



ASU in the News

December 30, 2009

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Article provided by Bishop Law Office

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Years ago, the concept of "Mr. Mom" -- a dad raising the kids -- was a novelty, a punch line and certainly not the norm. Today, with about half of all marriages ending in divorce and parenting roles becoming less rigid, fathers with significant custody rights have become more common.

Old Stereotypes Fall by the Wayside

In the past, gender-based stereotypes rendered the father the backup parent, and it was virtually automatic that courts would favor the mother. The "Tender Years Doctrine," a judicial presumption employed in divorce cases, provided that when all other factors were equal, custody of a child of tender years -- generally under the age of 13 -- should be awarded to the mother.

The doctrine has been eliminated in most states, including Arizona, and a major shift in parenting dynamics has emerged. Men are adopting more of a hands-on approach, fighting for the right to be considered equally in custody evaluations and decisions. Experts say the courts are paying close attention.

Evolving Parental Roles

The traditional nuclear family model is changing. Roles are reversing or becoming blurred. More women are pursuing careers and more men are accepting the responsibility of being the primary parent.

As more fathers seek custody during divorce, the trend is toward "shared schedules," or joint custody, where parents split time with the child equally.

Studies Show That Shared Custody May Be Beneficial

Recent Arizona State University studies indicate that shared custody between divorced parents can actually prove to be healthier for the child than living solely with one parent. A study conducted by Harvard University found that children in joint custody settings fared better than those in sole custody in the areas of depression, deviance and school grades.

An Ohio State University study showed that children in joint custody arrangements scored higher on measures of well-being, such as displaying less aggressive behavior, than children in other settings. Evidence continues to illuminate the benefits of parents' setting aside their personal

differences and making decisions together in the best interests of the children, and the trend in the courts is shifting from choosing between parents to involving both of them in the care of the children.

Domestically and legally, a new dynamic is forming in which involved dads aren't raising eyebrows any longer -- and they just might be raising healthier kids.

How Custody Is Decided

Shared custody is of course not appropriate in all cases. At the same time, the issue is not which parent is the superior parent, but rather what is in the child's best interests. Many parents believe that a parenting time order should be proportionate to which parent has provided the best care for the child. The court may order equal parenting time even if one of the parties has been the primary parent in the past. In the same context, the court may decide the non-primary parent should be given the opportunity to take on more parental responsibility now that the parties are no longer married, and the roles of the father as the breadwinner and the mother as the homemaker will be altered by necessity after the divorce.

Sole custody orders may still be appropriate where there has been domestic violence, drug use, ongoing alcohol abuse, neglect and other actions which may affect the children's well-being. Many parents are still awarded sole custody or are deemed the primary residential parent depending on the circumstances.

The bottom line is that there are no custody presumptions based upon whether you are the mother or the father. Rather, many circumstances affect what is in the children's best interests, and what custody and parenting order is appropriate.

The parents' circumstances and the children's best interests may also change over time. The court's initial custody and parenting time orders may be appropriate at the time they were entered. However, the courts are generally open to changing such orders as children get older and circumstances change.

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Outlet: CTV.ca

Title: Bernie Madoff and the Year of the Ponzi Scheme

Publication Date: 12/30/2009

Full Text:

If the Western calendar followed the conventions of the Chinese Zodiac, the soon-to-be complete 2009 would surely be nicknamed the Year of the Ponzi Scheme.

Known in perpetuity as the 'robbing Peter to pay Paul' scam, the Ponzi scheme became a regular staple of news reports as fraudsters -- both proven and accused -- were identified across North America throughout the year.

The convicted conman Bernie Madoff may have grabbed the most attention, as his lavish New York lifestyle was torn down and sold away by U.S. authorities. But he was only one of many who made Ponzi headlines for the wrong reasons in 2009:

-In British Columbia, Hal MacLeod, Kenneth McMordie, Dianne Rosiek and David Vaughan were ordered to pay millions of dollars in restitution and fines for their part in a Ponzi scheme.

