

ORDINANCE NO. 44-1992

AN ORDINANCE APPROVING, RATIFYING, CONFIRMING, AND ACCEPTING THE EXPERIMENTAL ECONOMIC DEVELOPMENT RIDER FILED BY WEST TEXAS UTILITIES COMPANY FOR THE FURNISHING OF SERVICE WITHIN THE CITY OF ABILENE, TEXAS, BY WEST TEXAS UTILITIES COMPANY; PROVIDING SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on the 11th day of December, 1991, West Texas Utilities Company filed its request for approval of Interruptible, Curtailable and Economic Development Riders with the Public Utility Commission of Texas; and

WHEREAS, on March 12, 1992 the Public Utility Commission of Texas approved the Experimental Economic Development Rider on an interim basis and on June 12, 1992 remanded the Experimental Economic Development Rider for further evidence and consideration at a later date and also extended their interim approval until such time the Public Utility Commission issues a superseding order; and

WHEREAS, on September 30, 1992 the Public Utility Commission of Texas approved the Experimental Economic Development Rider; and

WHEREAS, West Texas Utilities Company has appeared before the City Council in public hearing requesting approval of the Experimental Economic Development Rider previously approved by the Public Utility Commission of Texas and a public hearing has been held on such statement and request; and

WHEREAS, the City Council, after hearing all evidence and arguments regarding such new rider, and carefully considering the same, finds that such new rider is fair and reasonable and should be approved and accepted;

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

SECTION 1 That the request for approval of the Experimental Economic Development Rider previously approved by the Public Utility Commission of Texas on September 30, 1992, is granted.

SECTION 2 That the charges and terms and conditions for service under the Experimental Economic Development Rider within said City shall be those set forth in the Experimental Economic Development Rider, as previously approved by the Public Utility Commission of Texas on September 30, 1992, which is attached hereto.

SECTION 3 If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance for it is the definite intent of this City that each of such be given full force and intent for its purpose.

SECTION 4 This Ordinance and the rate adopted herein shall be and become effective for service rendered from and after the date this ordinance is passed and approved.

SECTION 5 That all Ordinances, Resolutions or parts of Ordinances or Resolutions in conflict herewith are repealed to the extent of such conflict.

PASSED AND APPROVED, on first reading this 5 day of
November, 1992.

PASSED AND APPROVED, on second and final reading, this 19 day of
November, 1992.



Mayor for the City of


Abilene, Texas

ATTEST:

APPROVED:



City Secretary



City Attorney

The above and foregoing Ordinance was read, passed, and adopted at the meeting of the governing body of this City on the 19 day of November, 1992, by the following vote:

	<u>First Reading</u>		<u>Second Reading</u>	
	<u>Aye</u>	<u>No</u>	<u>Aye</u>	<u>No</u>
<u>Gary D. McCaleb</u>	<u>x</u>	<u> </u>	<u>x</u>	<u> </u>
<u>Paul R. Vasquez</u>	<u>x</u>	<u> </u>	<u>absent</u>	<u> </u>
<u>Betty Ray</u>	<u>x</u>	<u> </u>	<u>x</u>	<u> </u>
<u>Jack Grable</u>	<u>x</u>	<u> </u>	<u>x</u>	<u> </u>
<u>Bill Terry</u>	<u>x</u>	<u> </u>	<u>x</u>	<u> </u>
<u>Ray Ferguson</u>	<u>x</u>	<u> </u>	<u>x</u>	<u> </u>

State of Texas I

County of I

I, the undersigned, City Secretary of the City of Abilene, Texas, do certify that the foregoing is a true and correct copy of Ordinance No. ⁴⁴⁻¹⁹⁹² , passed and approved the 19 day of November, 1992, as same appears in the official records of the City of Abilene, Texas, of which records I am the lawful custodian.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY OF Abilene, Texas, this the 19 day of November, 1992.

[Signature]
 City Secretary for the City
 of Abilene, Texas

WEST TEXAS UTILITIES COMPANY

Section No. 4 Sheet No. 14-4
Effective Date 09-30-92 Page 1 of 4
Revision No. ORIGINAL Rate EDR Code 821
Applicable ENTIRE SYSTEM

EXPERIMENTAL ECONOMIC DEVELOPMENT RIDER

AVAILABILITY

This Rider is available under Company's Contract for Electric Service for new connected loads or expansions of existing connected loads which are projected to have an average demand of 100 kW or more at a single point of delivery after the initial effective date of this Rider which would be served under the General Service, General Service Off-Peak, Large Power Service, and Electric Furnace Service rates at the businesses or industries listed below. The Rider is available for the additional billing demand to an existing customer and for the total billing demand of a new customer. The Rider is applicable to new loads, expansions of existing loads or for resumption of service to loads which have been inactive for 12 months or more. The Rider is not applicable to relocations or transfers of load from within the WTU service territory. The Rider is not applicable for loads under existing contract or for facilities under construction prior to the effective date of this Rider.

Service under this Rider must be taken in conjunction with a contract for service which contains provision for a minimum one-year notice of cancellation. Such notice of cancellation can be provided one-year prior to the expiration of the Contract.

