audiences in civil society. Chesapeake had direct control over the information presented in five of the six communication strategies. In three of the communication strategies, communications issue from Chesapeake as a corporate 'person'; one of these communication strategies was Chesapeake exercising rights to protected political speech. Table 6 on page 80 provides a final summary of these findings. In the next chapter, I identify and describe how Chesapeake constructed risk definitions, as well as how these risk definitions shaped the coal versus natural gas debate in the Red Rock case.

Figure 3. Chesapeake's Pathways of Communication in the Red Rock Case



1. Solid arrows represent communications over which Chesapeake has complete control over content.
2. Dashed arrows represent communications over which Chesapeake has limited to no control.
3. The amount of control over communications between the Quality of Service Coalition and the Oklahoma Corporation Commission is unknown; the QSC is an unincorporated coalition for which an official list of members is unavailable.

Table 6. Comparing Corporate ‘Speakers’ in Chesapeake’s Corporate Communications in the Red Rock Case

Corporate Communications Directed at the State	Corporate Communications Directed at Lay Publics in Civil Society
Communications from the Corporate ‘Person’	Communications from the Corporate ‘Person’
<p>* <u>Formalized and indirect representation</u> of corporate interests before the OCC through the QSC</p> <p>* <u>Formalized, direct, and joint representation</u> of corporate interests before the OSSC</p>	<p>* <u>Direct representation</u> of corporate interests through the exercise of political speech in a multi-model issue advocacy advertising campaign</p>
Communications from an ‘Expert’ Corporate Person Acting as a Member of Civil Society	Communications from an ‘Expert’ Corporate Person Acting as a Member of Civil Society
<p>* <u>Direct oral and written representation</u> through public comments before the OCC</p> <p>* <u>Direct written representation</u> through letters to state legislators</p>	<p>* <u>Direct written representation</u> of interests through an op-ed in the <i>Tulsa World</i></p>

CHAPTER VI

DEFINING RISK IN THE RED ROCK CASE

Within the framework of risk society, electric generation, a complex technology, is a site of conflict over definitions of residual risks and future threats of harms. In light of Habermas' (2006) conceptualization of the public sphere in advanced liberal constitutional democracies, any definition of risk requires that information be conveyed along communication pathways ultimately linking target audiences within formal institutions of the state and lay audiences in civil society. In constructing risk for target audiences, language is of primary importance. Elements of language can be arranged to form claims and construct formal and rhetorical arguments in such ways that meet the basic expectations of language use held by targeted audiences (Krippendorff 2004) while simultaneously supporting a communicator's goals for capital accumulation.

In risk society, while specific technologies and associated risks will vary dependent upon immediate context, the underlying assumptions governing the use of symbols, including language, will conform to hegemonic logics of social organization (Gee 2011a/2011b; Krippendorff 2004; Richardson 2007). In risk society, Beck specifically states that, due to the system dependence on technology, the logic of modernity legitimizing the

distribution of wealth is overlaid by the logic of late modernity legitimizing the distribution of risk and harm; both logics must, therefore, be active in order to increase capital accumulation. Risk society must necessarily function according to complex interactions between two logics, those of wealth distribution and risk distribution, and all definitions of risk must recognize and negotiate the logics of both. Which logic serves as the primary logic in any communication can be expected to vary dependent upon the goals of the communicator and the targeted audience. Regardless of the weight given to either logic within a specific communication, it is assumed that the intent of corporate communications is to create a general acceptance of corporate practices within the targeted audience.

In this chapter, I address the second research question, “How did Chesapeake Energy construct risk and shape the coal versus natural gas debate”? In the first section of the chapter, I explain how risk was defined in the Red Rock OCC proceedings. I then focus on risk as defined by the QSC and Chesapeake. In the third section of the chapter, I turn to Chesapeake’s definitions of risk in the KYP issue advocacy campaign, and connect risk definitions before the state to risk definitions targeting civil society. I conclude the chapter by considering how Chesapeake’s risk definitions before the state and civil society shaped the parameters of the Red Rock debate.

Risk and the Logic of Capital

In order to determine how Chesapeake defined risk and shaped the coal versus natural gas debate in the Red Rock case, it is prudent to begin inquiry at the point where the Red Rock case originated, namely in formal communications with the state, specifically the

OCC. I undertook a critical discourse analysis of the texts—and ensuing documents targeting the OSSC—noting the structuring of language used, the claims and arguments offered, and the relative importance given claims supporting capital accumulation and claims concerning ecological risks and threat of harms. The available texts associated with the KYP campaign, which emerged toward the end of OCC proceedings concerning the Red Rock proposal, were treated in an identical manner. This allowed comparisons of language use, forms of argumentation, and the relative importance of the logics of capital and risk across communications developed for different target audiences. This analysis allowed me to draw conclusions concerning how Chesapeake constructed risk and shaped the coal versus natural gas debate in the Red Rock case.

Due to the formalized nature of proceedings within institutions of the state and written rules governing communications with the state, applications, motions, and other written forms of communication followed standardized formats and relied heavily on the presentation of prior cases and decisions made in previous regulatory and judicial proceedings. The complex nature of the electric generation technologies considered required highly specialized knowledges which were filed as direct, supplemental, and rebuttal testimonies by expert witnesses in the case, generating hundreds of pages of text.

Consistent with tradition guiding truth-finding in US civil proceedings, proceedings took place in a courtroom before an Administrative Law Judge, experts for applicants formally filed direct testimony regarding their statistical modeling, analyses, and findings, direct testimony was subject to discovery and cross examination, surrebuttals filed, and supplemental testimony provided. These exchanges and procedural requirements followed OCC procedural rules, and questions of fact and law were decided by an

Administrative Law Judge. Because of the adversarial nature of U.S. court proceedings in general (and the dramatization of criminal proceedings in particular), newspaper coverage of the proceedings tended to be presented as competitions between two adversaries, which were quickly reduced to ‘big coal’ versus ‘big natural gas’ in the *DO* and *TW*. The actual content of the testimonies before the OCC, and the filed documents before the OSSC, however, reveal a more complex presentation of positions than the polarization of ‘coal vs. natural gas’ conveys.

The primary purposes of the Public Utility Division of the OCC in regulating the public electric utility is to regulate the rates charged for electricity consumed by end-users, to oversee the cost of fuel acquisitions, and to watch over the transmission and distribution infrastructure of public electric generation facilities—concerns informed by the logic of capital distribution. It is relatively unsurprising, therefore, that the two emergent and organizing categories found in the OCC data were those of ‘need’ and ‘cost’. Given that communication in risk society must negotiate between two logics, the logic of capital and the logic of risk, it was nevertheless expected that within claims and arguments advanced, the logic of risk distribution would also emerge.

The claims and arguments advanced within the category of ‘need’ heavily favored the logic of capital. More specifically, various parties of interest questioned PSO’s actual concrete need for, in the first case, additional self-build peaking capacity (PUD 200500516) and, in the second case, additional self-build baseload capacity (PUD 200600030). In general, natural gas interests (Energetix, LLC, Redbud, and the QSC) contended that peaking capacity could be met through additional contracting with independent power producers, namely, the abundant natural gas co-generation facilities

which were running far below capacity. If the OCC required PSO to contract with these facilities, according to these interests, natural gas would even solve PSOs perceived need for additional baseload capacity. PSO, however, maintained that its main source for electric generation was already natural gas, and that the volatility of the natural gas market, coupled with the nature of co-generation units which are not designed to run over the long term at full capacity, necessitated a diversity of fuel choice to include coal and wind generation.

Analysis of claims and formal arguments advanced within the category of 'cost' also favor the logic of capital, especially claims and arguments advanced within the original direct and supplemental testimony presented by PSO and OG&E. It is within the claims and arguments advanced against PSO's least cost solution to future peaking and baseload electric generation needs that claims loosely following the logic of risk first surface. The range of topics introduced within arguments against both the peaking and baseload needs of PSO, and the later contract between PSO and OG&E, was expansive and is understood as attempts by various interveners to cast doubt upon PSO and OG&E expert witness testimony. In fact, claims and arguments advanced against PSO and OG&E is the source of much of the environmental claims-making concerning risk and harm which surfaced in the KYP issue advocacy campaign. Because of the complexity of 'cost' before the OCC, this category is considered in greater detail.

PSO's original and supplemental testimony concerning cost followed established requirements concerning the information necessary for the OCC to evaluate the Integrated Resource Plans (IRPs) of major electricity generating facilities. These requirements mandated that the calculation of cost include first and foremost the actual

material construction costs across a variety of available advanced generation technologies. These material construction costs were further required to be qualified by two additional cost considerations, the first being projected primary fuel costs and the second being the hypothesized effects of potential federal regulations of fossil fuel emissions. Thus, the statistical modeling of the least cost option for the choice of electric generation technology was calculated using a statistical model which estimated the projected material costs qualified by the interaction between technology-specific projected primary fuel costs and potential costs related to possible federal regulations controlling fossil fuel emissions. Ultimately, the estimated least-cost option across a variety of coal and natural gas technologies identified self-build natural gas-fired peaking plants and an ultra-supercritical coal-fired baseload electric generation plant as PSO's optimal solution for long term ability to meet expected future electricity demand. These self-build solutions identified in PSO's IRP were subjected to vigorous criticism by parties of interest. At this stage of the OCC proceedings, which was before OG&E filed its application in January, 2007, major counterclaims to the least cost option selected by the statistical modeling focused on the very unknowns that statistical models are intended to mediate and included the rising cost of construction and the unknown cost of any future federal regulations regarding CO₂, NO_x, HG, and SO₂ emissions. However, it was only in regard to the self-build ultra-supercritical coal-fired baseload electric generation plant (Red Rock) that counterclaims drawing upon the logic of risk surfaced, specifically, air quality and public health. These counterclaims originated in particular from natural gas interests and emphasized 'externalized costs' of pollution on air quality and public health. Quite simply, the rhetorical construction of 'externalized costs'

encompassed factors not included in the operationalization of independent variables known to exert considerable influence on capital costs of electric generation facilities. The selection of externalized costs as emphasizing air quality and public health are the calculated choice of communicators and draw upon general sensibilities of ecological risk and harm.

Administrative rules promulgated by the OCC are in response to state level legislation, and rules specify obligations and responsibilities and can constrain action by some while empowering others (Lukes 2005; Richardson 2007). One unique aspect of the Red Rock case was that this case coincided, in part, with rulemaking within the OCC. At the point in time when PSO filed its first application with the OCC in December, 2005, no rules had yet been established by the OCC regarding cost-recovery related to pre-approval. As part of its rule-making duty, the OCC requested in February, 2007, voluntary briefs from applicants and parties of interest in the Red Rock case addressing: (1) why the Commission should, or should not, grant pre-approvals for major utility projects under 17 OS §286, (2) arguments for and against Commission pre-approval and consideration of reasonable alternatives, and (3) the extent to which a pre-approval order by one Commission can or does bind a subsequent Commission (Order No. 535993, February 27, 2007). All parties except the QSC saw benefit in pre-approval for major utility projects, and these responses are well-summarized in the Attorney General's brief as to the intent of the Oklahoma legislature concerning pre-approval:

...a strong argument can be made that the intent of the legislature is clearly expressed in the statutory language at issue and that such language contemplates, at a minimum, the Commission will make a determination upon application as to whether there is a need for "construction or purchase of such generating facility." If such a need is found, the

Commission is then required to determine the extent of that need. To the extent need is found, then that generating facility, or portion thereof as found, must be considered “used and useful” and its costs subject to cost recovery rules promulgated by this Commission.

The Attorney General also addressed the fact that arguments for and against pre-approval of major utility investments “are often made and the strength of those arguments judged based upon the particular interests of the audience”. He points out that public utilities generally “support preapproval because it provides a method by which to manage regulatory uncertainty”, which, in fact, is argued by PSO, among others. He also points out that “commission staffs and consumer groups in some instances support pre-approval as it may bring a greater opportunity for participation in utility planning”, a statement that is generally supported in all briefs except that of the QSC. Finally, the Attorney General states that, “Others may argue that pre-approval of major investments is, in reality, no different than approval of a certificate of convenience and necessity¹⁵, pre-approval of security issuances, or least cost planning processes that typically occurs at most state commissions”, a position largely reflected in Redbud’s brief. Thus, while all parties except QSC and, with some qualification, Redbud, agree that pre-approval reduces regulatory uncertainty, they also tend toward agreement that pre-approval and recovery of construction costs in progress shifts the financing risk from the utility and its shareholders to the ratepayer, and that rules promulgated by the OCC must take this shift of financial risk into account when considering cost recovery. Finally, those parties of interest who had submitted proposals in response to PSO’s RFP emphasized that the public can only be best served when proposals conform to standards of competitive

¹⁵ A certificate of convenience and necessity can be understood as a certificate from a public board or commission required by federal or state statute before engaging in certain public undertakings or services to protect existing franchises against injurious competition.

bidding. Rules regarding competitive bidding practices were not in place at the time PSO issued its RFP and the claim was that the RFP did not allow bidders to receive a fair evaluation of their proposals. (Competitive bidding resurfaced later, together with hedging, after OG&E filed its application with the OCC). Thus, claims and arguments generally rely on the logic of capital, and all reference to risk involves capital risk related to the financing of large scale electric generation facilities, especially capital intensive coal-fired electric generation technologies.

The State and Risk: Regulation and the Threat of Bounded Markets

Chesapeake's interests, as a member of the unincorporated QSC, were actively represented in all filings made by the QSC in the Red Rock case. Among all participants in the case, the QSC, even though submitting briefs regarding competitive bidding and hedging, nevertheless communicated a unique and highly oppositional stance during the entire proceedings, beginning with its Bench Memorandum [on Rule-Making Questions of Pre-Approval] submitted on March 13, 2007, in response to Commission Order No. 535993 [Pre-Approval] (See Point 4 on page 65). According to the QSC, 17 OS §286 was illegal because the legislature had, when passing this legislation, overstepped its constitutional authority. Due to the illegality of the legislation, the OCC would assume quasi-judicial power not granted to it under the Oklahoma Constitution if it engaged in pre-approval of major utility projects. The QSC, instead of addressing 17 OS §286, the concern of the Commissioners, cited instead 1983 legislation, namely 17 OS §157, as the appropriate legislation under which the OCC must operate. Thus, according to the QSC, the OCC could:

...consider the planned generation submitted by an electric utility and also consider other reasonable alternatives that might be available to satisfy the need for additional or replacement power for the future. This statute is also a good example of a statutory authorization to consider reasonable alternatives that might be used to meet the future need for electric generating capacity to serve customers in the future” (Quality of Service Coalition Submission of Memorandum in Response to Oklahoma Corporation Commission Order No. 535992) [emphasis added].