-In Alberta, Gary Sorenson and Milowe Brost face charges of fraud and theft, which the RCMP claims results from an alleged \$400 million Ponzi scheme. None of the charges have been proven in court.

-In Montreal, financier Earl Jones has been charged with four counts of fraud and theft, after dozens of clients came forward claiming they had been ripped off by him. None of the charges have been proven to court.

-South of the border, Bernie Madoff was convicted and sentenced to 150 years in jail after stealing billions from clients.

-In Texas, billionaire Allen Stanford was accused of running a multi-billion dollar Ponzi scheme. He remains in custody as his case is before the courts.

In the face of public outrage, governments acted quickly to crack down on white collar crimes.

In Ottawa, the Canadian government proposed minimum sentences and limited parole for million-dollar fraudsters. The Tories also tabled legislation to bar convicted white-collar criminals from handling other people's money and possibly forcing them to pay their victims back. 'We are committed to cracking down on white-collar crime and increasing justice for victims by providing tougher sentences for the criminals responsible,' said Justice Minister Rob Nicholson, when describing the government's view on financial crimes.

South of the border, a set of 'Post-Madoff Reforms' were introduced by the U.S. Securities and Exchange Commission in the wake of his multi-billion dollar fraud that victimized charities, international banks and thousands of individual investors.

Andrew Lackey, the president of the Donald W. Reynolds National Center for Business Journalism at Arizona State University, said these types of stories are always around us - especially during a recession period. 'In hard times, people yearn for wealth more,' Lackey told CTV.ca in a telephone interview from his Phoenix office.

People are often more apt to play the lottery or take a risk when times are tough - especially if a friend or relative is reaping huge financial rewards from doing so, Lackey said. 'It happens to some people and why not me?' said Lackey. The 'original' Ponzi Boston University professor Mitchell Zuckoff spent much of 2009 talking about Ponzi schemes.

Four years ago, the former Boston Post reporter wrote a biography of Carlo 'Charles' Ponzi, the flamboyant Italian conman behind the original namesake scheme at the dawn of the 1920s. His book, 'Ponzi's Scheme: The True Story of a Financial Legend,' has done well on Amazon.com this year, and Zuckoff has found himself answering repeated phone calls from reporters writing about dubious investments. 'I felt like I was on the speed dial of every reporter on the Ponzi beat,' Zuckoff joked when speaking to CTV.ca by telephone from his Boston office.

Ponzi was an Italian immigrant who moved to the United States on his own in 1903. He loved living large, spending money on clothes, women, gambling and booze.

Before launching his infamous scheme in Boston, Ponzi spent a few years in Montreal, where he worked at a bank that ran a smaller version of the age-old scam. His boss, Luigi Zarossi, fled the country and the bank went belly-up. Ponzi found work for a while, but eventually got caught passing a bad cheque and did jail time in Quebec.

What Ponzi saw happening in Montreal 'was very much a seed that was planted that ultimately grew into the Ponzi scheme,' Zuckoff said. When he made it back to Boston, Ponzi tried his hand at legitimate business for a while, but later turned his efforts to a scam that promised his investors - and him -- outrageous returns.

The returns were too good to be true, but good enough to lure in more than 30,000 investors. He launched the scam 90 years ago this month when he opened his front near Boston's City Hall. Ponzi called it The Security Exchange Company.

By the end, Ponzi had taken in \$10 million in a nine-month period that ended with his arrest in August 1920 - an astronomical amount of money at the time.

Why it works

By definition, Ponzi schemes are very simple: They involve taking a person's money, making a promise to pay that person back a high rate of interest, and paying them back with money obtained from new investors. When there is not enough money coming into the scheme to sustain it, the jig is up.

