

**RESOLUTION** 18-2004

**RESOLUTION OF THE CITY OF ABILENE AUTHORIZING INTERVENTION IN AEP TEXAS NORTH COMPANY'S TRUE-UP PROCEEDING, DOCKET NO. 29703, AT THE PUBLIC UTILITY COMMISSION OF TEXAS, AUTHORIZING THE JOINING WITH OTHER INTERVENING CITIES TO COORDINATE EFFORTS TO PROTECT MUNICIPAL AND RATEPAYER INTERESTS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; AND REQUIRING REIMBURSEMENT OF THE CITIES' RATEMAKING COSTS**

**WHEREAS**, the City of Abilene is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of AEP Texas North Company ("TNC") within the municipal boundaries of the city; and

**WHEREAS**, TNC is required by PURA § 39.262 to file an application with the Public Utility Commission (PUC) to finalize fuel costs and to establish the amount of "retail clawback" for WTU Retail Energy and apply the final balances to the nonbypassable delivery rates of TNC;

**WHEREAS**, PURA 39.262(j) sets a statutory deadline of 150 days from the date of TNC's application to the issuance of a PUC Final Order and the City will be served by investigating issues affecting TNC's final fuel balance and retail clawback calculations;

**WHEREAS**, pursuant to PURA §33.025, the City of Abilene has standing to intervene in PUC proceedings relating to the provision of electric service to the City; and

**WHEREAS**, the interests of the City of Abilene and the electric customers residing within municipal boundaries can be protected most effectively by coordinating with other cities served by TNC.

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

Section 1. The City is authorized to intervene, in TNC's application, Docket No. 29703 at the Public Utility Commission of Texas (FUC).

Section 2. The City is authorized to join other cities served by TNC to coordinate efforts to protect the interests of the City of and protect the interests of TNC's customers residing and conducting business within municipal limits.


Section 3. Subject to the right to terminate employment at any time, the City of Abilene hereby authorizes the hiring of Steven Porter of the law firm of Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, and qualified consultants and witnesses as may be necessary to review TNC's filings, to represent the City of Abilene at the PUC to participate in any and all settlement discussions that may occur and to prosecute any appeals as directed by the City.


Section 4. Fees and expenses incurred by the City of Abilene in TNC ratemaking matters related to these proceedings shall be promptly reimbursed by TNC pursuant to the Public Utility Regulatory Act.

Section 5. This Resolution shall be effective retroactive to the TNC's filing date of June 7, 2004.


Signed this 22nd day of July, A.D., 2004.

ATTEST:

  
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Jo Moore  
City Secretary

  
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Norm Archibald  
Mayor

APPROVED:

  
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Sharon E. Hicks  
City Attorney