These arguments were repeated by the QSC in its Statement of Position, submitted on May 21, 2007. (See Point 5 on page 65). The intent of this line of argumentation, which directs attention back to the categories of ‘need’ instead of ‘cost’, draws into question the very authority of the OCC in promulgating rules which would provide established procedures for public utilities to undertake capital intensive self-build electric generation projects. Capital intensive self-build electric generation, in turn, posed a threat to co-generation facilities, facilities which, in turn, provide demand for natural gas.

The only other brief submitted by a party of interest that, in principle, bore any similarity to QSC’s oppositional stance was that of Redbud, an independent power producer operating a co-generation facility. Redbud’s brief focuses on deregulation and implies an unholy alliance between the public utility and regulators, stating:

It is important to note that nothing in Section 286 modifies the Commission’s constitutional and statutory authority to regulate electric utilities. Although Oklahoma attempted in the 1990s to modify the utilities’ monopoly hold on customers and allow deregulated service to end users by a host of providers, deregulation was not implemented. Instead, Oklahoma customers continue to be served by one, and only one, provider—the regulated utility. Although today there are a few additional players in the wholesale marketplace, they too have only one market for their product—the regulated utility. These issues are important because they demonstrate that the regulatory compact between the state-sanctioned monopolies and the government has not changed substantially. [Brief of Redbud Energy, LP Pursuant to Order No. 535993, P. 2].

Redbud, instead of addressing when and how the Commission should grant pre-approval, addressed when the Commission should *not* consider granting pre-approval under 17 OS §286, namely: (1) when adequate resources are available to the utility within the regional marketplace to meet the resource needs sought to be met by a new purchase or through new construction, (2) failure of the utility to comply with competitive bidding rules established in OAC 165:35 – 34, (3) failure to demonstrate adequately the need and the timing of the new resource, and (4) the failure of the utility to provide specific and known cost information, hindering appropriate review of the pre-approval request (See page 3 of Redbud’s brief).

The QSC’s stance toward the OCC proceedings is given symbolic force through its joint filings with Chesapeake before the OSSC. The QSC and Chesapeake filed a joint Application to Assume Original Jurisdiction and a Petition for Writ of Prohibition with the OSSC, the court with jurisdiction to hear civil appeals, including appeals of decisions made by the OCC. The decision to file the application and petition is firmly rooted in the structuring of U.S. government power which, in turn, is firmly rooted in the liberal constitutional democratic tradition grounded in the logic of capital (Habermas 2006).

The Application to Assume Original Jurisdiction was necessary because the Oklahoma Statutes grant jurisdiction to the OSSC to hear appeals of final orders of the OCC, and no final order had yet been granted in the Red Rock case. The common law intent of the extraordinary Writ of Prohibition is to present a way for the state to provide individual citizens protection from injury suffered by unconstitutional abuses of power by actors within the state. Its use by Chesapeake and the QSC is, therefore, a legal means to

further legitimize the concept of the corporate ‘person’ who can, in legal fact, suffer injury at the hands of others.

As previously discussed, petitioners, when filing a common law Writ of Prohibition, must establish how the unauthorized use of power by an official of the state will result in injury to the petitioners for which there is no other adequate remedy other than a Writ of Mandamus delivered by the highest court (Eschols: n.d., p. 7). In constructing this injury, Chesapeake and the QSC argue that the unconstitutional OCC hearings, if resulting in the pre-approval of the Red Rock power plant, will cause Chesapeake and the members of the QSC to suffer, in the following order: (1) pecuniary loss by increased utility rates, (2) adverse environmental effects of a coal fired power plant, and (3) unconstitutional actions of the Commission. The implications of these joint filings are many, but can only become legal fact through a direct ruling on the case within which justice(s) provide a written statement, with citations of established principles from earlier cases as applied to the case under consideration, which can be used to support future litigation before a court. The OSSC denied both the application and the petition without comments (Welsh 2004). Had there been a direct ruling, not only would corporate ‘persons’ be able to claim possible injury due to legislation and rulemaking which restrict ability to pursue capital unhindered, but corporations could claim to suffer residual risk and harm from competitors whose product (here, electricity) is identical but whose technological choices (here, coal-powered vs. natural gas-powered generation facilities) to produce the product can be devalued through particularistic definitions or risk and threat of harm. Thus, while general sensibilities concerning risk and harm are manipulated by the QSC and Chesapeake in constructing injury before the OSSC, their

use of the Writ of Prohibition nevertheless follows the logic of capital. Additionally, in that the granting of the Writ would have provided further legal legitimation for the concept of corporate ‘persons’, the Writ would have functioned to further increase the power of the corporation by protecting it from regulation by the state.

Aubrey McClendon’s public comments at the OCC public hearings¹⁶ serve, in part, as a less formal and more populist expression of the construction of injury before the OSSC. McClendon states, “In addition to the high cost of this proposed plant and its proposed use of risky new technology, we are also deeply concerned about this plant’s impact on Oklahoma’s air quality and on global climate change”. This introduces the tone and content of Chesapeake’s *Know Your Power* issue advocacy advertising campaign.

Risk in *Know Your Power*: State Regulation Causes.....Asthma!

The *Know Your Power* (KYP) issue advocacy advertising campaign targeted a variety of lay publics within civil society and utilized multiple communication technologies. From the content of the print and the Internet arms of KYP—the only KYP data accessible for analysis—the use of language is, as expected, much more informal than the language used in formal communications with the state. Additionally, instead of communicating through formal argumentation as found in the formal communications directed at the OCC, the advertisements used common rhetorical devices and rhetorical forms of ‘argumentation’ intended to elicit strong emotional responses in viewers; rhetorical claims were enhanced with photos and symbols. To fulfill general federal requirements differentiating product advertising and direct advocacy advertising from issue advocacy

¹⁶ The *Tulsa World* reports, “McClendon said his appearance Monday was not an endorsement of the OCC proceedings” (Womack 2007a).

advertising, the KYP issue advocacy campaign made explicit reference to its educational intent. The stated claim of educational intent associated with issue advocacy was vital; the educational intent, if unchallenged by external parties, qualifies as political speech and provides protection from government regulation of corporate communications. Finally, drawing on cultural understandings of democratic practice, KYP used language that resonated with common perceptions of citizens' responsibility to weigh evidence and make decisions concerning issues affecting the general public, enhancing feelings of democratic participation in governance.

Explicit claims to 'illegality' and 'unconstitutionality', claims which formed the conclusions of carefully constructed arguments before the OCC and the OSSC, were completely absent in KYP. Instead, illegality and unconstitutionality of state actions were presented as an unquestionable 'objective' reality, forming the implicit (unstated) assumptions upon which explicit, negatively worded claims were based. The choice of highly charged language intended to elicit strong emotional responses in readers actually discourages, not encourages, the critical consideration of implicit claims. Additionally, the rhetoric used within KYP's print media arm, in particular, drew upon highly politicized concepts with negative connotations such as 'large government', 'non-competitive bidding practices', 'state-sanctioned monopolies', and 'exploitation of consumers' already present within newspaper articles addressing a large range of politicized issues across the sample. Within context, these terms were firmly rooted in economic neo-liberalism and, therefore, follow the logic of capital.

The phrasing of claims in KYP print advocacy advertisements mirrored the use of language by Aubrey McClendon in public comments before the OCC, essentially

expanding corporate concerns regarding rulemaking to more populist perceptions of violations of individual constitutional rights by an authoritarian state. This freedom-restricting state is presented as an objective reality, rather than a possible condition to be weighed by evidence. Through unconstitutional decision making, the powerful state contributes to higher costs for the consumer and the inefficient use of existing resources. This presentation of ‘reality’ is particularly well illustrated in the issue-advocacy advertisement which ran in the *SNP* entitled, “The Top 10 Reasons Red Rock is Wrong for Stillwater” (Friday, September 7, 2007). As an example, point two within the issue advocacy advertisement reads:

The **real reason** OG&E and PSO want to build Red Rock is that Oklahoma’s utilities make more money when they *spend* more (of your money) to build big new coal-fired plants. Our state’s utility regulatory structure means their answer to *any* need for more capacity is **the most expensive upfront solution**. We believe this incentive to *always build big new coal plants* **must be changed** and we’ll work hard at the Oklahoma Corporation Commission to enable our utilities to profit from **buying third party power** from clean-burning natural gas plants [emphasis in original].

The proposed construction of the Red Rock plant is presented here as the necessary and negative outcome of the structuring of regulatory oversight of public utilities and major power providers. Implied is that a deregulated electricity market would result in the choice of purchasing electricity produced by clean-burning natural gas provided by independent power producers. This focus on the government/state, followed by emphasis on the choice of coal and Red Rock, directs attention to legislation and regulatory rule-making and the utilities involved, rather than allowing for a thoughtful consideration of risks associated with the burning of fossil fuels for electric generation. Natural gas is presented at the very end of this particular statement, leaving the reader with the final

focus of ‘clean burning’ natural gas, the ‘natural’ choice of a properly functioning free market economy. Further, members of the KYP coalition, who are publicly unknown but are implied to be a wide range of civil society actors, are presented as a positive force protecting the public good before the OCC. Clearly, in this instance, any concept of risk is focused on the structured interaction between legislation, regulators, and the public utility, an interaction that is presented as necessarily producing the self-interested choice of self-build generation. The fact that coal is the primary fuel of choice in the Red Rock facility is of secondary concern, subordinated under the logic of capital.

Manipulating Expert Knowledge: Hiding the Role of Statistics in Market Predictions

Consistent with the direct and supplemental testimonies provided by expert witnesses for the applicants in the Red Rock case and further dictated by the purpose of the OCC, the categories of cost and need were prominent within the print advertisements of KYP.

Also consistent with the rebuttal testimonies of interveners in the Red Rock case, KYP rhetorical claims placed a marked emphasis on the objectively unknowable future trends of construction costs, primary fuels costs, and potential costs related to possible federal regulations which statistical modeling is meant to address, as well as variables excluded from the consideration of final costs of construction. For example, in the issue advocacy advertisement featuring State Treasurer Scott Meacham, uncertainties surrounding cost and environmental regulation were neatly combined. The text of the advertisement includes the following statement:

As your State Treasurer, I am responsible for the long-term fiscal health of our state. It is also my job to protect Oklahomans from undue risk. I

believe building the proposed coal plant at Red rock would be **imprudent** and **financially irresponsible**, and you deserve to hear why...**UNCERTAIN COSTS TO THE CONSUMER: PLANT CONSTRUCTION... UNCERTAIN COSTS TO THE CONSUMER: POLLUTION** [Three Reasons Why Red Rock is Wrong, *The Daily Oklahoman*, September 4, 2007] [Emphasis in original text].

Thus, the uncertainty of the final cost of the plant, and therefore the uncertainty of rate increases on ratepayers who were already suffering under marked increases in the cost of electricity, was emphasized. Absent from Meacham's statement, however, is that the effects of the higher cost of electricity already felt by ratepayers, an objective condition which could conceivably prime readers to be particularly sensitive to concerns regarding cost, were actually due to the volatility of the price of natural gas on the energy market.

Also drawing upon testimony provided by interveners in the OCC proceedings is KYP's emphasis in print advertisement on the technology selected by the statistical modeling for the self-build coal-fired baseload electric generation facility. Here, cost was connected to the capital risks involved in constructing an ultrasupercritical coal-fired electric generation facility within the U.S, embellished by wording which alluded to the mediation of ecological risk. Thus, reason four in the Stillwater issue advocacy advertisement states, "The plant would use expensive, **unproven, pollution-fighting technology** just to make a feel-good over-promise of "clean coal"...and [the technology] *might not* work at all" (Emphasis in original). Reason six states that the plant "**will burden Oklahomans with significant coal pollution reduction costs. Carbon taxes are coming**—the only question is *how much* extra money coal plants will have to pay for their heavy CO2 emissions" (Emphasis in original). Finally, reason seven states that "**Red Rock's emissions will likely push OKC and Tulsa into non-compliance** with EPA Clean Air standards...and standards are ever-more stringent...it comes with **steep**

penalties and costs (in the billions)...Once you lose clean-air status, it's difficult, if not impossible to get it back" (Emphasis in original). Again, the actual rhetorical emphasis is on cost as financial burden: ultra-supercritical technology is not only unproven, but expensive. Since the technology is unproven, it might fail to reduce harmful emissions. Because of the looming possibility of carbon taxes, a technology which does not reduce emissions from coal will burden Oklahomans with costs of pollution reduction. Higher emissions caused by failed technology and unclean coal will push Oklahoma City and Tulsa into non-compliance with clean air standards, causing even more cost due to steep penalties and emission reduction measures. Thus, the entire line of reasoning essentially becomes a slippery slope rhetorical fallacy which hinges on the decision to utilize ultra-supercritical technology and will increase costs; rhetorical force is strengthened through the exploitation of fears related to residual risks generated by the use of coal as a primary fuel.

Points that are markedly missing in the above advertisement, and which challenge the rhetoric used, include: (1) ultra-supercritical technology is not—and was not at the time—unproven but widely used globally (reason four), (2) carbon taxes would also affect natural gas generation facilities (though, albeit, at potentially lower financial costs) (reason six), (3) there exist other sources of pollution besides coal plant emissions that contribute to the risk of non-compliance with EPA Clean Air standards, and (4) corrective measures to improve air quality in Tulsa and Oklahoma City should arguably

already be implemented, irrespective of the choice of generation technology for meeting future electricity needs¹⁷.

Chesapeake and the QSC, in constructing injury to support their application and petition before the OSSC, clearly intended to stay OCC proceedings and have declared unconstitutional the legislation in 17 OS §286 and subsequent OCC rules, supporting their conclusion by claiming injury due, in part, to the adverse environmental effects of a coal-fired baseload power plant. These adverse environmental effects were dramatized and personalized through the advertisements in the print arm of KYP through rhetoric and the use and placement of photographs. The typical photograph is that of a person either living in the region, or a person who can easily stand as a representation of a ‘typical’ person living in the region. These photographs are prominently displayed, usually in the top one-third of the page. For example, one advertisement features a large photo of Heather Griswold of the American Lung Association of the Central States, Oklahoma City, who reveals that “My husband and I are expecting our first baby”. The accompanying text emphasizes the deleterious effects of particulate matter, stating:

Even short-term exposure (hours to days) is linked to respiratory and cardiovascular disease causing deaths, increased numbers of heart attacks and strokes, more hospitalization and emergency room visits and increased severity of attacks. Year-round exposure intensifies the risk and severity of each health effect [Emphasis in original text].

