

AN ORDINANCE APPROVING RATE SCHEDULES TO BE CHARGED BY WEST TEXAS UTILITIES COMPANY IN THE CITY OF ABILENE, TEXAS, PROVIDING FOR SCHEDULES, CONDITIONS, SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES.

WHEREAS, on May 19, 1987, West Texas Utilities Company ("WTU" or "Company") filed with the City of Abilene a request for an increase in electric utility rates to be charged within the City in the amount of approximately \$53.8 million per annum on a total company basis; and

WHEREAS, the City, having suspended the effective date of such proposed increase from June 23, 1987, and having considered the same at a public hearing, is of the opinion and finds that the rates of WTU should be adjusted;

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

PART 1: That the rates, tariffs, and charges of WTU for electric power and energy sold within the City be increased \$18,841,360 on a total company basis. Such Schedules of Rates, as are approved in accordance herewith, are those under which said Company shall be authorized to render electric service and to collect charges from its customers for the sale of electric power and energy within the corporate limits of the City until such time as said Rate Schedules may be changed, modified, amended, or withdrawn, with the approval of the City Council.

PART 2: That WTU shall file with the City a revised Schedule of Rates and Tariffs setting forth those rates, tariffs,

and charges based upon such decrease in total operating revenues as prescribed herein. Such Schedule of Rates and Tariffs may be modified or amended by the City Council within ten (10) days from the date of filing with the City, otherwise the same shall be considered approved as filed. Provided, however, notwithstanding any other provisions herein contained, the rates of WTU within the City of Abilene shall not, in any case, exceed the rates of customers of WTU in unincorporated areas whether such rates for unincorporated areas are set prior to or after the adoption of this ordinance and it shall be unlawful for WTU, its agents, servants or employees to collect or attempt to collect higher rates within the City of Abilene than are collected by WTU within unincorporated areas.

PART 3: That the action of the City Council of the City of Abilene enacting this Ordinance constitutes, on the date of its final passage, a final determination of rates for WTU within the City of Abilene in accordance with Section 43(e) of the Public Utility Regulatory Act.

PART 4: Nothing in this Ordinance contained shall be construed now or hereafter as limiting or modifying, in any manner, the right and power of the City under the law to regulate the rates and charges of WTU.

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

PASSED ON FIRST READING this 28 day of May, A.D. 1987.

PASSED ON SECOND READING this 10 day of September, A.D. 1987.

ATTEST:

Patricia Hancock
CITY SECRETARY

Dale Ferguson
MAYOR

APPROVED:

Harry Angelo
CITY ATTORNEY