Businesses and industries eligible for service under this Rider are as follows:

- * Basic manufacturing industries, that is, industries which manufacture a product for sale or resale;
- * Regional warehousing and distribution facilities;
- * Scientific and industrial research and development facilities;
- * Corporate relocations to WTU's service area in which the Corporation takes electric service in their name;
- * Petroleum and chemical refineries, petroleum pipeline pumping, petroleum field pumping, and related loads;
- * Process and storage industries;
- * Agricultural-related industries;
- * Governmental agencies (including correctional institutions).

PUBLIC UTILITY COMMISSION OF TEXAS APPROVED	
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EXPERIMENTAL ECONOMIC DEVELOPMENT RIDER, cont.

To qualify for this Rider, the Customer must 1) furnish to the Company a notarized affidavit from an officer of the Customer confirming that this Rider was an important contributing factor in the Customer's decision to open a new facility or expand an existing facility and also stating the number of Additional Permanent Employees which are anticipated to be added (within one year of taking service under this Rider) due to the Customer's new or expanded facility, 2) complete and sign the appropriate application form, and 3) provide Company with annual written verification of the actual number of permanent employees and of its intent to retain that level of employment for the coming year.

In addition, Company representatives will perform free of charge to Customer, an energy efficiency analysis of the plans for the new or expanded facility prior to installation of the additional connected load in order to help ensure that the facilities are as energy efficient as feasible and that the benefits of all applicable demand-side management and energy conservation programs are clearly understood by the Customer. Such an analysis shall be required in order to qualify for service under this Rider unless the Customer can demonstrate good cause for not having the analysis performed, such as the use of proprietary technologies.

The availability of this Rider is at the sole discretion of the Company, and the Company will not accept new applications for service under this Rider when the Company's forecasts indicate that additional generating capacity will need to be constructed within a five-year period. This Rider is not available for interruptible, curtailable, temporary, standby or resale service.

All provisions of the General Service, General Service Off-Peak, Large Power Service, or Electric Furnace Service rate schedules, whichever is applicable, will apply except where modified herein, and is subject to the Company's Service Rules and Regulations.

DEFINITION OF BASE PERIOD

The "Base Period" shall be the 12 months immediately preceding the month that service is requested under this Rider, or as mutually agreed upon by the Customer and the Company. The additional billing demand to be used for billing shall be the demand above the corresponding monthly billing demand during the Base Period at that delivery point. For new Customers the monthly billing demands for the Base Period will be zero.

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WEST TEXAS UTILITIES COMPANY

Section No. 4 Sheet No. 14-4
 Effective Date 09-30-92 Page 3 of 4
 Revision No. ORIGINAL Rate EDR Code 821
 Applicable ENTIRE SYSTEM

EXPERIMENTAL ECONOMIC DEVELOPMENT RIDER, cont.

DEFINITION OF ADDITIONAL PERMANENT EMPLOYEES

An "Additional Permanent Employee" is one who is employed or projected to be employed at the qualifying location for at least 1,000 hours per calendar year after the effective date of the Contract. The Additional Permanent Employment Count utilized for determination of the Additional Permanent Employees shall be developed by subtracting the number of permanent employees at the qualifying location employed at least 1,000 hours per calendar year six-months prior to the effective date of the Contract from the number of anticipated Additional Permanent Employees employed at the qualifying location one year after the effective date of the Contract.

MODIFICATIONS TO THE DEMAND CHARGE

The demand charge of the General Service, General Service Off-Peak, Large Power Service, or Electric Furnace Service rate schedule, whichever is applicable, will be modified as shown below for billing the additional monthly billing demand of the Customer. Discounts will be applied to both billing demand and on-peak demand for the General Service Off-Peak, Large Power Service and Electric Furnace Service rate schedules.

<u>INCREASE IN ADDITIONAL PERMANENT EMPLOYEES OVER BASE PERIOD</u>	<u>DISCOUNTS TO DEMAND</u>			
	<u>CONTRACT</u>	<u>CONTRACT</u>	<u>CONTRACT</u>	<u>CONTRACT</u>
	<u>YEAR</u>	<u>YEAR</u>	<u>YEAR</u>	<u>YEAR</u>
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
4 - 10	20.0%	15.0%	10.0%	5.0%
11 - 20	30.0%	22.5%	15.0%	7.5%
21 OR MORE	40.0%	30.0%	20.0%	10.0%

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PUBLIC UTILITY COMMISSION OF TEXAS
 APPROVED
 SEP 30 '92 DOCKET 11229
 CONTROL # _____
 TARIFF CLERK

EXPERIMENTAL ECONOMIC DEVELOPMENT RIDER, cont.

DISQUALIFICATION OF CUSTOMER

Customers are subject to being disqualified from the Rider for the following conditions:

1. Average additional load after expansion or new service is not at least 100 kW over previous load during a six-month period.
2. Failure to actually hire the number of Additional Permanent Employees stated in Customer's affidavit within one year of the effective date of the Contract and to retain such employees each year thereafter in which the Rider remains in effect, or failure to provide the required annual verification of such employment.

The Company will monitor the Customer to ensure that the requirements listed above are met, and will investigate the reasons these conditions were not met before termination of the Rider.

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CONTROL # _____	
TARIFF CLERK	