Another advertisement features the photo of a female child prominently holding an inhaler at face level. The text below this photo states that ““Cheaper” [coal fuel costs]

¹⁷ Interestingly, in this particular advertisement, Chesapeake also offers a subtle critique of the modeling techniques PSO used to evaluate options, though the critique is probably less salient for the lay reader not well versed in the OCC proceedings and the content of expert witness testimonies. Reason eight states, “Only on a narrow, variable commodity cost basis is coal “cheaper” to burn than natural gas...pollution reduction costs are potentially astronomical”.

doesn't cover the harm coal emissions do to public health and consequent medical costs".

Next to the text is a small photo of Robert McCaffree, MD, from the Oklahoma Lung Association (#3 in the Nation for Asthmatic Children, *Stillwater News Press*, September 9, 2007). Thus, while overall the print advertisements subsume environmental concerns under 'cost', 'externalized' cost in the form of medical concerns, especially for non-adults, are dramatized and personalized for the lay public.

At the same time that 'externalized' costs—including the cost of medical complications due to poor air quality—are magnified for coal, these are minimized for natural gas.

Examples from across advertisements include:

"Another question is the idea of burning coal Instead (*sic*) of a clean fuel to meet our state's growing electricity needs. Specifically, Wyoming coal, instead of clean-burning, Oklahoma-produced natural gas".

"Why buy trainloads of Wyoming coal instead of using a clean Oklahoma fuel that is our state's #1 product?"

"We believe clean-burning natural gas is the answer not only to Oklahoma's energy needs, but *America's*—for energy security, economic vitality, cleaner air and better health".

Thus, while natural gas is presented as an unquestionably clean fuel, yet environmental advantages remain secondary to the key claims of the statements, namely economic vitality and energy security, which are clearly economic concerns related to growth and expansion. The logic of capital, therefore, is given the primary emphasis, with word choice intentionally manipulating the logic of risk.

Finally, Chesapeake attributes the decision of PSO and OG&E to construct the Red Rock expansion at OG&E's Sooner Power Plant as serving only the self-interests of the unholy alliance between legislators, regulators, and regulated public utilities. In an effort to

mediate any conclusions made by members of the lay public that Chesapeake's actions and involvement in the Red Rock case was, at the very least, also motivated by self-interest, Chesapeake seeks to delegitimize such a conclusion by implying that PSO and OG&E, due to their narrow scope of operation as electricity providers subjected to market competition, have a negatively biased view of Chesapeake. The amorphous lay public, on the other hand, is implied to have a broader field of vision and a more 'unbiased' perspective from which to draw conclusions concerning Chesapeake's intent. Chesapeake then provides the reader with the desired elements of intent it wishes to cultivate in the lay public. Thus, in Chesapeake's inaugural three-page issue-advocacy advertisement, the reader is greeted with the following statement:

It's likely that OG&E and PSO will see our effort as self-serving, motivated only by the economic gain that added demand for natural gas would bring to Chesapeake and its shareholders. But we hope you'll consider Chesapeake's track record as evidence of our commitment to serving Oklahoma and the nation's best interests. As America's #1 explorer of natural gas, we bring great benefit to our home state—in jobs created, taxes paid and royalties distributed to communities and citizens statewide.

Motivations related to social responsibility are cultivated in the above statement. The image of Chesapeake as a socially responsible corporation is strengthened in the issue advocacy advertisement featuring State Treasurer, Scott Meacham:

OKLAHOMA FUEL ENRICHES OKLAHOMA...Every citizen and business **benefits** when we nurture vibrant, home-grown industries that employ and support thousands of Oklahomans and families, pay taxes and drive prosperity. **Natural gas is the #1 driver of Oklahoma's economy** today and will be in the future. **Let's support Oklahoma's energy producers** instead of Wyoming's coal producers. We should be at the forefront of states using clean 21-st century energy.

The rhetorical force of the statement places the natural gas industry as a whole in a positive light, a light which also shines on Oklahoma-based Chesapeake.

The social responsiveness of Chesapeake is further enhanced by a social responsibility advertisement running directly after the KYP campaign ended (“Social Responsibility, 9/09/2007, *DO* and *TW*). Smaller than the KYP advertisements yet prominently displayed in the lower half of a page, the advertisement features a photo of a minority, female child who is resting her head on her arms. Her arms are crossed over a large, open book lying on what is to be interpreted as a school desk or table. The child is smiling directly into the camera and a globe is visible behind her. Above the child’s photo is the statement, “Doing Oklahoma a World of Good”. Below the photograph, the text continues:

The clean-burning natural gas we produce is bringing added prosperity to Oklahoma. But future prosperity will demand well-educated kids and cleaner air. We’re working to assure young Oklahomans have both advantages. All to help keep our state moving forward.

Instead of the coalition statement that appeared at the bottom of KYP print advertisements, this particular advertisement includes “NYSE” (New York Stock Exchange) and Chesapeake’s identifying abbreviation, “CHK”. This particular advertisement also features the Chesapeake logo and the statement, “American’s #1 driller of natural gas”.

Are You Scared Yet? Visit *Knowyourpower.net*

The claim to injury brought by Chesapeake and the QSC before the OSSC was the dramatized content within the web arm of KYP campaign, and the public was informed

of the *knowyourpower.net* website through the print issue advocacy advertisements. The first mention of the website was made in the three-page inaugural advertisement, the only advertisement in which the name of Chesapeake and the *Know Your Power* issue advocacy campaign were openly associated. Subsequent issue advocacy advertisements provided the website address within the campaign's logo.

The content of the website focused on adverse environmental effects of burning coal (sixteen of the twenty-nine pages) and addressed such topics as coal (seven pages), global warming and possible future federal regulation of particular emissions (four pages), and public health (five pages). For a detailed summary of webpage content relevant to Oklahoma, see Table 7 on page 104. Further, the content of both arms of the campaign are self-referencing. For example, in the prominent use of photographs, two photos found on the website are also used in the print arm of the campaign, namely the photo of the girl with the inhaler, which was found under 'Rising Pollution' in the web content, and a photo featuring a very dark image of smoke pouring out of smokestacks found under "Background' in the web content ("Top 10 Reasons Red Rock is Wrong", *Stillwater News Press*, Sept. 7, 2007).

On the 'About Us' page on *knowyourpower.net*, which introduces *Know Your Power* as a "coalition formed to educate citizens", mention is made of seeking to identify and recruit "like-minded organizations and individuals...including the health community (especially physicians specializing in pulmonary health and cardiovascular health), the American Lung Association and similar organizations focused on improving public health, community leaders, public officials, students and others". The impression of active recruitment was enhanced within the campaign by the content of the print advertisements,

TABLE 7. SUMMARY of CHESAPEAKE’S GENERAL and OKLAHOMA-SPECIFIC PAGES at *www.knowyourpower.net*

Topic	Page Name	Layout			Number of References to Experts per Page				
		Number per Page			Government/State Sphere		Private Sector	Education	Civil Society
		Paragraphs	Photos	Links	Federal Level	State Level	Corporation	University	SMO
	About US	5	-	-	-	-	-	-	-
Coal	Dirty Coal	2	3	-	1	-	-	-	1
	Global Warming	3	3	-	-	-	-	-	-
	Clean Air Standards	2	3	-	1	-	-	-	-
	Mercury Emissions	5	3	-	-	-	-	-	1
	Nitrogen Oxide	2	3	-	-	-	-	-	-
	Particulate Emissions	1	2	-	-	-	-	-	-
	Sulfur Dioxide	2	2	-	-	-	-	-	1
Issue	Background	2	5	-	-	-	-	-	-
	Global Warming	8	4	-	1	-	-	-	-
	Legislation	13	4	-	5	-	1	2	1
	Power Plant Pollution	8	3	-	-	-	1	1	2
Public Health	Rising Pollution	4	3	-	-	-	-	1	1
	Particulate Emissions	2	2	-	-	-	-	1	-
	Mercury Effect	7	4	-	-	-	-	-	-
	Nitrogen Oxides	4	3	-	-	-	-	1	1
	Sulfur Dioxide	5	3	-	-	-	-	-	-
Oklahoma	Energy Profile	3	5	-	1	-	-	-	-
	Related Links	-	-	4	1 (EIA)†	1 (OCC)†	1	-	2 Sierra Club (Ok)† Am. Lung Assoc. †
	Current Status	3	4	-	-	2	3	-	1
Take Action	Valuable Links	1	1	1	1 EPA Power Profiler†	-	-	-	-
	Teachers	1	1	-	-	-	-	-	-
	Send A Message	2	5	3	Sample Letter: state legislator; mayor/city council member; editor**				
TOTAL	23 pages*	85	66	8	11	3	6	6	11

†Link provided to noted organization. * Six (6) Kansas-specific pages not included in table. **Links not included in totals

which indeed featured local representatives of the “American Lung Association and similar organizations” (American Lung Association of the Central States, Oklahoma City—Heather Griswald; Oklahoma Allergy and Asthma Clinic—Warren V. Filley, MD; Oklahoma Lung Association Board Member—Robert McCaffree, MD), a “public official” (Oklahoma State Treasurer—Scott Meacham) and a possible “student” (an unidentified female child, pictured from the waist up, holding an inhaler).

Encouraging the perception of an active coalition while also partially fulfilling the claim made in the initial three-page print advertisement of providing a “thoroughly researched and balanced presentation of facts”, the *knowyourpower.net* website mentioned such organizations as the Sierra Club, the EPA, the Energy Information Administration (EIA), the American Lung Association, “Environmental Quality departments”, the American Cancer Society, the Mercury Deposition Network, and the Natural Resource Defense Council. However, complete references for the information included on the website were not provided.

Chesapeake, in constructing risk in the Red Rock debate, constructed risk before the state, as well as before lay publics in civil society. The way in which risk was constructed differed according to the intended audience. Before the state, Chesapeake and the QSC relied heavily on formalized communications in formal proceedings, the only exception being Aubrey McClendon’s public comments during the public hearings on the Merits of the Case. In contrast, risk construction before lay publics in civil society used a much more informal ‘educational’ issue advocacy campaign delivered through a range of mass-media technologies.

Before the state, Chesapeake and the QSC maintained an explicit oppositional stance to new legislation and rule-making, a stance which provided unique coding categories that applied only to Chesapeake and the QSC. These categories were: constitutional rights, damages and suffering, and abuse of power. The argument was that Chesapeake, and other corporate entities with similar interests, would suffer if the legislation and associated rule-making were allowed to stand. Before lay publics in civil society, however, the explicit oppositional stance before the state became an implicit stance within the print and web arms of the issue advocacy campaign. This difference is important. Before the state, oppositional claims became the conclusions of formal arguments while, before civil society, this oppositional stance was communicated through unstated premises of highly charged, emotional, and fear-inducing claims. The use of rhetoric and rhetorical forms of ‘argumentation’ makes the critical consideration of claims more difficult for the intended audience.

Finally, in constructing risk before the OCC, formal arguments followed the logic of capital to challenge the emergent categories of ‘need’ and ‘cost’. It is first in the filings with the OSSC that the logic of risk surfaces before the state. Environmental concerns informed one dimension of the concept of ‘injury’ that was necessary for the OSSC to be able to consider assuming original jurisdiction in the Red Rock case and to grant the relief sought in the extraordinary Writ of Prohibition. In contrast, the print and web arms of the KYP campaign emphasized claims which exploited the logic of risk, using fear to magnify the threat of harm. Nevertheless, explicit claims in the KYP campaign, while emphasizing risk and threats of future harms, were subordinated under the logic of capital. These findings are summarized in Table 8 on page 107.

Shaping the Red Rock Debate

The actual risk and threats which concerned Chesapeake were risks to capital accumulation and current and future markets for natural gas, which were threatened by new legislation concerning pre-approval and subsequent OCC rulemaking. Promulgated rules were to provide the procedural guidelines for public utilities to finance capital-intensive projects to meet future electricity demand. To protect its interests in capital

Table 8. Chesapeake’s Construction of Risk in the Red Rock Case

Risk Construction before the State	Risk Construction before Lay Publics in Civil Society
<ul style="list-style-type: none"> ▪ Formalized Communications 	<ul style="list-style-type: none"> ▪ Informal ‘educational’ issue advocacy campaign
<ul style="list-style-type: none"> ▪ Explicit oppositional stance to new Oklahoma legislation and related OCC rule-making ▪ Unique thematic categories <ul style="list-style-type: none"> ○ Constitutional rights ○ Damages and suffering ○ Abuse of power 	<ul style="list-style-type: none"> ▪ Implicit oppositional stance
<ul style="list-style-type: none"> ▪ Formal Argumentation <ul style="list-style-type: none"> ○ Before the OCC, arguments followed the logic of capital to challenge ‘need’ and ‘cost’ ○ Before the OSSC, the logic of risk informed one dimension of ‘injury’ 	<ul style="list-style-type: none"> ▪ Rhetoric and Rhetorical ‘Argumentation’ <ul style="list-style-type: none"> ○ Use of fear to magnify the threat of harm

accumulation, Chesapeake became active in the OCC proceedings concerning PSO’s future peaking and baseload needs and OG&E’s related application through its association with the QSC. To further protect its interests, Chesapeake and the QSC attempted to have the troublesome legislation declared unconstitutional by the OSSC. In order to support the application and petition before the OSSC, it was necessary for Chesapeake and the QSC to define injuries that would be suffered due to abuse of state power; it is within the construction of injury, in an attempt to “win political meaning

from the fear of risk and harm” (Beck 1989), that the logic of risk and harm become active.

Chesapeake’s issue advocacy campaign emphasized environmental issues broadly salient within civil society, especially greenhouse gases and other emissions, particulate pollution, mercury contamination, and smog, as well as their effects on climate and personal health. These ill effects were connected only to coal. References to the negative effects of emissions, such as the unknown cost of regulatory compliance and treatment of possible medical conditions were frequently mentioned. The eminence of ill-effects was dramatized through the use of photographs which were, in turn, strengthened in their perceived legitimacy through the use of local persons and direct statements. This construction helped to solidify a generalized malaise and diffuse concern into a local risk centered concretely on coal. To encourage anti-Red Rock decision-making among those viewing the advertisements, negative wording (dirty, wrong, etc.), self-interest, and carefully selected images were associated with a text, “Red Rock Is Wrong”.

