

RESOLUTION NO. 12-2009

RESOLUTION OF THE CITY OF ABILENE, TEXAS AUTHORIZING INTERVENTION IN AEP TEXAS CENTRAL COMPANY'S AND AEP TEXAS NORTH COMPANY'S REQUEST FOR APPROVAL OF AN ADVANCED METERING SYSTEM (AMS) DEPLOYMENT PLAN AND REQUEST FOR AMS SURCHARGES FILED AT THE PUBLIC UTILITY COMMISSION OF TEXAS; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY AEP TEXAS CENTRAL COMPANY AND STEERING COMMITTEE OF CITIES SERVED BY TEXAS NORTH COMPANY TO REVIEW THE APPLICATION, HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO LEGAL COUNSEL

WHEREAS, on or about April 20, 2009, AEP Texas Central Company and AEP Texas North Company ("AEP" or "Company"), pursuant to PURA § 39.107 and P.U.C. SUBST. R. 25.130, filed with the Public Utility Commission of Texas an application for approval of deployment plan and request for surcharge for an Advanced Metering System ("AMS") within their service areas; and

WHEREAS, the City of Abilene is a member of the Steering Committee of Cities Served by AEP Texas North Company ("Steering Committee") and will cooperate with other similarly situated city members and other city participants located within the AEP's service area in conducting a review of the Company's application and to hire and direct legal counsel and consultants to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, working with the Steering Committee to review the application filed by AEP allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, the Steering Committee has a twenty year history of participation in Public Utility Commission dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates in AEP's service area to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, PURA § 33.023 provides that costs incurred by the Steering Committee in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the City will cooperate with the Steering Committee of Cities Served by AEP Texas North Company in PUC Docket No. 36928 to coordinate efforts to protect the


interests of the City and protect the interests of AEP's end-use customers residing and conducting business within municipal limits.

2. Subject to the right to terminate employment at any time, the City hereby authorizes the hiring of Thomas Brocato and Geoffrey Gay of the law firm of Lloyd Gosselink Rochelle and Townsend, P.C. and consultants to negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of the rate case filed with the Public Utility Commission of Texas.

3. That the Steering Committee's reasonable rate case expenses shall be reimbursed by AEP.


4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Thomas Brocato, General Counsel to the Steering Committee of Cities Served by AEP Texas North Company, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.



Mayor Norm Archibald
City of Abilene

ATTEST:



Danette Dunlap
City Secretary

APPROVED:



T. Daniel Santee
City Attorney