

ORDINANCE NO. 07-06

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, DENYING 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.

WHEREAS, Atmos Energy Corp., Mid-Tex Division (the "Company") operates the distribution system serving the City, and;

WHEREAS, on or about May 31, 2007, 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 July 30, 2007; 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 COMMERCE, 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: Charles Yarbrough, Atmos Energy Corp., Mid-Tex Division, 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240.

DULY PASSED and approved by the City Council of Commerce, Texas, on this
the 17th day of July, 2007.

APPROVED:

Shirley Luthart

ATTEST:

Marty Ingram

APPROVED AS TO FORM:

Marty Ingram for
CITY ATTORNEY