It is within the *Know Your Power* issue advocacy campaign, which claimed educational purposes concerning issues of public concern (i.e., “Global Warming”, “Legislation”, and “Power Plant Pollution”) to attempt to qualify the campaign as protected political speech that “attempts to win political meaning from the fear of risk and harm” become most apparent. By magnifying the residual risks of coal-fired electric generation technology while minimizing residual risks of natural gas electric generation technologies, the campaign attempted to encourage the social construction of risk to favor natural gas over coal as the most reasonable solution to future electricity needs. In the short run, if

political meaning could be won from the campaign targeting Red Rock, then the construction of Red Rock could potentially be prevented, protecting market shares for natural gas in electricity generation in Oklahoma. By drawing upon arguments and claims presented by applicants and other interveners before the OCC, Chesapeake was able to shape the information concerning primary fuels used for electric generation that was readily available to lay publics.

In further shaping the natural gas versus coal debate, Chesapeake designed the *Know Your Power* issue advocacy campaign targeting a heterogeneous audience of lay persons within civil society. In doing so, Chesapeake drew upon various concerns raised by interveners and/or their expert witnesses before the OCC while, at the same time, omitting ‘exculpatory’ responsive testimony. Exploited in the issue advocacy campaign were various claims presented by interveners against the actual **need** for the Red Rock facility and the estimated final construction **cost**. The limitations inherent in statistical modeling were particularly exploited in an attempt to win political meaning from basic social recognitions of exposures to risk and harms experienced as the result of the implementation of advanced technologies.

Challenges presented in testimony before the OCC were combined rhetorically with highly politicized topics at the national and state levels such as global climate change, deregulation of the electricity market, soaring energy prices, and energy security, as well as more localized concerns such as air quality, mercury contamination in Oklahoma waters, the prevalence of respiratory illnesses such as asthma, the effects of higher energy costs on the residential consumer, and economic stagnation, all topics which were consistently covered in both the *TW* and the *DO*. Using robust rhetoric combined with

photographs to elicit strong emotional reactions, Chesapeake hoped to appear reasonable, even proactive, while presenting only claims that delegitimized the decision by PSO and OG&E (and OMPA) to join in the construction of the Red Rock facility. If an emotional reaction were, indeed, successful, a critical assessment of arguments for and against the Red Rock facility would be much less likely to occur within the lay public, with the potential effect being, at the very least, a heightened short term opposition to a coal-fired baseload generation facility at Red Rock.

In shaping the Red Rock debate, the analysis indicates that Chesapeake carefully controlled the information it provided to targeted audiences. While attempting to delegitimize and halt the OCC proceedings concerning the Red Rock case, the risks and threats of harm related to coal were magnified before lay publics in civil society. At the same time that risks of coal were magnified, risks associated with natural gas were minimized. Before both the state and before lay publics in civil society, however, the conclusion that Chesapeake wished targeted audiences to reach was that Red Rock was the result of undue and unconstitutional government power.

The use of a wide variety of strategies and the careful control of information presented to state bodies and lay publics in civil society indicate active corporate involvement in influencing external environments. Activity and intent do not necessarily translate into immediately realized policies, however. Beck (1992/2006) theorizes that the control of information regarding risk and harm nevertheless becomes a source of power; the implications of the control of information on political-democracy remain open, however. If corporations are able to manipulate language to suggest a proper management of risk while actually intending to create an expansion of markets for risk technologies, then the

public and institutions of the state can form opinions about risk which are contrary to the protection of society from ecological harm. Simply put, following Lukes (2005), one exercises power over another “when A [i.e. a corporation] affects B [i.e.: civil society and/or the state] in a manner contrary to B’s interests” (p. 34). In the next chapter, I address the final research two questions, namely, “How does Chesapeake’s involvement in the Red Rock Case illustrate corporate power” and “What are the implications of corporate power on public participation in democratic processes?”

CHAPTER VII

KNOW YOUR (CORPORATE) POWER...TO MANAGE POLITICAL-DEMOCRACY

This final analysis chapter addresses the final research questions, namely, how Chesapeake's involvement in the Red Rock case illustrates corporate power in risk society, as well as the implications of this power on public participation in political-democracy. The case study method, which is a detailed investigation of social phenomena in order to provide an analysis of the context and processes which illuminate the theoretical issues being studied (Hardy 2001; Hardy, Harley, and Phillips 2004; Kohlbacher 2006), allows for the interrogation of the effects of corporate power on political democracy, a theoretical question left open in Beck's conceptualization of risk society.

Both Beck and Habermas are uncertain about the future of the practice of political-democracy in late modernity, and both see the possibility of a decrease in democracy and an increase in centralized control. In both cases, power remains a function of influence, with power itself remaining vague and ill-defined. In order to answer the last two research questions, I first situate power within the context of risk society, connecting power as an attribute of social interaction to the production of texts. I next consider the

importance of access to restricted forums in which authoritatively binding decision-making occurs for the creation of particularistic messages targeting lay publics within civil society. This access, coupled with the expanding rights of corporate ‘persons’ to protected political speech, gives private corporations considerable latitude in the information provided in risk definitions designed to broadly influence social environments external to corporations. Finally, I show how carefully crafted corporate communications, which contain within them implicit and explicit forms of socially acceptable courses of action, can function to channel public political participation along predictable communication pathways, freeing corporate actors to devote attention to critical decision making forums with authority to constrict corporate action and threaten capital and profit.

Power in Risk Society

Within the framework of risk society (Beck 1992/2006), late modernity is marked by societal dependencies upon complex technologies, technologies to which are attached residual risks and threats of harm that are unique in their potential to cause irreversible ecological degradation and expropriations on a global scale. The development, implementation, and assessment of complex technologies, as well as technologies mediating risk and harm, requires the pooling of expert knowledges within sites structurally removed from the general public. Beck (1992/2006) contends that the ability to access this expert knowledge and, based upon access, subsequently define risk in messages directed at specific audiences becomes a source of political-economic power. This power rests in the ability to carefully craft definitions of risk for audiences who, in weighing competing risk definitions, make decisions that have beneficial or injurious

consequences for those capital interests promoting particularistic definitions of risk. The logic of capital is overlaid with the logic of risk; particularistic capital interests carefully control information concerning risk and harm by magnifying some risks while minimizing others as they attempt to shape the social construction of risk (Richardson 2007). The goal of carefully crafted risk definitions, therefore, is “to get another or others to have the desires you want them to have...to secure their compliance by controlling their thoughts and desires” (Lukes 2005:23).

In the context of this research, risk and harm are products of the primary fuels required to reliably generate electricity, specifically, coal and natural gas. In the United States, electricity became defined as a ‘common calling’, requiring capital interests generating, transmitting, and selling electricity to serve all customers without discrimination. Further, the material outlays for generation, transmission, and delivery required the development of networks of transfer stations and distribution lines. The massive capital investments required contributed to the designation of electric generation facilities as natural monopolies. To ensure quality and fairness, the “common calling” became the public utility, regulated by the state for the public good through the creation of Corporation Commissions.

In spite of increased attempts since the 1980s to deregulate the public utility, the historical structuring of electric generation predisposes Corporation Commissions, structurally distant from both the physical siting of electric generation facilities and the general public, to become key sites of risk controversies where interveners challenge the expert witness testimonies and integrated resource plans of public utilities. Private corporate interests, therefore, must manage risk definitions before an agency of the state,

as well as risk definitions before the general public. And while the manifest content of communications regarding risk which target state audiences may differ significantly from communications directed at civil society, both types of communications will be constructed in such a way as to generate acceptance of corporate goals in the pursuit of capital.

Power is not an intrinsic property of an individual, group, or office, but is only manifested through social interaction (Lukes 2005). Texts and other forms of communication carry explicit and implicit assumptions concerning social positioning and ‘proper’ action, revealing ideas about power. Thus, texts “ought to be analyzed in relation to the social *context* in which it is being used and the social consequences of its use” (Richardson 2007:45). The potential to exercise power, and thus construct an environment conducive to one’s goals and interests, can be increased through associating power with authority, especially the authority resting in offices of the state. These offices of the state, according to Sethi (1977/1987), pose the greatest constraints on the ability for corporations, when realizing capital goals, to communicate with the public.

In risk society, one expression of power is the ability to both directly and indirectly participate in forums of authoritatively binding decision-making of the state and, based upon that participation, to carefully manage risk definitions for the general public in civil society. Participation and the subsequent production of definitions of risk are attempts to manage the formulation of socially constructed understanding of risk upon which individuals within agencies, legislatures, and lay publics of civil society base decisions. In the Red Rock debate, Chesapeake not only indirectly and directly participated in state forums, but designed a multi-media issue advocacy advertisement campaign that

magnified the risk of coal while minimizing the risk of natural gas in electricity production. These involvements provide indication of ways in which corporations can gain considerable control of their external environments, shaping state and civil society compliance and acceptance for corporate practices.

Killing Two Birds with One Stone: Intervener Status in Utility Applications

In capitalism, the systemic need to maximize returns on cost expenditures requires expansion of mechanisms to improve efficiency. This maximization of returns includes efforts by corporations to manage their external environments through coordinated efforts to influence public policy and public opinion. In the Red Rock case, the QSC served to represent Chesapeake's interests before the Corporation Commission. The QSC, by establishing itself as an intervener and a party of interest in the Red Rock proceedings, had privileged structural access to the highly specialized knowledges and expert witness testimonies relevant to the principal parties' applications before the OCC. These knowledges came far in advance of the ALJ's public hearings on the Merits of the Case and were considerably more comprehensive than any information that could be legally provided to the press. Additionally, intervener status also provided the QSC with structural access to the necessary forums within which the QSC could exert some influence in the formal proceedings before the OCC, not only in the direct Red Rock proceedings, but in rule-making pursuant to 17 OS §286. All claims and arguments within briefs, motions, and other formal communications filed by the QSC, as well as oral arguments in preliminary hearings, necessarily become part of the body of evidence to be weighed, first, by the ALJ when preparing Findings of Fact and Recommendations and, second, by Commissioners as they prepare the Final Order.

The legislated purpose of intervener status is to protect those receiving services from a public utility from arbitrary utility actions, and the right to intervene is established by Oklahoma Statutes. The common law legal tradition informing the U.S. legal system, however, results in considerable room for maneuvering when a party argues its right to intervene. Moreover, tradition informs the rules of engagement between parties in civil (and criminal) cases. Lack of statutory clarity is complicated by assumptions concerning motivation, namely, that interveners represent the general public good and not special interests before the OCC. The civil proceedings granting intervener status to parties filing a Motion to Intervene was drawn into question within some public comments submitted to the OCC. For example, one comment, sent by a person involved in causes seeking rate making approval for OGE's five 500 MW coal-fired units in many earlier OCC proceedings reads:

Happily I am now at liberty to comment on an aspect [of intervention] that was, back then, forbidden ground. First, I do not dispute the right of any entity to intervene...But in those past years the rules of engagement dictated that the motivation of an intervener was not to be questioned, most especially by an applicant's witness. Time and my retirement have separated me from that questionable inhibition...Irrespective of the cloak of purity claimed by any intervener the fact remains that none can or ever will be held responsible for the future availability or cost of electric energy in Oklahoma. Plainly stated, there is no burden of accountability that accompanies their right to intervene. [Public Comments, p. 201].

The concern raised by this and similar comments is that, while interveners can objectively influence the outcome of OCC PUD proceedings, they are not under direct democratic control and can, therefore, act in 'personal' self-interest. Approval of a Motion to Intervene, therefore, can provide a recognized party of interest with many potential advantages. In this particular case, Chesapeake and the QSC sought authoritative legitimation of their oppositional stance to state regulation from the OSSC.

By filing an Application to Assume Original Jurisdiction and a petition for a Writ of Prohibition with the OSSC before a Final Order was issued by the Commission, Chesapeake and the QSC hoped to legitimize their stance towards legislation they opposed (17 OS §286). An order from the highest court to stay the proceedings and a declaration that the legislation in question was, in fact unconstitutional, would make testimony and evidence presented by principle parties moot. In particular, a decision that 17 OS §286 (C), which provided utilities with the possibility of obtaining better financing options by having construction work in progress included in customer rates, was, in fact, unconstitutional, would remove the provision from the statutes. This would make the building of large-scale electric generation facilities more costly in the long run and potentially prohibit the construction of large scale electric generation facilities. The likelihood that coal burning electric generation technologies, which were favored in part by PSO because of the need to diversify its primary fuel dependence on natural gas, would be constructed was, therefore, decreased, potentially increasing the likelihood that public utilities would be forced to turn to independent power producers in order to meet electricity demand. The OSSC's dismissal without comment of the application and petition cannot be automatically interpreted as a direct loss for either Chesapeake or the QSC, however. Had PSO and OG&E (and non-regulated OMPA) decided to pursue construction of the Red Rock facility, a legislated appeals process is available. Further, a dismissal did not affect the QSC's status as a recognized party of interest in the Red Rock case.

Most importantly, intervener status provided Chesapeake, through the QSC, structural and early access to the expert testimonies of applicants and other interveners in the case

as well as to the concerns of the Attorney General's office and the Corporation Commissioners. One publicly prominent result of this structural and early access is illustrated in both the timing and content of the KYP issue advocacy advertising campaign. The central print advertisements and the launching of *knowyourpower.net* coincided with the ALJ's public hearings on the Merits of the Case, continuing into the time period during which the ALJ was reviewing testimony and preparing to issue Findings of Fact and Recommendations. Further, the end of the print advertisements roughly corresponded with the public deliberations of the Commissioners, after which the Final Order was issued; the Internet arm of the campaign, on the other hand, extended Chesapeake's risk construction into Kansas, where another print campaign against Sunflower Electric and the Holcomb plant was eventually begun.

Another result of structural and early access was the ability for the QSC to directly participate in influencing authoritatively binding decision-making regarding rules, rules which became part of the Administrative Law Code and are binding on future applicants and proceedings. In the Red Rock case, after the unsuccessful attempt to stay the OCC proceedings, competitive bidding and hedging remained major concerns for the QSC. Briefs filed by the QSC in these questions supported Chesapeake's broader goals of deregulation by challenging the legitimacy of PSO's RFP, claiming it did not conform to competitive bidding practices, and supporting hedging for the procurement of natural gas as a way to stabilize the price of natural gas on the market. A recommendation for the ALJ to deny the applications was also filed, which brought before the judge, in one document, the claims, arguments, and legal citations which supported the QSC's and Chesapeake's position on all matters being considered. Of particular importance is that

understandings were shaped through texts that were presented in a forum in which decisions by state officials about rules and procedures impact the public good. Private corporate interests, in being able to actively and directly impact the structuring of future interactions through participation in restricted forums, can exercise power through briefs, evidence, and testimony that privilege private, corporate 'good' over the public good.