It doesn't make sense for investors to receive constant, high-levels returns for a prolonged period of time. But these types of con artists almost always tend to prey upon people who feel they deserve to hit it rich, Leckey said. 'It's the gullibility of people who don't really understand the markets,' Leckey told CTV.ca in a telephone interview from his Phoenix office.

Zuckoff believes that Ponzi schemes put two human beliefs in competition with one another. One is that something is too good to be true. The other is that something is too good to pass up. 'If someone gives you a justification that sounds plausible, it at least raises the question: 'Is this too good to miss?'" Zuckoff said. More often that not, it is better to take a pass when something seems too good to be true. But it only needs to be 'just plausible enough' to draw you in, said Zuckoff.

Ponzi schemes are also highly adaptable, which makes them convenient to apply in different settings and to appeal to a variety of investors.

As examples, the SEC found several alleged multi-million Ponzi schemes that were specifically targeted to Haitian, Korean, Chinese and Hispanic groups, all in separate cases. The regulator also busted four people who allegedly ran a fraudulent eco-business-related Ponzi scheme in Colorado, and another alleged fraudster who is accused of stealing US\$250 million from elderly investors.

As Leckey puts it, the modern Ponzi schemes have 'become more sophisticated based upon the climate of the world.' The Madoff case was an atypical Ponzi scheme, said Leckey, because it targeted people who were risk-averse, who craved the safety and stability of what the former Nasdaq chief could offer.

Names in the news in 2009

Milowe Brost and Gary Sorenson

In September, these two Albertan residents were charged in connection with an alleged Ponzi scheme that police claim took at least \$100 million from an estimated 3,000 investors between 1999 and December 2008.

Milowe Brost and Gary Sorenson have each been charged with fraud and theft over \$5,000. They appeared in court on Dec. 14, but their case was delayed until March -- because their lawyers need time to wade through the 80,000 documents involved in the case.

Earl Jones

This Montreal financier came to public attention in the summer, when Quebec regulators froze the assets of his business. In July, Bertram Earl Jones was charged with four counts each of fraud and theft. The Crown has so far identified more than 150 alleged victims of an alleged Ponzi fraud worth about \$75 million.

Jones has not entered a plea before the court and has been keeping a low profile since he was charged. The 67-year-old is now estranged from his family and his wife, Maxine, filed for divorce at the end October. He is set to return to court on Jan. 15.

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Hal MacLeod, Kenneth McMordie, Dianne Rosiek and David Vaughan

The B.C. Securities Commission ruled in October that these four Canadians must pay back \$16 million to investors and \$26 million in penalties for operating a 'widespread and deliberate' Ponzi scheme that ripped off 800 investors before its collapse in 2007.

Bernie Madoff Bernard 'Bernie' Madoff obviously set the bar for Ponzi schemers in the year 2009, whether they were from the U.S. or elsewhere.

While his US\$50 billion financial scam was actually uncovered last year, the 71-year-old ex-Nasdaq chairman didn't plead guilty to his crimes until March 12, 2009. That day he went directly to prison after sleeping in a US\$7 million Manhattan penthouse the night before.

Later sentenced to spend 150 years in prison for his crimes, the Federal Bureau of Prisons website indicates Madoff is now living at the Butner Federal Correctional Complex in North Carolina. In 2009, federal agents seized his home, evicted his wife, auctioned off his yacht and an alleged mistress wrote a tell-all book entitled 'Madoff's Other Secret: Love, Money, Bernie, and Me.' Allen Stanford

The trouble for Robert Allen Stanford started in February, when the FBI served him with a civil complaint from the SEC linking him, two other executives and three of his companies to an alleged multi-billion dollar Ponzi scheme.

Four months later, Stanford was indicted by the U.S. Justice Department for separate alleged offences, including wire fraud, mail fraud, conspiracy to commit mail, wire and securities fraud and conspiracy to commit money laundering.

The Texas billionaire has steadfastly maintained his innocence since the SEC and DOJ allegations came forward. Nothing has been proven in court.

