

ORDINANCE NO. 3368

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DENYING A REQUEST FROM TXU ELECTRIC TO CLOSE, MODIFY OR DELETE CERTAIN RETAIL TARIFFS AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, on or about January 25, 2000, TXU Electric filed with the City of Mesquite its request to close, modify or delete certain retail tariffs effective March 1, 2000; and

WHEREAS, the City of Mesquite, by Resolution No. 09-2000, suspended the effective date of the proposed rate changes for a period of 90 days to enable the City to review TXU Electric's application and to allow sufficient time for the City to determine how to address the Company's filing; and

WHEREAS, the Public Utility Commission of Texas in Docket No. 22051 has ordered TXU Electric to sever all competitive energy services from its request and incorporate them into its competitive energy services case at the Commission, and the Public Utility Commission has also dismissed TXU Electric's companion application at the Commission; and

WHEREAS, it appears to the City of Mesquite that TXU Electric's request filed with the City should also be denied.

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

Section 1. That the request of TXU Electric that it be allowed to close, modify or delete certain retail tariffs in the City of Mesquite effective March 1, 2000, be in all things denied.

Section 2. That a copy of this ordinance be sent to the local representative of TXU Electric.

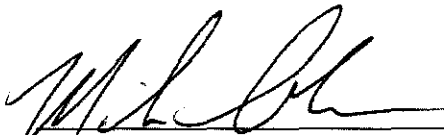
Section 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

Section 4. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.


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Section 5. That the present ordinances of the City of Mesquite are inadequate in denying a request from TXU Electric to close, modify or delete certain retail tariffs and ordaining other provisions related to the subject matter hereof, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15<sup>th</sup> day of May, 2000.

  
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Mike Anderson  
Mayor

ATTEST:

  
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Ellen Williams  
City Secretary

APPROVED:

  
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B. J. Smith  
City Attorney