Inexorably tied to differential access to restricted forums of the state is differential access to the financial resources and specialized knowledges necessary to support such participation, an access based on social practices which define the relationship between capital and labor. In the Red Rock case, potential interveners needed to be able to prepare the motions for intervener status, to adequately support the motions with relevant statutes, and to successfully argue their claims and arguments before the OCC. These motions are typically prepared, filed, and defended by private legal experts for a fee. Additionally, every filing requires the ability to pay associated filing fees, legal representation, and experts to prepare and submit testimony, to analyze and rebut the expert testimony of others, to authoritatively respond to examination and cross-examination at hearings, and to submit recommendations to the ALJ. In the case of Red Rock, Chesapeake, through the QSC and associated legal counsel, had funds to devote to a venue in which it could represent its interests in a rule-making body directly affecting electric generation, transmission, and distribution.

Of course, considerable financial resources are also required to pay public relations specialists to construct issue advocacy campaigns containing particularistic risk definitions for a wide variety of lay publics in civil society. In the Red Rock case, Chesapeake had the necessary finances to fund the KYP issue advocacy advertising

campaign which was designed by the OKC public relations firm, Ackermann-McQueen. This campaign incorporated various claims examined by the OCC and selectively focused harm and risk on coal within an overarching theme of ‘big government’ acting in violation of the rights of individuals. While the exact cost of this campaign is unknown, it is doubtful that many actual individual persons in civil society can fund such a campaign¹⁸. Private corporations, however, having been recognized by the US Supreme Court as ‘persons’ with rights to protected political speech, and who can legally inform the public concerning issues affecting the public good through issue advocacy advertising, have considerable financial resources to devote to the construction of risk and harm in communications directed toward the public. Because this form of advertising is not legally required to meet the strict standards of truth attached to product advertising, and because the lay public is structurally distanced from expert knowledge production associated with advanced technologies, private corporations have great latitude in defining risk, even to the point of overt misrepresentation of the risks associated with advanced technologies. The public, having no assurance that claims presented in protected corporate political speech meet established standards of truth, are required to invest considerable time and effort in attempting to establish the accuracy of such claims amidst an ever-growing system of media communications. One comment in the public record of the Red Rock case reads:

The allegations made by opponents to the plant are just that, allegations without fact. The opponents to this project cannot provide the name of the utilities that built coal plants that exceeded their budget by the number being quoted [up to \$3 billion]. Despite my best efforts, nowhere can I

¹⁸ It is known that Chesapeake, as part of the Clean Sky Coalition, participated in an issue advocacy campaign in Texas against TXU’s proposal to construct eleven coal-fired plants across Texas (Wilmoth 2007b). Expenditures for the campaign were estimated at over \$1 million dollars (Wilmoth 2007a).

find independent support for such claims. [Public Comment, 9/5/2007, P. 35].

Unfortunately, due to the structural positioning of the lay public to expert knowledge production, even “best efforts” do not necessarily ensure that decisions made by individuals in civil society lead to a truly considered public opinion.

Chesapeake’s involvement in the Red Rock case, including the complete repertoire of communication strategies, communication content, and timing, provides insight into the exercise of corporate power in risk society. The first insight is that of direct and indirect representation in restricted forums which provide access to restricted information. In the Red Rock case, Chesapeake, acting as a corporate ‘person’ and through the communications provided by an ‘expert’ person in the corporation, was able to directly and indirectly participate in OCC proceedings. Indirect participation was accomplished through Chesapeake’s association with the intervening party, the QSC, with intervener status available only to those who show the ‘right kind’ of affected interests. This is particularly apparent in QSC’s involvement in the Red Rock case, which granted particularistic interests access to knowledge that is structurally inaccessible to the lay public.

The second insight into the exercise of corporate power in risk society is that access to restricted forums provides corporate interests with an overview of various scientific and expert knowledges relevant to the case at hand. In the Red Rock case, expert knowledges were related to advanced technologies and financial management strategies which required state decision-makers to make choices between qualitatively different risks and harms. The issues and critiques considered in the Red Rock case became the content of

the KYP issue advocacy advertising campaign which defined risk and harm for civil society. The relationship between access to relevant scientific and expert knowledges to the *Know Your Power* issue advocacy advertising campaign informs the third insight concerning corporate power in risk society. Advanced access provides special interests the ability to take stock of knowledges, ascertain strengths and limitations inherent in those knowledges and, based upon these strengths and limitations, prepare risk definitions for targeted audiences, distributing definitions through mass-media technologies. Knowledge can thus be manipulated to form particularistic risk definitions for targeted publics.

Within liberal constitutional democracies, the communicative space for the exchange of information is, while not an ideal public sphere, the space which connects the formal institutions of the state with civil society. In being able to construct texts which contribute to understandings of the case at hand, wealthy corporate ‘persons’ can more effectively manage their external environments by influencing both restricted forums of the state and civil society. Essentially, corporate persons can ‘kill two birds with one stone’

“Go Out and Play by the (Implicit) Rules”: Corporate Management of Public Participation in Political-Democracy

Beyond the more obvious potential advantages of differential access to restricted forums of authoritatively binding decision-making, a careful examination of the latent content and structuring of Chesapeake’s KYP issue advocacy advertising campaign provides a more nuanced insight into the implications of corporate power on public participation in

civil society. The manifest content of language and photographs used in Chesapeake Energy's KYP issue advocacy advertising campaign targeting lay publics within civil society placed a marked emphasis on environmental risks and harms related to coal, especially risks and harms to individual health. Embedded within media communications are explicit and implicit suggestions for the course of action target audiences are to take when processing the information they have received (Maessele 2000; Richardson 2007). My analysis of the KYP campaign reveals that, through the use of rhetoric combined with particularly selected traditional stereotypes of social and political action (i.e. texts and discourses), public participation was managed to conform to predictable courses of action.

Turning first to the print arm of the KYP issue advocacy campaign, Chesapeake carefully controlled information to produce the unequivocal message that "Red Rock is Wrong" ("Red Rock is Wrong" advertisement, 9/07/2007, *SNP*). Within U.S. culture, the use of a moral imperative defining "wrong" assumes the opposite category of another alternative being "right", and this alternative was presented unequivocally as natural gas. Natural gas is described euphemistically as 'clean', and is directly associated only with positive outcomes such as wealth and energy independence. Natural gas is even mentioned together with wind generation as an electric generation technology of the 21st century and in direct contrast to coal, the fuel of the past. Forward thinking and socially responsible individuals, therefore, will make the "right" choice by choosing natural gas over coal.

The concept of 'socially responsible' action in the every day is conveyed in the KYP campaign through long-standing, traditional stereotypes using photographs of persons that served as a heuristic for gendered and age-appropriate decision-making. Thus, the

image of the female asthmatic child, presented above a small photograph of a male physician at a local allergy clinic, reinforces societal expectations concerning the need to protect the young and vulnerable (“Asthmatic Children”, 9/02/2007, *SNP*). The image of the adult female, who reveals she is pregnant and is identified through her association with the American Lung Association, reinforces expectations holding women to be nurturing, helpful, socially concerned teachers and caregivers, with an orientation toward family (“Particulate Matter”, 9/09/2007, *DO* and *TW*). This stereotype is strengthened through the same small photograph of a male physician at a local allergy clinic used in the ‘asthmatic child’ advertisement. Finally, the image of State Treasurer Scott Meacham, the public official entrusted with the fiscal responsibility of ‘the people’ of all of Oklahoma, reinforces expectations that males, having the responsibility of providing for the material welfare of others, make decisions for others (“Cost Risks”, 9/01/2007, *DO*).

‘Socially responsible’ action as individual participation in political-democracy is also conveyed stereotypically within the KYP issue advocacy advertising campaign. The inaugural three-page advertisement of the KYP campaign emphasized decision-making based on a weighing of the facts, the facts to be provided through *Know Your Power* (“Introduction”, 8/29/2007, *DO*). Within each of the core KYP full-page print advertisements, readers were directed to learn more at *knowyourpower.net*, where concerned individuals could also leave comments, and, under the ‘Send a Message’ tab, access sample letters to public officials voicing opposition against the Red Rock facility.

Sample letters targeted state legislators, mayors or city council members, and editors¹⁹ while letters to corporation commissioners, administrative law judges, and attorneys general, key offices continuously involved in hearings regarding electric generation, are markedly absent. This absence is noteworthy because testimony and evidence are painstakingly examined by administrative law judges, attorneys general, and commissioners prior to any public hearings or public deliberations on applications before corporation commissions. These same actors are also state authorities in rule-making.

While it could be claimed that sample letters to these key offices were not provided because the lay public has entrusted elected representatives to act in its place and, therefore, is disinterested in the direct proceedings, this claim is not supported by the data. Inspection of the public comments filed in the Red Rock case indicates that the OCC did, in fact, receive and enter into the permanent public record, letters and comments from the public, including form letters. Various form letters in support of the Red Rock facility included, for example, two form letters sent by cities and towns receiving power from OG&E and OMPA, and another sent by individual persons in the Tulsa area. This suggests, at the very least, that sample letters to commissioners, if they had been included on the ‘Take Action’ page, would have provided another avenue through which Chesapeake could have meaningfully engaged civil society participation

¹⁹ Unfortunately, the links to these sample letters were not functional, and the actual text of these letters could not be included in the data for analysis. Additionally, in searching for the nature of the content of any of these sample letters in the data collected, I could find no evidence that a form-type letter to the editor was printed in either the *Tulsa World* or the *Daily Oklahoman*. (This does not mean that such letters were never written, of course, only that if written and published, that content was sufficiently altered by senders as to make the form-letter origin undetectable). The ability to ascertain if form-type letters originating from the website were written to legislators, mayors, or city council members in support of Chesapeake’s position was not possible.

against coal-fired electric generation—if not in Oklahoma, then in Kansas, where the campaign against ‘coal’ continued.

Considering Chesapeake’s selection of strategies and the timing of these strategies, it is significant that socially responsible political action by individuals in civil society directed readers to send a letter to ‘legislators’, ‘mayors’, and ‘city council members’. These political offices are structurally distanced from the direct OCC proceedings, and ‘editors’, especially newspaper editors, manage the content of a media traditionally considered to be the primary conduit for informing the public on issues of importance²⁰. Placed within the context of the complete repertoire of strategies, their purposes, and the specifically tailored content of each communication, the absence of letters to state officials directly involved in the OCC proceedings helps foster implicit support for Chesapeake’s claim that the proceedings before the regulatory agency in Oklahoma were unconstitutional, while also serving to implicitly undermine the legitimacy of the authority with which Corporation Commissions operate. Of course, in Oklahoma, the very legitimacy with which the OCC was operating was already being actively and directly challenged by the QSC as a recognized party of interest in the Red Rock case and by Chesapeake and the QSC at the OSSC.

The direct encouragement of letter-writing as public involvement was part of Chesapeake’s broader, and more long-term, strategy of influencing others. First, action is encouraged by the statement, “You have a right to weigh in on new power plants in America”, implicitly connecting this individual right to explicit claims in the print

²⁰ In fact, the OCC required notices of its Hearing on the Merits of the Red Rock case to be published for two consecutive weeks prior to the hearing in the *Tulsa World*, the *Daily Oklahoman*, and a newspaper of general circulation in both Stephens and Comanche counties.

advertisements that the current regulatory structure was an infringement on individual constitutional rights, and thus un-American. Weighing in on power plants was to be done through prescribed courses of ‘socially responsible’ day-to-day interaction meant to influence the thoughts and desires of others (Lukes 2005) and extending corporate control through the action of civil society over external audiences. The content under the ‘Send a Message’ tab of the website suggests the following action:

You can help by becoming an advocate for clean air and working to influence others. Talk to your neighbors, members of your church and other groups to help educate Americans about the true costs and consequences of building proposed coal-fired power plants across the country.

Recruitment of advocates specifically targets Chesapeake’s interest in gaining the support of medical professionals, however. The ‘Send a Message’ content states “Help recruit other advocates. Healthcare professionals are keenly aware of the consequences of coal pollution”. Reference is then immediately made to the Sierra Club as also being “an active opponent of coal plants nationwide”, implying a similarity in purpose between the Sierra Club and the KYP campaign. While the Sierra Club was actively involved in the Red Rock case, filing a lengthy public statement and supporting documents as public comments at the OCC, these public comments in opposition to the Red Rock facility were made independently of any association with KYP. Further, the Sierra Club’s comments did not advocate the use of natural gas as an alternative to the Red Rock coal-fired plant. Instead, the Sierra Club supported conservation and stressed the economic viability of sustainable energy for Oklahoma, stating:

The Corporation Commission should consider readily available energy alternatives. Oklahoma could benefit from the experiences of other states in implementing an aggressive demand-side management (DSM) program

to effectively reduce the demand for electric power...In addition, Oklahoma is awash in wind resources, particularly in the western portion of the state. Combined, wind energy production and a reduction in power demand through DSM programs can offset the need to build the 950 MW Red Rock power plant and be accomplished at a lower cost to Oklahoma's ratepayers [Public Comments, pp. 5 – 6].

The five photos on the “Send a Message” page of the website further imply that individual ‘socially responsible’ influence and advocacy will impact decisions within key institutions, primarily at the federal level. The banner photo shows the dome of the nation’s capital behind four anti-coal banners which name public health and environmental effects associated with coal (asthma attacks, acid rain, mercury poisoning, and global warming). Two smaller photos imply decision-making forums. A further small photo implies education within schools, connecting this photo to the content of the ‘Teachers’ tab of the web site and Chesapeake’s final social responsibility advertisement following the campaign. The final photo on the page depicts demonstrators, three of whom are holding signs. One sign states, “I Love My Lungs”, and a second sign is a large, color photo of an apparently coal-smudged face followed by the text, “Coal Is Filthy”. Unbeknownst to website visitors, however, is that the “Coal Is Filthy” sign is an issue advocacy advertisement of the Clean Sky Coalition, mentioned earlier, which targeted Texas and the nation’s capitol and with which Chesapeake was significantly associated prior to launching *Know Your Power* in Oklahoma and, later, Kansas.

