

Resolution
~~ORDINANCE~~ NO. _____

DENYING THE RATE INCREASE SOUGHT IN THE FILING OF FEBRUARY 5, 1981, AND ESTABLISHING AS CURRENT RATES FOR ELECTRICITY AND THE FURNISHING OF ELECTRIC SERVICE THOSE RATES OF SOUTHWESTERN ELECTRIC POWER COMPANY PREVIOUSLY IN EFFECT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Article 1446c, Section 43, V.A.C.S. on the 5th day of February, 1981, Southwestern Electric Power Company filed its Statement of Intent to change rates effective March 12, 1981; and

WHEREAS, the City Council, after hearing all evidence and arguments regarding such new rates, and carefully considering the same, finds that such new rates as requested in the Statement of Intent filed February 5, 1981, are not reasonable and that the rates presently charged by Southwestern Electric Power Company are just and reasonable and sufficient to enable such Company to earn a reasonable return in the City of Tatum, Texas in respect to the Company's fair value rate base and fair rate of return, using the test year ending September 30, 1980;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Tatum, Texas:

SECTION 1 That the request for change in rates, as specified in the Statement of Intent filed with the City February 5, 1981,

SECTION 2 That the charges for electricity and electric service within said City shall be those set forth in the Electric Rate Schedules, Riders, Policies and Terms and Conditions previously filed with the City and authorized to be charged by such City pursuant to proceedings before the City Council.

SECTION 3 If for any reason any section, paragraph, subdivision, clause, phrase, word, provision of this ~~Ordinance~~ ^{*Resolution*} shall be held invalid or unconstitutional by final judgment of

a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ^{Resolution}~~Ordinance~~ for it is the definite intent of this City that each of such be given full force and intent for its purpose.

SECTION 4 This ^{Resolution}~~Ordinance~~ and the terms herein shall be and become effective from and after the 18 day of February, 1981, and concurrent with the service of the same on Southwestern Electric Power Company as the Order of this City Council as required by Article 1446c, Section 43(f), V.A.C.S.

SECTION 5 That all Ordinances, Resolutions or parts of Ordinances or Resolutions in conflict herewith are repealed to the extent of such conflict.

PASSED AND APPROVED as of this 18 day of February, 1981.

Cecil Williams

Mayor, City of Tatum, Texas

ATTEST:

Helen Simpson

City Secretary

Approved as the legal form on this 18 day of February, 1981.

City Attorney

The above and foregoing ^{Resolution} Ordinance was read, passed, and adopted at the meeting of the governing body of this City on the 18 day of February, 1981, by the following vote:

	Aye	No
<u>Aurelia Clark</u>	<u>✓</u>	<u> </u>
<u>E.W. Nelson</u>	<u>✓</u>	<u> </u>
<u>Larry Smith</u>	<u>✓</u>	<u> </u>
<u>Joe Weaver</u>	<u>✓</u>	<u> </u>
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State of Texas :

County of :

I, the undersigned, City Secretary of the City of TATUM, Texas, do certify that the foregoing is a true and correct copy of ^{Resolution} Ordinance No. —, passed and approved the 18 day of February, 1981, as same appears in the official records of the City of TATUM, Texas, of which records I am the lawful custodian.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY OF TATUM, Texas, this 18 day of February, 1981:

Helen Simpson

City Secretary of the City of TATUM, Texas