

ORDINANCE NO. 01-11

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS, SUSPENDING THE EFFECTIVE DATE OF TXU GAS DISTRIBUTION'S REQUESTED RATE CHANGES TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER CITIES WITHIN THE EAST REGION DISTRIBUTION SYSTEM TO CREATE A STEERING COMMITTEE TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION; REQUIRING NOTICE OF THIS ORDINANCE TO THE COMPANY; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, on or about March 2, 2001, TXU Gas Distribution ("Company") filed with the City of Commerce, Texas, its request to increase the East Region Distribution System gas rates effective April 6, 2001; and

WHEREAS, it is reasonable for the City of Commerce to cooperate with other cities in a review of the Company's application and to create a Steering Committee to coordinate the hiring and direction of legal counsel and consultants and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, Gas Utility Regulatory Act §104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for up to 90 days;

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

SECTION 1. That the effective date of the tariff changes submitted by TXU Gas Distribution on or about March 2, 2001, is suspended for 90 days until July 5, 2001, to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2. That the City is authorized to cooperate with other East Region Cities to create a Steering Committee to hire and direct legal counsel and consultants, to negotiate with the Company, to make recommendations to the City regarding reasonable rates, and to direct any necessary litigation associated with an appeal of a rate ordinance.

SECTION 3. That the City's reasonable rate case expenses shall be reimbursed by TXU Gas Distribution.

SECTION 4. That a copy of this suspension ordinance be sent to the local representative of TXU Gas Distribution.

SECTION 5. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Commerce, Texas, John R. Sands, be authorized and he is hereby authorized to execute this Ordinance; and that the City Manager be authorized to execute agreement, and all instruments requisite in implementing this Ordinance.

BE IT FURTHER RESOLVED that the City Secretary be and she is hereby authorized to attest to the signature of the Mayor to this Ordinance, and to attest to the signature of the City Manager to any instruments requisite to implementing this Ordinance.

PASSED BY THE GOVERNING BODY of the City Council of the City of Commerce, Texas, on the FIRST READING on the 20th day of March, 2001.

PASSED BY THE GOVERNING BODY of the City Council of the City of Commerce, Texas, on the SECOND READING on the 26th day of March, 2001

ATTEST:

Marty Cunningham
Marty Cunningham, City Secretary

(seal)

CITY OF COMMERCE, TEXAS

Jason Cunningham
Jason Cunningham, Mayor Pro Tem

APPROVED AS TO FORM:

Marty Cunningham for
Jim McLeroy, City Attorney

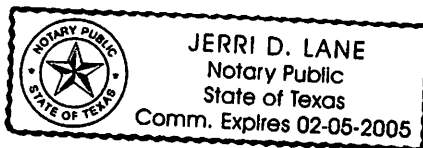
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

Marty Cunningham
Marty Cunningham
City Secretary

Sworn to and subscribed before me, on this the 26th day of March, 2001, to certify which witness my hand and seal of office.

(seal)



Jerri D. Lane
Notary Public, State of Texas

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A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS, SUSPENDING THE EFFECTIVE DATE OF TXU GAS DISTRIBUTION'S REQUESTED RATE CHANGES TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER CITIES WITHIN THE EAST REGION DISTRIBUTION SYSTEM TO CREATE A STEERING COMMITTEE TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, on or about March 2, 2001, TXU Gas Distribution ("Company") filed with the City of Commerce, Texas, its request to increase the East Region Distribution System gas rates effective April 6, 2001; and

WHEREAS, it is reasonable for the City of Commerce to cooperate with other cities in a review of the Company's application and to create a Steering Committee to coordinate the hiring and direction of legal counsel and consultants and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, Gas Utility Regulatory Act §104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for up to 90 days;

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

SECTION 1. That the effective date of the tariff changes submitted by TXU Gas Distribution on or about March 2, 2001, is suspended for 90 days until July 5, 2001, to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2. That the City is authorized to cooperate with other East Region Cities to create a Steering Committee to hire and direct legal counsel and consultants, to negotiate with the Company, to make recommendations to the City regarding reasonable rates, and to direct any necessary litigation associated with an appeal of a rate ordinance.

SECTION 3. That the City's reasonable rate case expenses shall be reimbursed by TXU Gas Distribution.

SECTION 4. That a copy of this suspension resolution be sent to the local representative of TXU Gas Distribution.

SECTION 5. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Commerce, Texas, John R. Sands, be authorized and he is hereby authorized to execute this Ordinance; and that the City Manager be authorized to execute agreement, and all instruments requisite in implementing this Ordinance.

BE IT FURTHER RESOLVED that the City Secretary be and she is hereby authorized to attest to the signature of the Mayor to this Ordinance, and to attest to the signature of the City Manager to any instruments requisite to implementing this Ordinance.

PASSED BY THE GOVERNING BODY of the City Council of the City of Commerce, Texas, on the 20th day of March, 2001.

ATTEST:

Marty Cunningham
Marty Cunningham, City Secretary

(seal)

CITY OF COMMERCE, TEXAS

John R. Sands
John R. Sands, Mayor

APPROVED AS TO FORM:

Marty Cunningham for
Jim McLeroy, City Attorney

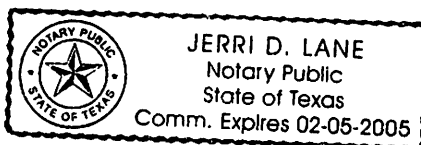
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a resolution, and that the same has not been repealed and is in full force and effect.

(seal)

Marty Cunningham
Marty Cunningham
City Secretary

Sworn to and subscribed before me, on this the 21st day of March, 2001, to certify which witness my hand and seal of office.

(seal)



Jerri D. Lane
Notary Public, State of Texas

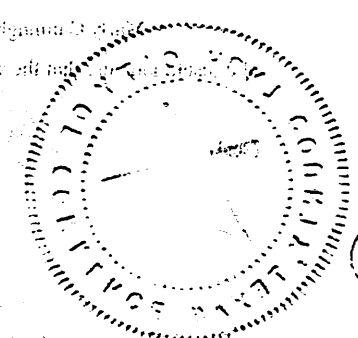
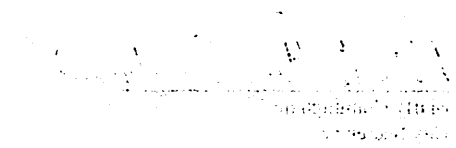
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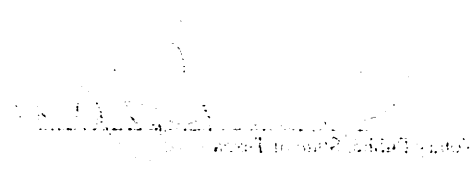


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1. *Agreement* – the parties to the contract must agree to the terms of the contract.



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