The overall implication of the structuring and latent content of the website is that public input through individual-level advocacy and influence, including the recruitment of professionals, the education of children, and letter writing to newspapers and elected officials, represent socially responsible and effective strategies for civil society engagement in political-democracy and will realize the public good. Further all persons

have the same potential to influence others, where ideas compete in a ‘marketplace of ideas’ (Sethi 1977/1987), regardless of whether or not those persons are ‘actual’ persons, associations of persons, or corporate ‘persons’. While these strategies have certain resonance with cultural understandings of how the U.S. political system ‘works’, there are concerns in the actual structuring of public participation in political-democracy in the KYP campaign.

One concern involving the structuring of public participation in KYP involves the officials targeted for the sample letters designed by the campaign. These letters target representatives who are structurally removed from the direct issue at hand and, therefore, have little direct influence over the outcome of Corporation Commission proceedings. This suggests that Chesapeake was more concerned in influencing public opinion concerning regulation in general than in the factual outcome of any direct proceedings *per se*.

A second concern is that the campaign, by claiming to be a broad coalition of persons and groups concerned about the public health effects of coal, captured potential activists and hindered the formation of actual local grassroots activism. There is no actual evidence in the data to support assertions that *Know Your Power* was, in practice, a coalition of groups acting together with Chesapeake through the pooling of resources and talents and the development of a mutually agreed upon comprehensive strategy against coal-fired plants, a finding consistent with information provided to Dr. Tamara Mix during informal conversations about KYP with a Chesapeake representative. The data do support the conclusion that Chesapeake made use of information published for other purposes by various organizations, including the American Cancer Society, the Sierra Club, the EIA,

and the EPA, heightening the impression of mutual and compatible goals through the strategic use of links to specific organizations on the web site and the recruitment of local representatives to present to the public in the print arm of the campaign. Civil society, if further educating itself through the *Know Your Power* website and engaging in the educational strategies suggested there, was actually only involved in furthering the risk definitions that Chesapeake had purposefully constructed for the protection of its own interests. Essentially, the KYP campaign provided implicit and explicit suggestions for social and political participation that reinforce stereotypical cultural expectations concerning social responsibility and political action, keeping actual grassroots movement formation and possible disruptive innovations of protest repertoires to a minimum. It appears that the only potentially disruptive public display of protest was a member of the Green Party, not affiliated with KYP, who appeared before the OCC in a polar bear suit and holding a sign reading “Global Warming is Real” to emphasize concerns about global climate change (Womack 2007b). This person also submitted separate public comments against the Red Rock expansion to Commissioners Cloud, Anthony, and Roth; there was no support for natural gas in this person’s comments, however:

Alternative sustainable energy sources can easily supply all our energy needs. The Green economy is growing. New Green innovations are happening every day. Please do not tie Oklahoma to the Fossil Fuel past...No New Coal plants...Help us obtain Green jobs. [Public Comments, 7/23/2007, pp. 204, 210, 211, 312].

The implication of the entire KYP campaign on public participation in political-democracy is a restriction of democratic political participation. This restriction was accomplished through three primary means: (1) the use of conventional stereotypes to

represent socially responsible day-to-day interaction concerning issues affecting the public good, (2) the ability of corporations to funnel potential grassroots activism into purposefully manufactured pathways for political discontent, and (3) the provision of messages crafted by corporate interests to send to pre-selected political offices. The result is an expansion of corporate control over civil society through the suggestion of courses of action and the provision of risk definitions that reach incumbents and potential candidates for public office. In keeping civil society occupied in an unknown but potentially vast number of interactions far removed from the actual site of authoritatively binding decision-making—a civil society which then communicates adopted corporate messages intended to create a general social acceptance of corporate practices and goals—corporations are freed to devote considerable resources to forums in which decision-making directly impacts corporate profits and markets. Members of civil society are ‘sent out to play’ as long as ‘players’ abide by predefined and largely implicit socially responsible social and political actions. Public participation in political-democracy is managed along predictable courses of action that carry specifically tailored corporate messages. In this way, publics are kept at outside the actual sites of immediate risk conflicts where authoritatively binding decisions are made. As can be seen in Figure 4 on page 135, civil society participation, if following the suggested strategies provided in the *Know Your Power* campaign, is active only in communication pathways structurally removed from the site in which decisions directly impacting the outcome of applications before corporation commissions are made.

Beck (1992/2006) contends that the ability to access expert knowledge and, based upon access, subsequently define risk in messages directed at specific audiences becomes a

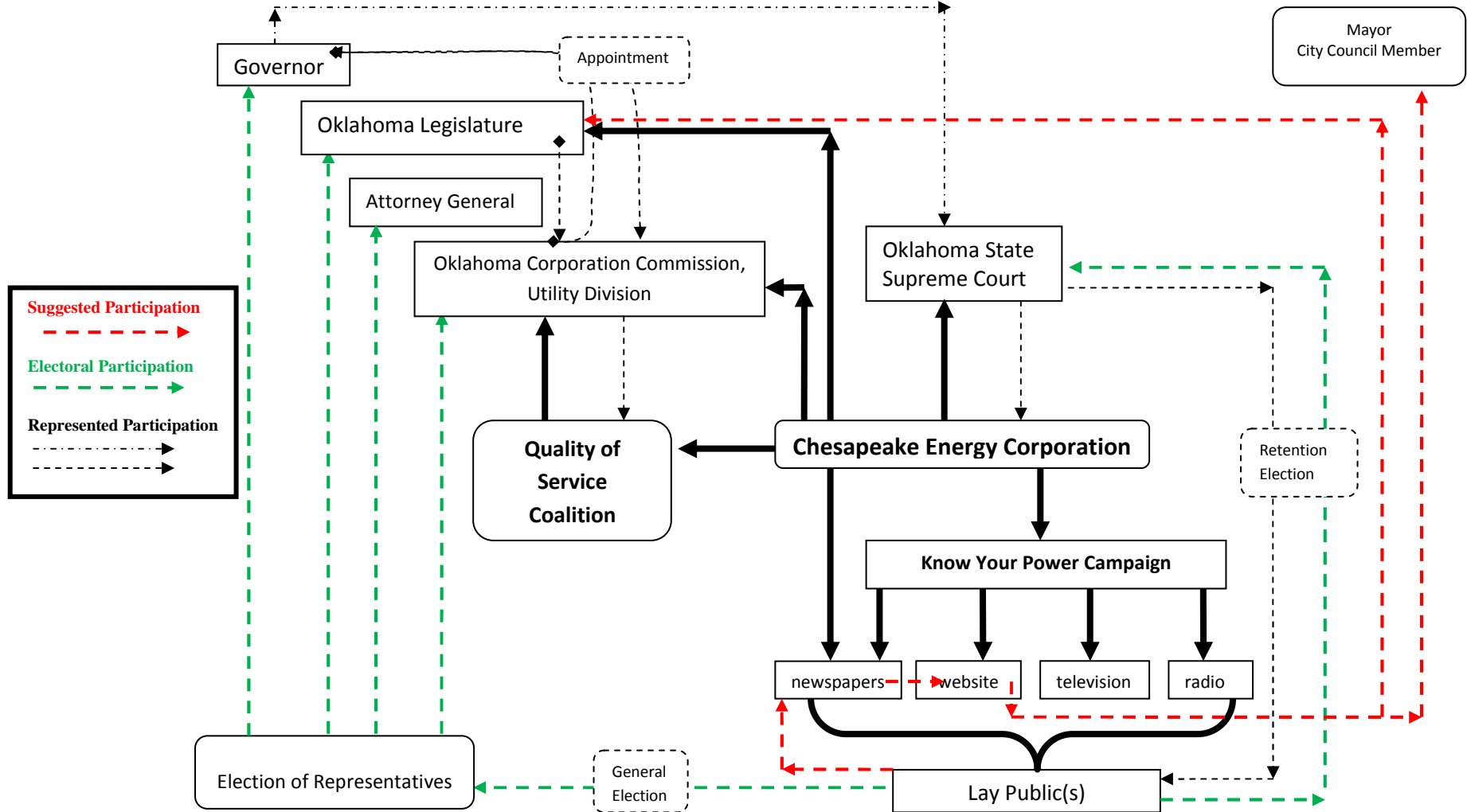
source of political-economic power in risk society. The source of power is the ability to carefully craft definitions of risk for audiences who, in weighing competing risk definitions, make decisions that have beneficial or injurious consequences for those capital interests promoting particularistic definitions of risk. In this particular case, access to restricted regulatory proceedings through intervener status provided a forum for particular interests to challenge the legislative and regulatory framework defining the parameters of public utility actions. Chesapeake, together with the QSC, attempted to gain further legitimation for their stance toward what they perceived as intrusive legislation by engaging the OSSC. Access to restricted proceedings also provided early insight into the expert knowledges of all witnesses testifying in the OCC proceedings, much of which was manipulated to form many of the implicit and explicit claims of the KYP campaign. The goal of these carefully crafted risk definitions was to exercise power by “get[ting] another or others to have the desires you want them to have...to secure their compliance by controlling their thoughts and desires” (Lukes 2005:23).

How individuals within publics interpret the information provided them in messages within the public sphere, however, is beyond the direct control of the communicator. Communicators engaging in risk controversies are engaging in efforts to provide the risk definitions that become the hegemonic social construction of risk. Such efforts are necessarily connected to long-range goals and are difficult, if not impossible, to capture within a narrowly defined case such as the Red Rock case. Nevertheless, as communicators manage the information in the messages they construct, the messages themselves, as well as suggestions for appropriate political action, can stifle public

participation in political-democracy and produce more predictable and manageable expressions of opposition.

Attempts by Chesapeake to manage political participation are well-illustrated in the KYP campaign. The KYP campaign challenged lay publics in civil society to ‘Know Your Power’. The clever wording implies that individuals within civil society can and should seek out information concerning the primary fuels and available technologies used to generate the electricity it uses. The manifest content of the campaign further suggests that individuals and groups within civil society have the power to actively and meaningfully participate in decisions regarding the choice of technologies implemented to meet electricity demand. The structuring of socially responsible political participation, however, created a self-reflexive loop of risk definitions crafted by Chesapeake Energy. Publics were encouraged to engage in stereotypical behaviors and, while so doing, to convey the message to others that Chesapeake wished to encourage. This managed participation provided a predictable and more easily controlled public participation which, if actually engaged in by concerned citizens, served more long-term corporate goals for creating a legislative and regulatory environment sympathetic to deregulation and the expansion of the natural gas market.

Figure 4. Managed Pathways of Communication for Civil Society



1. Solid arrows represent communications over which Chesapeake has complete control over content.
2. Dashed arrows represent communications over which Chesapeake has limited to no control.
3. Supreme Court Justices are nominated by the Judicial Nominating Commission and appointed by the Governor, serving until the next general election. Retention is put before a vote of the people.

CHAPTER VIII

DISCUSSION AND CONCLUSIONS

Cultural dependencies upon advanced technologies that provide benefits while also exposing populations to residual ecological risks and threats of future harm are characteristic of late modernity. The deep interpenetration of advanced technologies into cultural practices has overlaid the logic of wealth distribution with the logic of risk distribution. The controversy that arose around the proposed construction of the Red Rock expansion of the Sooner Power Plant in northern Oklahoma is an excellent example of the risk contentions occurring in late modernity (Beck 1992/1999; Giddens 2003). In this case, risk contentions involved the negative side-effects and threats of harm created by the generation of electricity. *Know Your Power*, a multi-media issue advocacy advertising campaign sponsored by Oklahoma City-based Chesapeake Energy Corporation was a major source of risk definitions created for the general public. The campaign chose words and phrases that magnified the negative side-effects of coal and minimized any negative effects of natural gas. Chesapeake's KYP campaign controlled information in such a way as to encourage social constructions of risk in favor of natural gas in order to expand market demand for its product.

The private corporation, like risk technologies, has become highly integrated in societies of late modernity. Early corporations, which were direct extensions of the state's interests in economic expansion, have become increasingly independent from the state. State oversight of private corporations is maintained through a multitude of regulatory agencies. The privatization of the corporation, however, has reduced the ability for publics to hold corporations accountable for corporate practices.

Independence from the state has provided the necessary conditions for corporations to develop forms of 'speech' and 'action'. The exercise of corporate speech and action has allowed the private corporation to secure an increasing number of rights which protect actual individual persons from abuses of power by state actors. Currently, the concept of the corporate 'person', complete with rights to protected political speech, has been legitimized through decisions of the U.S. Supreme Court. However, corporations are not actual persons; corporations, unlike individual persons, consolidate within themselves the capital, labor, and specialized expert knowledges of many persons, allowing corporate 'persons' to simultaneously engage a wide variety of state and civil society forums at a magnitude not possible by actual persons.

In this study, I focused on the corporate communications of one corporation, Chesapeake Energy. I investigated the exact nature of Chesapeake's involvement in the Red Rock case. By identifying the corporate communication strategies utilized by Chesapeake in this case, insight is provided into the ways corporations expand communications and tailor content for targeted publics, including legislative, regulatory, and judicial forums of the state and a wide variety of lay publics within civil society. I also investigated how risk definitions were constructed in the Red Rock case, revealing that, dependent upon

the goals of a particular corporation, complex interactions between the logic of capital and the logic of risk ensue, with the weight given each logic in the definition of risk highly context specific. There is indication, however, that in constructing risk definitions for lay publics, the fear of risk and harm will be intentionally exploited to serve the logic of capital. Finally, I considered Chesapeake's implicit and explicit suggestions for public participation in the Red Rock debate. I found in particular that, within the KYP issue advocacy campaign, concerned individuals within the public were encouraged to contact elected representatives structurally far removed from the actual site where authoritatively binding decision-making concerning Red Rock occurred. These suggestions for public participation mirrored cultural expectations of how U.S. democracy 'works', providing predictable, and therefore more easily controllable, public participation in political-democracy. In creating a self-reflexive issue advocacy campaign, highly motivated individuals were potentially drawn to the *knowyourpower.net* website, where the names of prominent social movement organizations were displayed. This use of names suggested an actual coalition and a similarity of goals between prominent environmental and public health organizations, such as the American Cancer Society and the Sierra Club, and Chesapeake. This strategy could, in fact, function to reduce grassroots organizing while expanding the possibilities for corporations to implement the use of a contested technology at the local level.

