

CITY OF WILLOW PARK

RESOLUTION NO. 07-12

A RESOLUTION PROVIDING AUTHORIZATION TO SUSPEND THE EFFECTIVE DATE OF TEXAS GAS SERVICE COMPANY (TGS) REQUESTED 2012 RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER CITIES IN THE TGS SERVICE AREA TO NEGOTIATE WITH TGS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING WHERE THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL

WHEREAS, on or about March 30, 2012, Texas Gas Service Company ("TGS"), a division of ONEOK, Inc., pursuant to Gas Utility Regulatory Act § 104.102 filed with the City of Willow Park ("City") a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within its North Texas Service Area (NTSA), with a requested effective date of May 4, 2012; and

WHEREAS, the City is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under Chapter 104, §104.001 et seq. of GURA has exclusive original jurisdiction over TSG's rates, operations, and services within the City; and

WHEREAS, in order to maximize the efficient use of resources and expertise, it is reasonable for the City to cooperate with the eleven similarly situated city members and other City participants in conducting a review of the TSG's application and to hire and to prepare a common response and to negotiate with the TSG and direct any other necessary legal action; and

WHEREAS, TSG proposed May 4, 2012, as the effective date for its requested increase in rates; and

WHEREAS, it is not possible for the City to complete its review of TSG filing by May 4, 2012; and

WHEREAS, the City will need an adequate amount of time to review and evaluate the TSG's rate application to enable the City to determine and adopt a final decision as a local regulatory authority with regard to TSG's requested rate increase; and

WHEREAS, the Gas Utility Regulatory Act § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

WHEREAS, the Gas Utility Regulatory Act § 103.022 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK THAT:

SECTION 1. DATE SUSPENSION.

That the May, 2012, effective date of the rate request submitted by TSG on March 30, 2012, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2. AUTHORITY OF NEGOTIATE.

That the City is authorized to cooperate with cities in the NTSA area to, negotiate with the TSG, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Railroad Commission.

SECTION 3. COST RECOVERY.

That the City's reasonable rate case expenses shall be reimbursed by TSG.

SECTION 4. OPEN MEETING.

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.

SECTION 5. NOTICE.

A copy of this Resolution shall be sent to Texas Gas Service Company care of Wyatt E. Irby, Area Manager, North Texas Service Area, 1525 Texas Drive, Weatherford, Texas 76006.

PASSED AND APPROVED this 8th day of May, 2012.

/s/ Marvin Glasgow
Mayor

ATTEST:
/s/ Yvel Roman
City Secretary/Clerk

APPROVED AS TO FORM:
/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Resolution No. 07-12, did on the 8th day of May, 2012 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Marvin Glasgow, Mayor	_____	_____
Richard Neverdousky, Place 1	_____✓	_____
Gene Martin, Place 2	_____✓	_____
Amy Podany, Place 3	_____✓	_____
Esta Austin, Place 4	_____✓	_____
Hale Alderman, Place 5	_____✓	_____