

ORDINANCE NO. 203-90

AN ORDINANCE APPROVING RATE SCHEDULES TO BE CHARGED BY TEXAS UTILITIES ELECTRIC COMPANY IN THE CITY OF DE LEON, TEXAS, PROVIDING FOR SCHEDULES, CONDITIONS, SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES.

WHEREAS, on January 16, 1990, Texas Utilities Electric Company (TUEC) filed with the City of De Leon a request for an increase in electric utility rates to be charged within the City in the amount of approximately \$442.4 million per annum; and

WHEREAS, the City, having suspended the effective date of such proposed increase from February 20, 1990, and having considered the same at a public hearing, including the evidence and recommendations of the Cities' consultants is of the opinion and finds that the existing rates should not be adjusted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS:

PART 1: That the requested rates, tariffs, and charges of TUEC for electric power and energy sold within the City be in all respects denied. The Schedules of Rates, as are approved in accordance herewith, are those under which the Company was operating immediately prior to the request for increase filed on January 16, 1990. TUEC shall be authorized to render electric service and to collect charges from its customers for the sale of electric power and energy within the corporate limits of the City until such time as the current Rate Schedule may be changed,

modified, amended, or withdrawn, with the approval of the City Council.

PART 2: Notwithstanding any other provision herein contained, the rates of TUEC within the City of De Leon shall not, in any case, exceed the rates of customers of TUEC in unincorporated areas whether such rates for unincorporated areas are set prior to or after the adoption of this ordinance and it shall be unlawful for TUEC, its agents, servants or employees to collect or attempt to collect higher rates within the City of De Leon than are collected by TUEC within unincorporated areas.

PART 3: That the action of the City Council of the City of De Leon enacting this Ordinance constitutes, on the date of its final passage, a final determination of rates for TUEC within the City of De Leon in accordance with Section 43(e) of the Public Utility Regulatory Act.

PART 4: Nothing in this Ordinance contained shall be construed now or hereafter as limiting or modifying, in any manner, the right and power of the City under the law to regulate the rates and charges of TUEC.

PART 5: That all Ordinances, Resolutions, or parts thereof, in conflict herewith are repealed to the extent of such conflict.

PART 6: DECLARATION OF EMERGENCY:

The fact that Texas Utilities Electric Company has requested a rate increase filed with the City of De Leon and Texas Public Utilities Commission on January 16, 1990, and that the City Council in a regular meeting held on February 13, 1990,

passed Resolution No. 1990-04 suspending the proposed rate increase for a period of ninety (90) days from February 20, 1990; and

WHEREAS, any official action to deny the rate increase for electric service within the City of De Leon must be taken by midnight May 21, 1990, the City Council of the City of De Leon declares this an emergency measure under Article VII, Section 11, Section 12, and Section 13 of The Charter Of The City Of De Leon Texas, and it is accordingly ORDERED that this Ordinance shall be in full force from and after the date of its passage.

READ, APPROVED AND ADOPTED by the affirmative vote of all five members of the city commission of the City of De Leon on this the 17th day of May 1990.

ATTEST:

*Florence Wood*  
Florence Wood, City Secretary

*Curtis Morris*  
Curtis Morris, Mayor