Beck hypothesized that risk society contained within itself either the possibility for the consolidation of power within the state bureaucracy or the possibility for an expansion of democracy in the face of actual and hypothetical risks and harms. Similarly, Habermas hypothesized that the practice of political-democracy in the advanced liberal

constitutional democracy is at risk due to the colonization of the public sphere by market imperatives, creating a state apparatus favoring particularistic interests of capital over the public good. In the U.S., with the ascendance of the corporation as a legal ‘person’ with rights to political speech and a legitimized duty to educate the public on issues of public concern, it appears more likely that the most powerful players in risk society will be the private corporation. Private corporations must manage risk definitions in the pursuit of capital. With the ability to gain access to restricted sites in which authoritatively binding decision-making occurs, corporations can exercise power in the very forums which define the legal parameters for legitimate social action. At the same time, corporations can structure educational messages for civil society which contain implicit and explicit suggestions for socially responsible political and social action. As seen in the case of the KYP issue advocacy campaign, public participation has the potential to become highly managed, and therefore more predictable and controllable, further restricting the formation of a truly public opinion essential for the practice of political-democracy.

To better understand how corporations manage risk perceptions, future research should expand inquiries horizontally within risk controversies. For example, in this particular case, investigations into other venues in which Chesapeake was actively engaged in efforts to expand the market for natural gas technologies would provide insight into how corporate involvement in multiple risk controversies at the local level are interrelated. Future research should also expand inquiry vertically. For example, in this particular case, expansion of vertical inquiry will help situate the content of Chesapeake’s communication strategies in the Oklahoma Red Rock case within corporate efforts to address federal-level legislative, regulatory, and judicial decision-making that could

impinge upon Chesapeake's abilities to increase its market share within the energy sector. Because regulations on coal are also regulations with potential to affect natural gas, it would be beneficial to investigate how Chesapeake managed federal-level venues impacting regulations on fossil fuels while also managing state-level venues impacting localized decisions concerning the implementation of specific electric generation technologies.

Private corporate capital interests are actively working to increase the legitimacy of the corporate 'person' capable of engaging in socially responsible behavior for the common good. Chesapeake's issue advocacy advertising campaign emphasized the positive effects of natural gas exploration and consumption for Oklahoma and the nation. At the same time, the KYP campaign presented itself as a grassroots coalition of concerned citizens, businesses, medical professionals, and social movement organizations working together to prevent the construction of coal-fired electric generation plants when, in fact, the data do not support this assertion. Future research should further investigate forms of corporate speech and action that adapt strategies and tactics used by grassroots activists when organizing for social change. This study indicates that a corporation, in attempting to engage publics at a local level in a complex issue of public concern, may actually frustrate attempts by disadvantaged groups to be heard by creating the illusion of broad-based consensus.

Further, this study indicates that through the implicit and explicit suggestion of U.S.-centric forms of stereotypical socially responsible political participation in political-democracy, other cultural practices of consensus-building are delegitimized. This has implications for the reproduction of institutionalized inequalities not only in the U.S., but

in corporate efforts to expand the pursuit of capital transnationally. The reproduction—and creation of—institutionalized inequalities is of particular concern in the current era of globalization in which corporations have actively assumed responsibilities originally given to the state in providing for the public good.

The practice of democracy carries with it the expectation that all voices will be heard, and equitable solutions found, as publics form considered public opinion on issues affecting the public good. Habermas suggests, however, that the colonization of the public sphere by capitalist imperatives creates winners and losers, those who exploit and those who are exploited, a fundamental contradiction for political-democracy. Beck further suggests that in late modernity, the need to mitigate the risks and harms of the very technologies upon which societies depend creates the need for capital interests to control information regarding risk and harm. Carefully managed and selective information, however, cannot provide the basis upon which considered public opinion is formed. It is seemingly inevitable, therefore, that voices were not heard in the Red Rock debate, and this does, indeed, appear to be the case. In all the data examined in this study, the voice of Native Americans is markedly absent, especially the native peoples whose allotted lands are contiguous with OG&E's Sooner Power Plant and the proposed site of the Red Rock expansion. Future research should explore why this voice was absent, and how native populations perceive the risks to which they are exposed.

There are important limitations inherent in this study. First, the use of qualitative methods limits the ability to generalize findings across a wide variety of dissimilar cases. Additionally, the newspaper data were purposefully collected and no conclusions can be drawn concerning how either the *TW* or the *DO* covered energy issues or selected

particular events and issues for coverage. Further, only Chesapeake's corporate communications accessible in the public domain were included in the interpretive content and critical discourse for analysis. This contributes to the inability to draw definitive conclusions concerning the effectiveness of Chesapeake's corporate communication strategies in the Red Rock case. The inability to draw definitive conclusions concerning the effectiveness of Chesapeake's corporate communication strategies is that corporate communications are related to both short-term and long-term goals for the capital expansion. The effectiveness of Chesapeake's corporate communication strategies on long-term goals cannot be addressed by this study.

This study does make valuable contributions to corporate strategic communications, risk society, and political-sociology literature. First, this research provides a rich description of how one private corporation maintained vertical oversight of regulatory, legislative, and judicial processes structurally connected to a perceived competitor's decision that threatened to limit the corporation's market share. Secondly, this research highlights the origins and intent of one private corporation's carefully crafted risk definitions targeting individuals within state institutions and civil society. Thirdly, this study indicates that careful attention should be paid to actions of corporate 'persons' as they expand communicative strategies across local, state, federal, and transnational forums in which authoritatively binding decision-making occurs. Communications within these forums, whether by qualifying as parties of interest, providing or challenging expert witness testimonies, or engaging in court proceedings—especially in courts with original jurisdiction to hear appeals and issue decisions that are binding on lower courts and other branches of government—provides access to expert knowledges that inform corporate

communications in which corporations attempt to win political meaning from the fear of risk and harm. Finally, this research helps to delineate the vague concept of corporate power by highlighting how corporations acting as ‘persons’ with protected rights to political speech have the potential to manage and restrict public participation in the practice of political-democracy.

REFERENCES

- Aldridge, Jessica R. 2009. "Ending America's Dependence on Foreign Oil: Risk Perceptions among Texans." Masters Thesis, Department of Sociology, Western Kentucky University. Bowling Green. Accessed at: *Masters Theses and Specialist Projects. Paper 85.* <http://digitalcommons.wku.edu/theses/85>
- An, Soontae, Huyn Seung Jin and Michael Pfau. 2006. "The Effects of Issue Advocacy on Voters' Candidate Issue Knowledge and Turnout." *Journalism and Mass Communication Quarterly* 83: 7 – 24.
- Beck, Ulrich. 1989. "On the Way to the Industrial Risk-Society? Outline of an Argument." *Thesis Eleven* 23: 86 – 103. (Translated by Peter Morgan).
- Beck, Ulrich. 1992. "From Industrial Society to the Risk Society: Questions of Survival, Social Structure and Ecological Enlightenment." *Theory, Culture and Society*, 9: 97 – 123.
- Beck, Ulrich. 1995. *Ecological Enlightenment: Essays on the Politics of the Risk Society.* Atlantic Highlands, NJ: Humanities Press.
- Beck, Ulrich. 1996. "World Risk Society as Cosmopolitan Society? Ecological Questions in a Framework of Manufactured Uncertainties." *Theory, Culture and Society* 13(4): 1 – 32.

- Beck, Ulrich. 2006. "Living in the World Risk Society: A Hobhouse Memorial Public Lecture Given on Wednesday 15 February 2006 at the London School of Economics." *Economy and Society* 35: 329-345.
- Beck, Ulrich. 2009. *World Risk Society*. Malden, MA: Polity Press.
- Berg, Bruce L. 2004. *Qualitative Research Methods for the Social Sciences*. Boston: Pearson Education Inc.
- Brown, Phil and Susan Masterson-Allen. 1994. "The Toxic Waste Movement: A New Type of Activism." *Sociology and Natural Resources* 7(3): 169 – 287.
- Beder, Sharon. 2010. "Business-managed Democracy: The Trade Agenda." *Critical Social Policy* 30(4): 496 - 518.
- Bullard, Robert D. 1990. "Ecological Inequities and the New South: Black Communities under Siege." *The Journal of Ethnic Studies* 17(4): 101 – 115.
- Bullard, Robert D. 2000. *Dumping in Dixie: Race, Class, and Environmental Quality*. Westview Press.
- Burgoon, Michael, Michael Pfau and Thomas S. Birk. 1995. "An Inoculation Theory Explanation for the Effects of Corporate Issue/Advocacy Advertising Campaigns." *Communication Research* 22: 485 – 505.
- Cable, Sherry, Thomas E. Shriver and Tamara L. Mix. 2008. "Risk Society and Contested Illness: The Case of Nuclear Weapons Workers." *American Sociological Review* 73: 380-401.

- Carroll, Archie B. 2012. Corporate Social Responsibility (CSR). Pages 2 - 12 in *SAGE Brief Guide to Corporate Social Responsibility*. Lisa Cuevas Shaw (Ed.). Los Angeles, CA: SAGE Publications, Inc.
- Cappiello, Dina. 2008. "Natural Gas: Aubrey McClendon's Energy 'Education' Campaign." *ClimateWire*: Environment & Energy Publishing, LLC: Capitol Hill Offices, Washington, D.C. April 24. Retrieved April 28, 2008 (<http://www.eenews.net/stories/63718>)
- Charman, Karen. 2010. "Trashing the Planet for Natural Gas: Shale Gas Development Threatens Freshwater Sources, Likely Escalates Climate Destabilization." *Capitalism Nature Socialism* 21(4): 72 – 82.
- Cho, Charles H., Martin L. Mafrtens, Hakkyun Kim and Michelle Rodrigue. 2011. "Astroturfing Global Warming: It isn't Always Greener on the Other Side of the Fence." *Journal of Business Ethics* 104(4): 571–587.
- Cutler, Bob D. and Darrel D. Muehling. 1989. "Advocacy Advertising and the Boundaries of Commercial Speech." *Journal of Advertising* 18: 40-50.
- Cutler, Bob D. and Darrel D. Muehling. 1991. "Another Look at Advocacy Advertising and the Boundaries of Commercial Speech." *Journal of Advertising* 20: 49-52.
- Deacon, David, Michael Pickering, Peter Golding and Graham Murdock. 1999. *Researching Communications: A Practical Guide to Methods in Media and Cultural Analysis*. New York, NY: Oxford University Press, Inc.

- d'Errico, Peter. 1996. "Corporate Personality and Human Commodification."
Rethinking Marxism 9(2): 99 – 113.
- Denzin, Norman K. and Yvonna S. Lincoln. 2008. "Introduction: The Discipline and Practice of Qualitative Research." Pp 1-29 in *The Sage Handbook of Qualitative Research*. N.K. Denzin and Y.S. Lincoln (Eds.). Thousand Oaks, CA: Sage.
- DeRupo, Joseph. August 27, 2009. PRSA Condemns the Growing Use of Disingenuous Editorial Content, Deceptive Commentary on Blogs and Other Venues. Public Relations Society of America: New York, NY.
http://media.prsa.org/article_display.cfm?article_id=1370&utm_campaign=PRSA_Search&utm_source=PRSAWebsite&utm_medium=SSearch&utm_term=Front%20Group. Accessed: December 3, 2010.
- Dunlap, Riley E. and Richard York. 2008. "The Globalization of Environmental Concern and the Limits of the Postmaterialist Values Explanation: Evidence from Four Multinational Surveys." *The Sociological Quarterly* 49 (3): 529 – 563.
- Echols, John. N.D. "How to Writ the Trial Court." Available at:
<http://www.oklahomacriminallaw.com/Criminal%20Motions%20Brief%20Bank.htm> Last accessed: March 18, 2013.
- Ekberg, Merryn. 2007. "The Parameters of the Risk Society." *Current Sociology* 55: 343-366.
- Federman, Cary. 2003. "Constructing Kinds of Persons in 1886: Corporate and Criminal." *Law and Critique* 14: 167 – 189.

- Foucault, Michael. 1970. *The Order of Things: An Archaeology of the Human Sciences*.
Translated by A. Sheridan. London, England: Tavistock.
- Foucault, Michael. 1972. *The Archaeology of Knowledge*. Translated by A. Sheridan
Smith. London, England: Tavistock.
- Foucault, Michael. 1977. *Discipline and Punish*. Translated by A. Sheridan.
Harmondsworth: Penguin.
- Freudenburg, William R. and Susan K. Pastor. 1992. "Public Responses to
Technological Risks: Toward a Sociological Perspective." *The Sociological
Quarterly* 33(3): 389 – 412.
- Gamson, William A., David Croteau, William Hoynes and Theodore Sasson. 1992.
"Media Images and the Social Construction of Reality." *Annual Review of
Sociology* 18: 373-93.
- Gee, James Paul. 2011a. *How to do Discourse Analysis: A Toolkit*. New York, NY:
Routledge.
- Gee, James Paul. 2011b. *An Introduction to Discourse Analysis: Theory and Method*.
3rd Ed. New York, NY: Routledge.
- Gellings, Clark W. 1994. *Utility Marketing Strategies: Competition and the Economy*.
Lilburn, GA: The Fairmont Press, Inc.
- Gerencser, Steven. 2005. "The Corporate Person and Democratic Politics." *Political
Research Quarterly* 58(4): 625 – 635.

- Giddens, Anthony. 1990. *The Consequences of Modernity*. Stanford: Stanford University Press.
- Giddens, Anthony. 1991. *Modernity and Self Identity: Self and Society in the Late Modern Age*. Stanford, CA: Stanford University Press.
- Giddens, Anthony. 1999. "The Transition to a Society in Late Modernity: A Conversation with Anthony Giddens." *Sociologica* 14: 201-218.
- Giddens, Anthony. 2003. *Runaway World: How Globalization is Reshaping our Lives*, 3rd. Ed. Cambridge: England: Polity Press.
- Gill, Duane A. 2007. "Secondary Trauma or Secondary Disaster? Insights from Hurricane Katrina." *Sociological Spectrum* 27(6): 613 – 632.
- Grier, Kevin G., Michael C. Munger and Brian E. Roberts. "The Determinants of Industry Political Activity, 1978 – 1986." *American Political Science Review* 88(4): 911 – 926.
- Gunter, Valerie J. 2005. "News Media and Technological Risks: The Case of Pesticides after "Silent Spring"." *The Sociological Quarterly* 46(4): 671 – 698.
- Habermas, Jürgen. [1962] 1992. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Cambridge, MA: The MIT Press.
- Habermas, Jürgen. 1971 [German, 1968]. *Knowledge and Human Interests*. Translated by Jeremy J. Shapiro. Boston, MASS: Beacon Press.

