

RESOLUTION NO. 32-1994

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE WEST TEXAS UTILITIES COMPANY RURAL RATE CASE AND FUEL RECONCILIATION CASE.

WHEREAS, West Texas Utilities Company has filed an application for a system-wide rate review; and,

WHEREAS, West Texas Utilities Company has filed a fuel reconciliation case; and,

WHEREAS, it is in the best interest of the citizens to join with other cities to present a unified case in the pending West Texas Utilities Company rural rate case and fuel reconciliation case before the Texas Public Utility Commission; now, therefore,

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

PART 1: That the City Council hereby authorizes and approves of the City's intervention in a cooperative effort with the other cities in the West Texas Utilities Company fuel reconciliation case and rural rate case that are pending before the Texas Public Utility Commission.

PART 2: That the City Attorney is hereby authorized to represent the City of Abilene and other cities in these interventions.

PART 3: That the City Council hereby authorizes the hiring of the law firm of Butler and Porter to represent the City for joint city efforts.

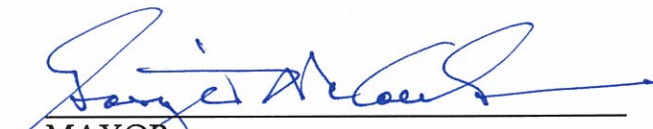
PART 4: That the City Council hereby authorizes the hiring of Diversified Utility Consultants, Inc. as rate consultants and expert witnesses.

PART 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 8 day of September, A.D. 1994.

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

APPROVED:

  
\_\_\_\_\_  
CITY ATTORNEY

APPLICATION OF  
WEST TEXAS UTILITIES COMPANY  
FOR RATE REVIEW

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§  
§

PUBLIC UTILITY COMMISSION  
OF TEXAS

CITY OF ABILENE'S MOTION TO INTERVENE

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

NOW COMES the City of Abilene, Texas, a Home-Rule city organized pursuant to the laws of the State of Texas, and moves for leave to intervene in the above entitled and captioned proceeding. In support of this Motion to Intervene, Intervenor would respectfully show the Commission the following:

I.

That the City of Abilene and its citizens are being served by West Texas Utilities Company.

II.

That on August 25, 1994, West Texas Utilities Company filed an application for a rate review. Any rate reduction or review would affect ratepayers within the City of Abilene.

III.

That the Intervenor possesses a justiciable interest in the subject matter of this proceeding sufficient to warrant its admission as a party to said proceeding as required by Commission Procedural Rules Sec. 22.103 and 22.104 and art. 1446c V.A.C.S. Sec. 24(b).

IV.

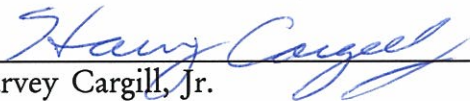
That specifically, the City of Abilene has a justiciable interest in this proceeding as

follows:

- (a) The City of Abilene is a substantial rate-paying customer of West Texas Utilities Company and is presently paying an average monthly charge of approximately \$301,000.00. The City of Abilene will be directly affected by any rate increase that is granted. Any reduction that is insufficient as mandated by law would injuriously affect the City of Abilene. The Commission's practice of setting system-wide rates and statutory appellate jurisdiction absolutely requires the City of Abilene to participate in this case if the City of Abilene is to have a meaningful voice in the setting of the rates it is to pay.
- (b) The Commission's practice of setting system-wide rates and the statutory appellate jurisdiction over the rates of the customers within the corporate limits of the City of Abilene absolutely requires the City of Abilene to participate in this case if the City of Abilene's ratepayers are to have a meaningful voice in the setting of their rates.
- (c) The City of Abilene is obligated to protect and preserve the best interests of the citizens of the City of Abilene. The citizens of Abilene number approximately 100,000 who are ratepayers of West Texas Utilities Company. These citizens will be directly and injuriously affected by the granting of any system-wide rate increase pursuant to the application of West Texas Utilities Company. The rate-paying citizens must depend on the City of Abilene to protect their rights as ratepayers due to the practical and economic difficulties inherent in any attempt by said citizens to individually oppose the rate increase application of West Texas Utilities Company.
- (d) The City of Abilene's waste water treatment plant is a customer of West Texas Utilities Company in the unincorporated areas. In order to have a voice in the setting of this rural rate, the City of Abilene, as a rural ratepayer, must intervene in the case.

WHEREFORE, the City of Abilene, Texas, prays that the City of Abilene be admitted herein, pursuant to its Motion to Intervene, and the City of Abilene be allowed to participate as a party to this proceeding.

Respectfully submitted,

  
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Harvey Cargill, Jr.  
City Attorney  
State Bar No. 03793000

City of Abilene, Texas  
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Abilene, Texas 79604  
(915) 676-6251  
(915) 676-6439 FAX

THE STATE OF TEXAS           §  
  
COUNTY OF TAYLOR           §

BEFORE ME, the undersigned authority, on this day personally appeared David M. Wright, Director of Finance of the City of Abilene, Texas, known to me to be a credible person, who, after being by me first duly sworn, on oath deposed and said:

That he has read the above and foregoing City of Abilene's Motion to Intervene; that the facts therein stated are true and correct; that he has personal knowledge thereof; and that he is competent to testify thereto.

\_\_\_\_\_  
David M. Wright, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME by the said David M. Wright this \_\_\_\_\_ day of \_\_\_\_\_, 19\_94\_, to certify which witness by hand and seal of office.

\_\_\_\_\_  
Notary Public, State of Texas

CERTIFICATE OF SERVICE

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_94\_, a true copy of the above and foregoing City of Abilene's Motion to Intervene was sent via Certified Mail to all known parties of record and to the General Counsel of the Public Utility Commission, listed below:

PERSONS SO SERVED:

1. Certified Mail: Return Receipt Requested  
Public Utility Commission of Texas  
7800 Shoal Creek Blvd., Suite 450N  
Austin, Texas 78757
  
2. Certified Mail: Return Receipt Requested  
General Counsel  
Public Utility Commission of Texas  
7800 Shoal Creek Blvd., Suite 450N  
Austin, Texas 78757
  
3. Certified Mail: Return Receipt Requested  
Joe N. Pratt  
Redford, Wray & Woolsey  
Attorney for West Texas Utilities Company  
7800 Shoal Creek Blvd., Suite 188-W  
Austin, Texas 78757

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Harvey Cargill, Jr.