

ORDINANCE NO. 91-1

AN ORDINANCE ESTABLISHING RATES TO BE CHARGED BY HOUSTON LIGHTING & POWER COMPANY FOR ELECTRIC UTILITY SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF BEACH CITY, TEXAS, BY DENYING THE COMPANY'S REQUEST FOR INCREASE IN RATES THROUGH THE COMPANY'S PROPOSED STEP 2 AND STEP 3 INCREASE, AND CONTINUING HEREIN THE PRESENT RATES FOR SALE OR SUPPLY OF ELECTRIC SERVICE BY THE COMPANY WITHIN THE CORPORATE LIMITS.

WHEREAS, on or about November 9, 1990, Houston Lighting & Power Company (the "Company") filed with the City of Beach City a Statement of intent and Petition for Authority to Change Rates relating to electric utility service, and proper notice thereof was duly given; and

WHEREAS, by Resolution No. 90-7, the City Council suspended the effective date of such proposed rate increase for a period of 90 days beyond the effective date;

WHEREAS, the City Council, having considered the Company's rate increase finds that such request is excessive; and

WHEREAS, the City Council having original jurisdiction over the matter finds that a lesser rate should be prescribed for the Company;

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

SECTION 1: The City Council of the City of Beach City after a review of the Company's request to increase rates by approximately \$552 Million in combined Steps 2 and 3, hereby finds the requested Step 2 and Step 3 rate increase request of the Company to be excessive and unreasonable and the same is hereby denied. The rates presently in effect shall remain in effect for the sale or supply of electric service by the Company within the corporate limits. In the event of an appeal of this ordinance to the Public Utility Commission, said Houston Lighting & Power Company present rates will continue in effect until all matters are determined on such appeal to the Public Utility Commission.

SECTION 2: The City Council hereby authorizes and directs the City Secretary to serve the Company with a certified copy of this ordinance which is the final determination and order of the City.

SECTION 3: The Company shall, within thirty (30) days following the final passage and approval of this ordinance and thereafter whenever required by applicable statutes and ordinances and wherever requested by the City Council, file a complete schedule of rates and tariffs with the said Council setting forth all of the Company's rates and charges for utility services then in effect.

SECTION 4: Nothing contained in this ordinance 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 the Company.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

SECTION 6: If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity or any other portion thereof and all provisions of this ordinance are declared to be severable for that purpose.

SECTION 7: In the event that Houston Lighting & Power appeals from this order herein setting forth electrical rates for Houston Lighting & Power, the City has no objection to the consolidation of the appeal with the pending environs case over which the Public Utility Commission has original jurisdiction.


SECTION 8: The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council of the City for the time required by law preceding this meeting as required by the Open Meetings Law, Article 6252-17, Texas Revised Civil Statutes Annotated; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND ADOPTED on first and final reading this the 26th day of February, 1991.



MAYOR, CITY OF BEACH CITY

ATTEST:



CITY SECRETARY