

ORDINANCE NO. 0227

AN ORDINANCE OF THE TOWN OF HORIZON CITY DENYING THE REQUEST BY EL PASO ELECTRIC COMPANY TO CHANGE ELECTRIC RATES, AND TO MAINTAIN EXISTING RATES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING.

WHEREAS, El Paso Electric Company (“EPE” or the “Company”) is an electric utility which distributes electric power within the city limits of the Town of Horizon City (“City”) pursuant to a franchise granted to EPE by the City; and

WHEREAS, EPE submitted to the City its Statement of Intent to initiate a rate change proceeding and, on August 10, 2015, filed its *Application of El Paso Electric Company to Change Rates and to Reconcile Fuel Costs*, Docket No. 44941 before the Public Utility Commission of Texas (“PUC”); and

WHEREAS, pursuant to Texas Utilities Code Chapter 33.001, the City has original jurisdiction over EPE rates charged within the city limits of the City; and

WHEREAS, pursuant to that authority, the City Council of the City suspended the implementation of a rate change for 90 days for review; and

WHEREAS, the City Council has considered EPE’s request and is acting within its authority under applicable law.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS, THAT:

A. FINDINGS OF FACT

The foregoing recitals are adopted as facts and incorporated fully herein.

B. ENACTMENT OF PROVISIONS

1. The City Council hereby denies the request for a rate increase by EPE. The existing rates are found to be just and reasonable and the City adopts such existing rates which shall remain in effect pending resolution of the rate case before the PUC.
2. This ordinance shall be served on EPE by regular mail upon the Company’s authorized representative.
3. This ordinance shall become effective as provided in Section 3.14 (C) of the Charter of the Town of Horizon City, Texas

C. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

D. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

E. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this the 8th day of December, 2015, by a vote of 6 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the Town of Horizon City, Texas.

Town of Horizon City

By: [Signature]
Ruben Mendoza, Mayor

ATTEST:

By: [Signature]
Elvia Schuller, City Clerk



APPROVED AS TO FORM:

[Signature]
Elaine S. Hengen, Assistant City Attorney

First Reading: 11/24/2015
Second Reading: 12/8/2015