

CITY OF NIEDERWALD ORDINANCE NO. 180392A

AN ORDINANCE APPROVING IMPLEMENTATION IN THE  
CITY OF NIEDERWALD OF A CHANGE IN RATES CHARGED BY  
BLUEBONNET ELECTRIC COOPERATIVE, INC.  
FOR ELECTRIC UTILITY SERVICE

WHEREAS, BLUEBONNET ELECTRIC COOPERATIVE, INC. (THE COOPERATIVE) FILED WITH THE CITY OF NIEDERWALD (CITY) ON JULY 1, 1992, PURSUANT TO THE REQUIREMENTS OF THE PUBLIC UTILITY REGULATORY ACT, AN APPLICATION FOR AUTHORITY TO CHANGE RATES AND STATEMENT OF INTENT TO CHANGE ITS RATES WHICH REQUESTS THE CITY TO APPROVE IMPLEMENTATION OF THE CHANGE IN RATES WITHIN THE CORPORATE LIMITS OF THE CITY;

WHEREAS, THE COOPERATIVE HAS FILED CONTEMPORANEOUSLY WITH ITS FILING WITH THE CITY, AN APPLICATION TO THE PUBLIC UTILITY COMMISSION OF TEXAS (COMMISSION) TO APPROVE IMPLEMENTATION OF RATE CHANGES CONTAINED IN ITS APPLICATION FOR AUTHORITY TO CHANGE RATES AND STATEMENT OF INTENT IN AREAS WITHIN THE ORIGINAL JURISDICTION OF THE COMMISSION;

WHEREAS, THE COOPERATIVE HAS ALSO CONTEMPORANEOUSLY FILED WITH EACH CITY WITHIN WHICH THE COOPERATIVE PROVIDES SERVICE AN APPLICATION REQUESTING APPROVAL OF IMPLEMENTATION OF SUCH CHANGES WITHIN THE CORPORATE LIMITS OF EACH CITY;

WHEREAS, THE FILING AT THE COMMISSION WILL BE FOLLOWED BY A THOROUGH REVIEW OF THE PROPOSED CHANGES IN RATES BY THE COMMISSION STAFF;

WHEREAS, THE CITY COUNCIL OF THE CITY HAS REVIEWED THE RATE REQUEST FILED WITH THE CITY AND FINDS SAID RATES REASONABLE AND LAWFUL;

WHEREAS, THE CITY COUNCIL HEREBY AUTHORIZES AND DIRECTS THE CITY SECRETARY TO SERVE THE COOPERATIVE WITH A CERTIFIED COPY OF THIS ORDINANCE;

WHEREAS, THE CITY COUNCIL OFFICIALLY FINDS, DETERMINES, RECITES AND DECLARES THAT A SUFFICIENT WRITTEN NOTICE OF THE DATE, HOUR, PLACE AND SUBJECT OF THIS MEETING OF THE CITY COUNCIL WAS POSTED AT A PLACE CONVENIENT TO THE PUBLIC AT THE CITY HALL OF THE CITY FOR THE TIME REQUIRED BY LAW PRECEDING THIS MEETING, AS REQUIRED BY THE OPEN MEETINGS LAW, TEX.REV.CIV.STAT.ANN. ART. 625217 (VERNON SUPP. 1991); 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 HEREOF 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;

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

SECTION 1: THE CITY OF NIEDERWALD APPROVES IMPLEMENTATION OF, AND AUTHORIZES BLUEBONNET ELECTRIC COOPERATE, INC. TO CHARGE IN AREAS WITHIN THE CORPORATE LIMITS OF THE CITY RATES ALLOWED BY THE PUBLIC UTILITY COMMISSION IN DOCKET NO. 11274, WITH THE EFFECTIVENESS OF THE NEW RATES TO BE CONTEMPORANEOUS WITH THE EFFECTIVE DATE OF THOSE CHANGES ALLOWED BY THE COMMISSION.

SECTION 2: 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 COOPERATIVE.

SECTION 3: ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT OF SUCH CONFLICT ONLY;

SECTION 4: 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 THE 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 HEREOF OR PROVISION OR REGULATION CONTAINED HEREIN SHALL BECOME INOPERATIVE OR FAIL BY REASON OF ANY UNCONSTITUTIONALITY, VOIDNESS OR INVALIDITY OF ANY PORTION HEREOF, AND ALL PROVISIONS OF THIS ORDINANCE ARE DECLARED TO BE SEVERABLE FOR THIS PURPOSE;

PASSED AND ADOPTED THIS 3<sup>rd</sup> DAY OF August, 1992.

APPROVED THIS 3<sup>rd</sup> DAY OF August, 1992.

Fern B. Hauze  
MAYOR OF THE CITY OF NIEDERWALD

ATTEST:

Sarah Wright  
CITY SECRETARY

