

ORDINANCE NO. _____

ORDINANCE SUSPENDING THE EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; DIRECTING REIMBURSEMENT OF THE CITY'S REASONABLE RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on or about May 13, 2022, Oncor Electric Delivery Company ("Oncor" or "Company"), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Fort Worth ("City") a Petition and Statement of Intent to increase electric transmission and distribution rates ("Petition") in all municipalities exercising original jurisdiction within its service area; and

WHEREAS, under state law, unless suspended, the rates in a Petition become effective thirty days after filing, which would make the rates in the originally filed Petition effective June 17, 2022; and

WHEREAS, Oncor asks the City to approve an 11.2% increase in residential rate and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month; and

WHEREAS, the City of Fort Worth is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 169 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, the Steering Committee has advised City staff that an issue exists with the original filing of the Petition and that Oncor intends to re-notice the City of their Petition, which will result in a new potential effective date of its proposed rates; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, the City wishes to suspend the proposed rates to provide time for a thorough review in accordance with state law and Oncor has agreed that the City's suspension shall be effective as to both the originally filed Petition and to Oncor's re-noticed Petition and the potential effective date; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

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

SECTION 1.

That the effective date of the rate request submitted by Oncor on or about May 13, 2022 and any re-noticed request submitted thereafter, be suspended for the longer of (i) ninety (90) days from the identified effective date or (ii) the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2.

As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and 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 Public Utility Commission.

SECTION 3.

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

SECTION .

That it is hereby officially found and determined that the meeting at which this ordinance 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.

A copy of this ordinance shall be sent to Oncor, Care of Howard V. Fisher, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

SECTION 6.

If any portion, section or part of a section of this ordinance is subsequently declared invalid, inoperative or void for any reason by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this ordinance shall be and remain in full force and effect and shall not in any way be impaired or affected by such decision, opinion or judgment.

SECTION 7.

This ordinance shall take effect and be in full force and effect from and after the date of its adoption.

APPROVED AS TO FORM AND LEGALITY:

ATTEST

Christopher Austria, Assistant City Attorney

Jannette S. Goodall, City Secretary

ADOPTED AND EFFECTIVE: _____