Stanford is currently being held in the Federal Detention Center in Houston, while his case is before the courts. He was previously at the Joe Corley Detention Center in Conroe, Tex., about 65 kilometres north of Houston, until he was injured in an altercation with another inmate in late September.

With files from The Canadian Press and The Associated Press

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Outlet: Jewish News of Greater Phoenix

Title: Profile - Beth Katz, interior designer

Publication Date: 12/30/2009

Full Text:

KatzDesignGroup LLC

4336 E. Mountain View Road

Phoenix

602-312-9223

beth@katzdesigngroup.com katzdesigngroup.com Nature of business: KatzDesignGroup is an interior architecture firm specializing in sustainable commercial office interiors, health-care and restaurant design.

How long have you been in business? KatzDesignGroup has been in business in the Valley since 2004. I have designed commercial interiors for 20 years.

What inspired you to go into interior design? I am fortunate to have the ability to see spaces in my mind before they hit the paper. I think very three-dimensionally, creating very dynamic spaces. I love playing a role in creating business success for my clients.

Professional background: We moved to the Valley from Boston six years ago. Before starting KatzDesignGroup, I worked for a very large prominent architectural firm designing high-end corporate office interiors. I taught at the Boston Architectural Center and was on the board for IIDA-New England. (International Interior Design Association). I have been published in prominent design publications.

What obstacles have you overcome in your professional life? I think the hardest obstacle has been working steadily throughout the recession. I have always been fortunate that my national clients have been successful and steadily growing. Placing their real estate on hold gave me the opportunity to get better connected locally.

What are your greatest accomplishments? I would have to say my family. I am fortunate to have a wonderful husband and two incredible kids. I am inspired by their constant humor and creativity.

What advice do you have to offer other professionals? It is not about the destination, rather the journey.

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How do you contribute to the community? **I serve on the Interior Design Advisory Board for Collins College in Phoenix, and do guest critiques for Arizona State University's interior design program.** Since 1995, I have served on CIDA (Council for Interior Design Accreditation Board) and actively participate in the accreditation of interior design programs at the university level.

What role does Judaism play in your professional life? KatzDesignGroup provides tikkun olam in the way of financial support and time and materials to local organizations such as UMOM's Watkins Shelter for women and families and TGen's StepNOOut for Pancreatic Cancer. We take our family down to the shelter to have them participate in helping feed the homeless and unfortunate. We have created 'Team Frank' and have raised thousands of dollars for TGen's pancreatic cancer research.

Jewish affiliations: We belong to Temple Chai. I volunteer as the temple coordinator to UMOM's Watkins Shelter. I'm a member of the Valley of the Sun Jewish Community Center.

City of residence: Phoenix

Family: My husband, David Katz, is an anesthesiologist, and sons Bennet, 8, and Brett, 5.

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Outlet: coloradoan.com

Title: Fort Collins grad Stevens picks up another award

Publication Date: 12/30/2009

Full Text:

Stevens, one of the most decorated student-athletes in Arizona State University athletic history and a two-time national champion for its track and field program, will be one of eight recipients of the NCAA's Top VIII Award. Stevens, a six-time Colorado state champion while at Fort Collins High School, was honored for her success in athletics, the classroom and community. Other honorees this year include Florida quarterback Tim Tebow.

"I'm looking forward to ending my college career on a high note and being able to be recognized among so many great athletes in the NCAA," Stevens said Tuesday evening.

Stevens, 23, completed her eligibility last spring when she earned All-America honors in three events (shot put, discus, hammer). She was a two-time NCAA champion and 15-time All-American.

Stevens also was a four-time all-Pacific-10 Conference academic selection and the 2009 Pac-10 scholar athlete of the year. Her volunteer activities included working with the Pat Tillman Leadership Through Action Program and the Salvation Army. She received a master's degree in elementary education from Arizona State earlier this month.