- Habermas, Jürgen. 1981. New Social Movements. *Telos* 19: 33-37.
- Habermas, Jürgen. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Cumberland, RI: The MIT Press.
- Habermas, Jürgen. 2006. "Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research." *Communication Theory* 16: 411 – 426.
- Hainsworth, Brad and Max Meng. 1988. "How Corporations Define Issue Management". *Public Relations Review* 14: 18-30.
- Hall, Richard L. and Molly E. Reynolds. 2010. "Issue Advertising and Legislative Advocacy." Annual Meetings of the American Political Science Association. Washington, DC.
- Hamil, Sean. 1991. "Corporate Community Involvement: A Case for Regulatory Reform." *Business Ethics: A European Review* 8(1): 14-25.
- Hardy, Cynthia. 2001. "Researching Organizational Discourse." *International Studies in Management and Organization* 31(3): 25 – 47.
- Hardy, Cynthia, Bill Harley, and Nelson Phillips. 2004. "Discourse Analysis and Content Analysis: Two Solitudes?" *Qualitative Methods: Newsletter of the American Political Science Association Organized Section on Qualitative Methods* 2(1): 19–24.

- Heath, Robert L. and Richard Alan Nelson. 1985. "Image and Issue Advertising: A Corporate and Public Policy Perspective." *The Journal of Marketing* 49: 58-68.
- Hess, David J. 2011. "Electricity Transformed: Neoliberalism and Local Energy in the United States". *Antipode* 43(4): 1056–1057.
- Hessey-Biber, Sharlene Nagy and Patricia Leavy. 2006. *The Practice of Qualitative Research*. Thousand Oaks, CA: Sage.
- Hodgson, Lesley. 2004. "Manufactured Civil Society: Counting the Cost." *Critical Social Policy Ltd* 24(2): 139-164.
- Iyengar, S. 1991. *Is Anyone Responsible?: How Television News Frames Political Issues*. Chicago, Illinois, Chicago Press.
- Johnson-Cramer, Michael E. 2012. "Stakeholder Theory." Pp. 116 – 130 in *SAGE Brief Guide to Corporate Social Responsibility*. Lisa Cuevas Shaw (Ed.). Los Angeles, CA: SAGE Publications, Inc.
- Jones, Verity. 2004. "Communicating Environmental Knowledges: Young People and the Risk Society." *Social & Cultural Geography* 5: 213-228.
- Kapelus, Paul. 2002. "Mining, Corporate Social Responsibility and the "Community": The Case of Rio Tinto, Richards Bay Minerals, and the Mbonambi." *Journal of Business Ethics* 39: 275–296.
- Kassarjian, H. H. 2001. "Content Analysis in Consumer Research." *Journal of Consumer Research* 4: 8–18.

- Kim, Minjeong, Chung Joo Chung, and Jang Hyun Kim. 2011. "Who Shapes Network Neutrality Policy Debate? An Examination of Information Subsidizers in the Mainstream Media and at Congressional and FCC Hearings." *Telecommunications Policy* 35: 314 – 324.
- Kohlbacher, Florian. 2006. "The Use of Qualitative Content Analysis in Case Study Research" [89 Paragraphs]. *Forum Qualitative Social Research/Forum Qualitative Sozialforschung*. 7(1): Art 21, <http://nbn-resolving.de/urn:nbn:de:0114-fqs0601211>
- Krippendorff, Klaus. 2004. *Content Analysis: An Introduction to Its Methodology*. Thousand Oaks, CA: Sage.
- Laffey, Mark and Jutta Weldes. 2004. "Methodological Reflections on Discourse Analysis." *Qualitative Methods: Newsletter of the American Political Science Association Organized Section on Qualitative Methods* 2(1): 28-31.
- Lea, David Rirodon. 2012. "Shareholder Wealth Maximization." Pages 135-144 in *SAGE Brief Guide to Corporate Social Responsibility*. Lisa Cuevas Shaw (Ed.). Los Angeles, CA: SAGE Publications, Inc.
- LeGreco, Marianne and Sarah J. Tracy. 2009. "Discourse Tracing as Qualitative Practice." *Qualitative Inquiry* 15(9): 1516–1543.
- Lipton, Daniel. "Corporate Capacity for Crime and Politics: Defining Corporate Personhood at the Turn of the Twentieth Century." *Virginia Law Review* 96(8): 1911 - 1964.

- Lukaszewski, Jim. 2008. Engaging in the Use of Deceptive Practices while Representing Front Groups. *Professional Standards Advisory PS-7*, Public Relations Society of America.
- http://www.prsa.org/aboutprsa/ethics/professionalstandardsadvisories/ps709.pdf?utm_campaign=PRSAsearch&utm_source=PRSAWebsite&utm_medium=SSearch&utm_term=Front%20Group. Accessed: December 4, 2010.
- Lukes, Steven. 2005. *Power: A Radical View* (2nd Edition). London: Palgrave Macmillan.
- Lupton, Deborah. 1999. *Risk*. New York, NY: Routledge.
- Lussier, Robert N. and Herbert Sherman. 2009. *Business, Society, and Government Essentials: An Applied Ethics Approach*. Long Grove, IL: Waveland Press, Inc.
- Maesele, Pieter. 2011. "On News Media and Democratic Debate: Framing Agricultural Biotechnology in Northern Belgium." *The International Communication Gazette* 73(1-2): 83 – 105.
- McClendon, Aubrey K. 2007. "Coal-fired Plant is Bad Idea, Bad Deal." *Tulsa World*, August 26.
- McNutt, John and Katherine Boland. 2007. "Astroturf, Technology and the Future of Community Mobilization: Implications for Nonprofit Theory." *Journal of Sociology & Social Welfare* VVVIV: 165-178.

- Messer, Chris M. and Thomas E. Shriver. 2009. "Corporate Responses to Claims of Environmental Misconduct: The Case of Phelps Dodge and Blackwell, Oklahoma." *Deviant Behavior* 30: 647 – 668.
- Miller, David and Claire Harkins. 2010. "Corporate Strategy, Corporate Capture: Food and Alcohol Industry Lobbying and Public Health." *Critical Social Policy* 30(4): 564-589.
- Miller, David and Gerry Mooney. 2010. "Introduction to the Themed Issue. Corporate Power: Agency, Communication, Influence and Social Policy." *Critical Social Policy* 30(4): 459 – 471.
- Miller, Barbara and Janas Sinclair. 2009. "Community Stakeholder Responses to Advocacy Advertising: Trust, Accountability, and the Persuasion Knowledge Model (PKM)." *Journal of Advertising* 38: 37 – 51.
- Mix, Tamara and Kristin Waldo. Forthcoming. "Know(ing) Your Power: Risk Society, Astroturf Campaigns and the Battle over the Red Rock Coal-Fired Plant." *The Sociological Quarterly*.
- Moir, Lance. 2001. "What do We Mean by Corporate Social Responsibility?" *Corporate Governance* 1(2): 16–22.
- Newell, Peter and Jędrzej George Frynas. 2007. "Beyond CSR? Business, Poverty and Social Justice: An Introduction." *Third World Quarterly* 28(4): 669 – 681.

- Oliver, Pamela E. and Daniel J. Myers. 1999. "How Events Enter the Public Sphere: Conflict, Location, and Sponsorship in Local Newspaper Coverage of Public Events." *American Journal of Sociology* 105(1): 38 – 87.
- Palazzo, Guido and Andreas Georg Scherer. 2006. "Corporate Legitimacy as Deliberation: A Communicative Framework." *Journal of Business Ethics* 66: 71–88.
- Pellow, David N. 2001. "Environmental Justice and the Political Process: Movements, Corporations, and the State." *The Sociological Quarterly* 42(1): 47 – 67.
- Perrin, Andrew J. 2006. *Citizen Speak: The Democratic Imagination in American Life*. Chicago, IL: University of Chicago Press.
- Perrin, Andrew J. and Stephen Vaisey. 2008. "Parallel Public Spheres: Distance and Discourse in Letters to the Editor." *American Journal of Sociology* 114(3): 781 – 810.
- Pfau, Michael, Michel M. Haigh, Jeanetta Sims and Shelley Wigley. 2007. "The Influence of Corporate Front-Group Stealth Campaigns." *Communication Research* 34: 73-99.
- Pfau, Michael, David Park, R. Lance Holbert and Jaeho Cho. 2001. "The Effects of Party- and PAC-Sponsored Issue Advertising and the Potential of Inoculation to Combat its Impact on the Democratic Process." *American Behavioral Scientist* 44(12): 2379 – 2397.

- Phillips, Nelson and Cynthia Hardy. 2002. *Discourse Analysis: Investigating Processes of Social Construction*. Thousand Oaks, CA: Sage, Inc.
- Picou, J. Steven; Brent K. Marshall, and Duane A. Gill. 2004. "Disaster, Litigation, and the Corrosive Community." *Social Forces* 82(4): 1493 – 1522.
- Reed, Ananya Mukherjee and Darryl Reed. 2009. "Partnerships for Development: Four Models of Business Involvement." *Journal of Business Ethics* 90: 3 – 37.
- Richardson, John E. 2007. *Analysing Newspapers: An Approach from Critical Discourse Analysis*. London: Palgrave Macmillan.
- Ridley-Duff, Rory. 2007. "Communitarian Perspectives on Social Enterprise." *Corporate Governance: An International Review* 15(2): 382-392.
- Ridley-Duff, Rory. 2012. "Communitarian Governance in Social Enterprises: Case Evidence from the Mondragon Cooperative Corporation and School Trends Ltd." *Social Enterprise Journal* 6(2): 125-145.
- Ritchie, Liesel A. and Duane A. Gill. 2008. "The Selendang Ayu Shipwreck and Oil Spill: Considering Threats and Fears of a Worst-Case Scenario." *Sociological Inquiry* 78(2): 184 – 206.
- Rueschemeyer, Dietrich. 2000. Democracy and Social Inequality. Chapter 9 in *Governing Modern Societies*, Richard V. Ericson and Nico Stehr (Eds.). Toronto, Canada: University of Toronto Press.

- Sadrieh, Farid and Madan Annavarjula. 2005. "Firm-Specific Determinants of Corporate Lobbying Participation and Intensity." *International Journal of Public Administration* 28(1,2): 179 – 202.
- Sethi, S. Prakash. 1977. *Advocacy Advertising and Large Corporations*. Lexington, MA: D. C. Heath.
- Sethi, S. Prakash. 1987. *Handbook of Advocacy Advertising: Concepts, Strategies, and Applications*. Cambridge, MA: Ballinger Publishing Co.
- Schudson, Michael. 1984. "News Media and Democratic Processing." *Social Science and Public Policy*, 21(2): 45 – 53.
- Schudson, Michael. 2006. "The Trouble with Experts—and Why Democracies Need Them." *Theory and Society* 35: 491-506.
- Somerville, Peter. 2011. "Democracy and Participation." *Policy and Politics* 39(3): 417–437.
- Sovacool, Benjamin K. 2010. "Broken by Design: The Corporation as Failed Technology." *Science, Technology, Society* 15(1): 1 – 25.
- Stevens, J.M, H. K. Steensman, H.D. Harrison and L. Cochran. 2005. "Symbolic or Substantive Documents? The Influence of the Ethics Codes on Financial Executive's Decisions." *Strategic Management Journal* 26(2): 181-195.
- Stoll, Mary Lyn. 2005. "Corporate Rights to Free Speech?" *Journal of Business Ethics* 58(1/3): 261 – 269.

Taylor, Maureen. 2000. "Media Relations in Bosnia: A Role for Public Relations in Building Civil Society." *Public Relations Review* 26(1): 1–14.

Taylor, Maureen and Marya L. Doerfel. 2003. "Building Interorganizational Relationships that Build Nations." *Human Communication Research* 29(2): 353-381.

Thompson and Knight. 2010. Impact of the U.S. Supreme Court's Citizens United v. Federal Election Commission Decision: How Smart Businesses Can Lawfully Affect Political Campaigns. *Thompson & Knight Impact*, June 8. Thompson & Knight LLP.

U.S. Energy Information Administration. March 2012. *Electric Power Monthly*.

Vandewater, Bob. 1984. "OG&E Plant Nearly Ready; So is Rate Hike." *The Daily Oklahoman, Sunday Edition*, June 3. Record Number OKC418353.

Vandewater, Bob. 1983. "Pending Pollution Legislation Called Danger to Coal Firms." *The Daily Oklahoman*, November 5. Record Number OKC315216.

Vandewater, Bob. 1991. "OG&E, Cogeneration Proponent Square Off." *The Daily Oklahoman*, February 12. Record Number OK1724894.

van Staveren, Irene. 2009. "Communitarianism and the Market: A Paradox." *Review of Social Economy* 67(1): 25-47.

- Walker, Edward T. 2012. "Putting a Face on the Issue: Corporate Stakeholder Mobilization in Professional Grassroots Lobbying Campaigns." *Business & Society* 51(4): 561 – 601.
- Warkentin, Denise. 1998. *Electric Power Industry in Nontechnical Language*. Tulsa, OK: PennWell.
- Welsh, Bradley W. 2004. "Original Jurisdiction Actions as a Remedy for Oklahoma's Decision Deficit." *Oklahoma Law Review*, 855 – 871.
- West, Darrell M. 2007. *Biotechnology Policy across National Boundaries: The Science-Industrial Complex*. New York: Palgrave Macmillan.
- Wilmoth, Adam. 2007. "Power Study Panel Debates Competition—OG&E Says It's Already Using Cheapest Electricity." *The Daily Oklahoman*, September 23. Record Number MERLIN_2056625, Page 3b, Business Section.
- Wilmoth, Adam. 2007a. "Coal Plant Projects Concern Groups—Environmental Issues Raise State Awareness." *The Daily Oklahoman*, February 12. Record Number MERLIN_3913086, Page 1B, Business Section.
- Wilmoth, Adam. 2007b. "Coal Power Plant Plans Challenged as 'Too Risky'—Chesapeake CEO Touts Gas as Best Choice for Climate." *The Daily Oklahoman*, April 3. Record Number MERLIN_3913086, Section Business, p. 1B.
- Womack, Jason. 2007a. "Chesapeake Energy's CEO Appeals to State Regulators." *The Tulsa World*.

Womack, Jason. 2007b. "Regulators Ponder Coal-Fired Power Plant." *The Tulsa World*, July 10. (Retrieved from Newspaper Source Plus on May 14, 2010).

Zardkoohi, Asghar. 1985. "On the Political Participation of the Firm in the Electoral Process." *Southern Economic Journal* 51(3): 804 – 817.

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