

ORDINANCE NO. 05-13

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, DENYING THE ATMOS ENERGY CORP., MID-TEX DIVISION'S REQUEST FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM RATE ADJUSTMENT IN THIS MUNICIPALITY SO THAT THE COMPANY MAY PURSUE A SYSTEM-WIDE ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM RATE ADJUSTMENT WITH THE RAILROAD COMMISSION OF TEXAS; PROVIDING AN EFFECTIVE DATE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO ATMOS ENERGY CORP., MID-TEX DIVISION; REPEALING ALL OTHER ORDINANCE; PROVIDING A SAVINGS CLAUSE AND DECLARING AN EMERGENCY.

WHEREAS, on or about October 1, 2004, Atmos Energy Corporation merged with TXU Gas Company; and

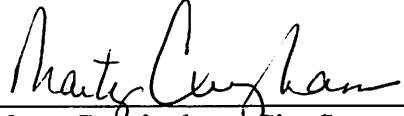
WHEREAS, Atmos Energy Corp., Mid-Tex Division (the "Company") now operates the distribution system that was formerly operated by TXU Gas Company; and

WHEREAS, on or about December 17, 2004, the Company filed with the City of Commerce, Texas (the "City") a request for an annual gas reliability infrastructure program rate adjustment for customers on the Company's system-wide distribution system, to be effective on February 15, 2005; and

WHEREAS, the City has original jurisdiction to evaluate the Company's request as it pertains to customers of the Company served from the distribution facilities located within the city, pursuant to Texas Utilities Code 102.001 (b) and 103.001;

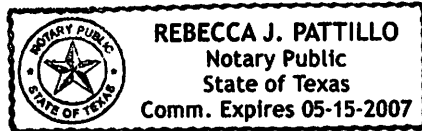
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS:

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Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect.

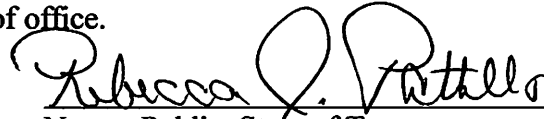

Marty Cunningham, City Secretary

(seal)

Sworn to and subscribed before me, on this the 14th day of June -
2005 to certify which witness my hand and seal of office.



(seal)


Notary Public, State of Texas

SECTION 1.

That the Company's request for an annual gas reliability infrastructure program rate adjustment with respect to customers served from the Company's distribution facilities located inside the city, as part of the company's system-wide gas utility system, is denied in all respects.

SECTION 2.

That this Ordinance shall become effective immediately from and after its passage, as the law and charter in such cases provide.

SECTION 3.

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

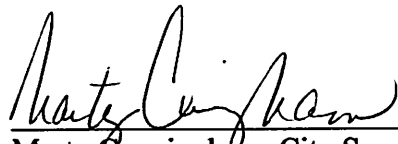
SECTION 4.

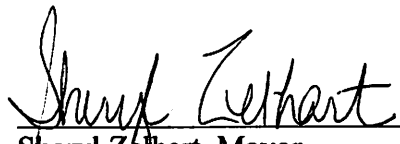
That a copy of this Ordinance, constituting final action on the Company's request for an annual gas reliability infrastructure program rate adjustment, shall be forwarded to the Company's designated representative within 10 days at the following address: Richard Reis, Atmos energy Corp., Mid-Tex Division, 300 S. St. Paul Street, 8th Floor, Dallas, Texas 75201.

DULY PASSED and approved by the Commerce City Council of Commerce, Texas on this the 7th day of June, 2005.

ATTEST:

CITY OF COMMERCE:


Marty Cunningham, City Secretary


Sheryl Zelhart, Mayor

(seal)