She will receive the award next month in Atlanta. priority: 100 In your Read reactions to this story Newest first Oldest first Add your comment (max characters) You must be logged in to leave a comment. wrote: Report item as: (required) Obscenity/vulgarity Hate speech Personal attack Advertising/Spam Copyright/Plagiarism Other Comment: (optional) Missing input fields. You must fill out the comment body in order to submit a comment. Comment too long. The comment you have entered is too long. Please limit your post to characters or less. Fort Collins High School graduate Sarah Stevens, who went to college at Arizona State, will be one of the NCAA's Top VIII Award winners next month. (Coloradoan library) Related Topics - Etc. More headlines (13) (1) Latest headlines (1) (1) Most Recommended Articles (8)(8)(8)(7)(5) Most Commented Articles (61)(56)(39)(36)(33) Local Alerts Get breaking local news as it happens from The Coloradoan. Enter your phone number below: () - Choose alert content:

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Media Type: Online Print Version

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Outlet: azcentral.com

Title: Arizona may get sky-high solar towers

Publication Date: 12/30/2009

Full Text:

There are few ideal ways to make electricity that don't come with at least one drawback.

Solar power doesn't work at night, nuclear plants are expensive to build, wind turbines operate best far from where people live, and cheap coal power produces the most global-warming emissions.

But an Australian company hopes to build what sounds like an ideal energy source in western Arizona - a power plant that uses no fuel or water, causes no pollution and runs all day.

The concept could promise a cost-effective way to meet the increasing demand for clean energy without the expense and drawbacks of other alternative-power sources.

But first EnviroMission Inc. has to raise the money to build one of the tallest manmade structures on Earth on top of a sprawling greenhouse.

Officials said they want to actually go one better and build two of their \$750 million power plants on barren stretches of public and state land in La Paz County.

The company owns the rights to solar-tower technology, which is unlike the more traditional black panels often used to convert sunlight to electricity, or solar-thermal power that uses sunlight and mirrors to heat water and make steam.

A solar-tower plant would use a massive, 4-square-mile greenhouse to heat the desert air.

The hot air would rise to the top of the greenhouse, which would peak in the middle like a giant circus tent.

The hot air in the center would rush up a chimney 2,400 feet tall, nearly half a mile high, or 1,000 feet taller than the Chicago building formerly called the Sears Tower.

The warm air from the greenhouse would swoosh through turbines on its way through the tower, spinning them to make electricity, much like turbines in dams that spin when water rushes over them.

"It's basically an upside-down hydroelectric dam," said Christopher Davey, president of Australia-based EnviroMission Ltd.

The vision

Davey has a small executive team working from offices on 44th Street in Phoenix to develop the company's ambitious plan.

The towers would be just shorter than a project called Burj Dubai scheduled to open in January as the world's tallest building at more than 2,600 feet.

Davey acknowledges the idea is bold. Not only would it require huge amounts of land, but the technology has only been tested once, and that pilot project in Spain was toppled in 1989 after running for eight years.

But that test plant showed the technology is viable, Davey said.

"It is an incredibly benign technology," Davey said.

"This will enable Arizona to become a powerhouse. We would like La Paz County to become a new solar county."

One solar tower could produce 200 megawatts of electricity at once, or enough to run appliances in about 50,000 homes. And because the technology uses heat rather than sunlight like photovoltaic-solar panels, the electricity production wouldn't drop off with passing clouds, Davey said. "Greenhouses stay warm even after the sun goes down," he said.

With heat trapped in the greenhouse, the towers could produce electricity well into the night, and by storing the heat in black rocks or other material they could make electricity all day, he said.

Although the towers would be massive, Davey said that their height-to-width ratio and lack of windows and doors would make them sturdy.

"Like any other solar facilities, earthquakes, hurricanes and tornadoes are not ideal," he said.

"We can deal with some seismic activity, but I'm not going to build on the San Andreas Fault."

EnviroMission's solar towers are trying to break into a growing renewable-energy market that for now is focused on solar-thermal power plants.

