

ORDINANCE NO. 1811

C0033

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE FUEL ADJUSTMENT CLAUSE OF TEXAS POWER AND LIGHT COMPANY IN THE CITY OF MESQUITE, TEXAS, PROVIDING FOR AN EFFECTIVE DATE FOR SUCH FUEL ADJUSTMENT CLAUSE RATE SCHEDULE, AND PROVIDING CONDITIONS UNDER WHICH SUCH FUEL ADJUSTMENT CLAUSE RATE SCHEDULE MAY BE CHANGED, MODIFIED, AMENDED OR WITHDRAWN.

WHEREAS, on July 29, 1982, the District Court of Travis County, Texas, 200th Judicial District entered a final judgment in favor of various cities and cooperatives served by Texas Power and Light Company ("TP&L") and adverse to TP&L, a copy of which is attached hereto as Exhibit "I" and incorporated herein for all purposes; and

WHEREAS, the District Court in said judgment ruled that the fuel adjustment clause used by TP&L and authorized by the Public Utility Commission of Texas does not meet the requirements of law; and

WHEREAS, the City finds that the judgment and all included findings and conclusions of the District Court shall be complied with in all regards, and said judgment is hereby adopted and approved; and

WHEREAS, TP&L did, on December 9, 1981, file a proposed fuel cost factor tariff for service within the City of Mesquite ("City") to become effective January 13, 1982, the operation of which was suspended from time to time thereafter by action of the Council of voluntary extension by the Company; and

WHEREAS, the City, having considered the attached proposed modified fuel adjustment clause and procedure for approval of payments to affiliates finds that the modified fuel adjustment clause and procedure for approval of payment of affiliates should be approved and construed in accordance with the attached final judgment of the District Court;

NOW, THEREFORE, be it ordained by the City Council of the City of Mesquite, Texas:

SECTION 1. That the fuel adjustment clause rate schedule of Texas Power and Light Company is hereby amended in accordance with Exhibit "II." Such procedure is the one under which TP&L shall be authorized 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limits of the City until such time as said fuel adjustment clause rate schedule may be changed, modified, amended, or withdrawn, with the approval of the City Council.

SECTION 2. Such fuel adjustment clause rate schedule, as same may be modified or amended, shall be effective from and after final passage of this ordinance and shall apply to all power and energy used by each customer after the final passage of this ordinance.

SECTION 3. That the action of the City Council of the City of Mesquite enacting this ordinance constitutes, on the date of its final passage, a final determination of the fuel adjustment clause rate of Texas Power and Light Company within the City of Mesquite in accordance with Section 43(e) of the Public Utility Regulatory Act.

SECTION 4. That the final judgment of the District Court of Travis County, Texas, 200th Judicial District, attached hereto as Exhibit "I" is hereby approved and adopted. The attached modified fuel adjustment clause and procedure for approval of payments to affiliates shall be construed in accordance with said final judgment.

SECTION 5. The Company shall within 20 days from the passage hereof file all necessary supporting exhibits and tariff revisions which shall be identical to those agreed to by all parties and approved in Public Utility Commission Docket 4224, all of which shall become a part of the Company's tariffs.


SECTION 6. Nothing in this ordinance shall be construed now or hereafter as limiting or modifying, in any manner, the right or power of the City under the law to regulate the rates and charges of Texas Power and Light Company.

SECTION 7. The rule providing for the reading of an ordinance on three separate days is hereby suspended and this ordinance shall become effective as provided by the Charter of the City of Mesquite.

PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, this 20th day of September, A.D., 1982.


Len Gibbens
Mayor

ATTEST:


Norma G. McGaughy
City Secretary