

RESOLUTION NO. 40-2001

**A RESOLUTION OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN AN ELECTRIC SUPPLY AGREEMENT WITH THE WINNING BIDDER FOR THE ELECTRIC LOAD OF CITIES AGGREGATION POWER PROJECT, INC. UPON CONFIRMATION OF ECONOMIC BENEFIT TO THE CITY**

**WHEREAS**, the City of Abilene, Texas ("City") is a member of Cities Aggregation Power Project, Inc. (CAPP), a nonprofit political subdivision corporation dedicated to securing electric power for its members in the competitive retail electric market effective January 1, 2002;

**WHEREAS**, CAPP has received bids from qualified bidders to serve approximately 70 CAPP members more than 700 million kWh annually;

**WHEREAS**, CAPP has the expectation of negotiating with one or two bid finalists while simultaneously working with a designated representative from each member City to establish and maximize economic benefit;

**WHEREAS**, CAPP has provided a window of opportunity for its member cities to confirm that the winning bid provides economic advantage to each member when the pricing and terms of the winning bid are compared to perpetuation of service from the affiliated provider of the incumbent utility with price to beat rates and independent economic advantage with regard to the pricing of large non-price to beat accounts;

**WHEREAS**, it is necessary for the City to act expeditiously within the period between the announcement of the winning bid and the signing of power contracts;

**WHEREAS**, it is necessary for the City to have a contract for the supply of electricity in the new competitive environment.

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

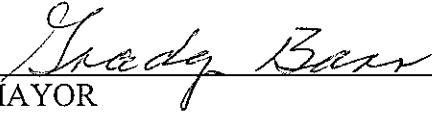
Section 1. That City Manager, or his designee, is hereby charged to confirm that: (a) the winning bid to supply CAPP's load will economically benefit the City and (b) to work with CAPP in the finalization of the contracting process and commitment of specific electric accounts of the City to the aggregated load.

Section 2. That City Manager, or his designee, is authorized to sign the necessary power supply contracts or agreements ratifying the City's participation in CAPP after confirming economic benefit to the City.

ADOPTED this 25 day of October, A.D. 2001.

ATTEST:

  
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CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

APPROVED:

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