Solar-thermal power plants use mirrors to focus sunlight and make steam and can store heat in molten salt to make some electricity past sundown. But they use huge amounts of water, which is usually scarce in deserts where the plants burn hottest.

EnviroMission's towers don't face that obstacle.

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"Where we are at, there is no water," Davey said. "There are no water rights. We'll be able to get it for construction, and that's it."

He said the towers represent an economic opportunity for the area.

"It is a former gunnery range," Davey said. "There are .50-caliber artillery shells on both parcels."

Davey founded the company with his father, who works from Australia. EnviroMission is traded on the Australian exchange and recently was added to the over-the-counter stock market in the U.S.

The company has tried to develop solar towers in Australia, Texas and now Arizona.

Without a plant in operation and no other source of revenue, EnviroMission is a money-losing company, and now is not the best time to try to raise money for big projects.

Arizona Public Service Co. serves as an example.

APS announced in early 2008 that it would buy power from a solar-thermal plant planned near Gila Bend, but the builder still hasn't found adequate financing for that plant. Another deal for APS to buy power from a plant to be built by Lockheed Martin Corp. fell apart recently when concerns arose over costs.

Davey said he is optimistic his projects will find financing.

"We're in the same boat as everyone else with financing," Davey said.

But regulators have shown concern. EnviroMission got a letter from the Australian Securities Exchange in November asking if the company had sufficient funds to continue operations.

"Is it reasonable to conclude . . . the company may not have sufficient cash to fund its activities?" the regulators wrote.

EnviroMission responded that it recently received \$413,000 from U.S. investors and intends to meet its financial obligations through further fundraising.

EnviroMission has a formal agreement with financial firm Raymond James and Associates Inc. to help attract U.S. investment.

Raymond James released a report in October on the solar-tower technology, and listed, among its highlights, the cheaper price tag compared with solar-thermal power plants.

According to Raymond James, which Davey said relied on EnviroMission for its figures, a 200-megawatt solar tower would cost about \$750 million.

That's comparable to recent price tags announced for solar-thermal plants, but the towers would bring in more revenue than solar plants that shut down at sundown and would cost less to maintain because they have fewer moving parts, the report said.

Utility support

EnviroMission also has won the confidence of the Southern California Public Power Authority, which represents 10 municipal utilities including the Los Angeles Department of Water and Power.

SCPPA has agreed to negotiate a power-purchase agreement with EnviroMission for electricity from its Arizona power plants, should they get built.

"We are excited about it," SCPPA Executive Director Bill Carnahan said. "We want to see it go. The key element for us, it is not a viable project until you have all the permits."

EnviroMission has applied to the Arizona Land Department for one plant site and has an option on private land for the other, Davey said. In a recent shareholder report, EnviroMission said it has completed preliminary cultural, archeological and environmental surveys on both sites.

EnviroMission also could try to sell power to Arizona utilities, but APS has recently required that any alternative-energy project selling its power have at least a small operating plant, which would preclude EnviroMission.

EnviroMission's plans have caught the attention of energy experts, but few know what to make of the proposal in the current economic environment when all projects are difficult to finance.

"It is a very big tower, and obviously it has a lot of skeptics," said Stephen Goodnick, an Arizona State University engineering professor and director of the Arizona Institute for Renewable Energy. "It would be nice if this works."

EnviroMission has asked for student interns from ASU, and ASU has requested engineering data from the company, Goodnick said.

The National Renewable Energy Laboratory in Colorado has conducted proprietary research on solar-tower technology for a South African utility that was considering a plant but can't share the data, said Mark Mehos, a NREL program manager.

"The thing to be aware of is it is very inefficient from sun in to electricity out," Mehos said.

But new data indicates that solar-thermal plants can use dry-cooling designs that use 90 percent less water, he said. He added, "If (solar towers) were incredibly cheap to make up for the lower efficiency, they'll finance it."