

AN ORDINANCE APPROVING NATURAL GAS FRANCHISE FEE INCREASE FOR LONE STAR GAS COMPANY; DECLARING AN EMERGENCY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the City Council of the City of Abilene hereby determines that the franchise fee, as provided for by Section 9 of the Franchise entered into between the City of Abilene and Lone Star Gas Company, be set at four percent (4%) of the gross receipts, received by Lone Star Gas after the effective date of this ordinance, from the sale of gas to Lone Star Gas' consumers, as provided in Section 9. No change or amendment is made or intended by this ordinance as to exclusion or computation as set out by the Franchise Ordinance. The only change is to set the franchise fee at 4%.

PART 2: That the City Council hereby finds that an emergency exists requiring suspension of the rule provided in Section 18 of the City Charter requiring ordinances to be read on two (2) separate days, in that the immediate passage of this ordinance is necessary for the presentation of the public safety or welfare, to-wit: that the franchise fees are included as test year operating expenses and a rate application is currently pending for Lone Star Gas before the City Council and therefore any increase in the franchise fee should become effective concurrently with the setting of new rates. Additionally, any change in the franchise fee should be set so as to not cause additional expense to Lone Star Gas. (Being an emergency ordinance, an affirmative vote of five (5) Council members is necessary for the suspension of the two (2) reading requirement.)

PART 3: This ordinance shall become effective immediately upon passage on revenues received by Lone Star Gas after this, the final vote and approval by the Council.

PASSED the 13th day of September, 1984.

ATTEST:

Stacia Petch
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

James Lloyd
CITY ATTORNEY

ORDINANCE NO. 95-1984

AN ORDINANCE FIXING AND DETERMINING THE GENERAL SERVICE RATE TO BE CHARGED FOR SALES OF NATURAL GAS TO RESIDENTIAL AND COMMERCIAL CONSUMERS IN THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS; PROVIDING FOR THE MANNER IN WHICH SUCH RATE MAY BE CHANGED, ADJUSTED, AND AMENDED; AND PROVIDING FOR A SCHEDULE OF SERVICE CHARGES, AND PROVIDING FOR A MAIN LINE EXTENSION RATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

SECTION 1. Effective with gas bills rendered on and after thirty (30) days from the final date of passage of this ordinance, the maximum general service rate for sales of natural gas rendered to residential and commercial consumers within the city limits of Abilene, Texas, by Lone Star Gas Company, a division of ENSERCH CORPORATION, a Texas Corporation, its successors and assigns, is hereby fixed and determined as set forth in Item A, in the Attachment hereto which is incorporated herein.

SECTION 2. The residential and commercial rates set forth above shall be adjusted upward or downward from a base of \$4.2123 per Mcf by a Gas Cost Adjustment Factor expressed as an amount per thousand cubic feet (Mcf) of natural gas for changes in the intracompany city gate rate charge as authorized by the Railroad Commission of Texas or other regulatory body having jurisdiction for gas delivered to the Abilene distribution system, according to Item B, in the Attachment hereto which is incorporated herein.

SECTION 3. Company shall also receive tax adjustments according to Item C, in the Attachment hereto which is incorporated herein.

SECTION 4. In addition to the aforesaid rates, Company shall have the right to collect such reasonable charges as are necessary to conduct its business and to carry out its reasonable rules and regulations in effect. The charges set forth in Items D and E, in the attachment hereto which is incorporated herein, are approved. Services for which no charge is set out may be performed and charged for by Company at a level established by the normal forces of competition.

SECTION 5. The rates set forth in this ordinance may be changed and amended by either the City or Company in the manner provided by law. Service hereunder is subject to the orders of regulatory bodies having jurisdiction, and to the Company's Rules and Regulations currently on file in the Company's office.

SECTION 6. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public, as required by Texas law, and that advance public notice of the time, place and purpose of said meeting was given.

PASSED AND APPROVED on this the 28th day of June,
A.D. 1984.

FINALLY PASSED AND APPROVED on second reading on this the 13
day of September, A.D. 1984.

ATTEST:

Patricia Potts
Secretary

David A. Brennan
Mayor

City of Abilene, Texas

APPROVED:

Harry Cayell
City Attorney