



Antonio Araujo
Mayor

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Alderson Place 1

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RESOLUTION NO. 2011R.02

A RESOLUTION SUSPENDING THE PROPOSED EFFECTIVE DATE OF EL PASO ELECTRIC COMPANY’S APPLICATION TO IMPLEMENT THE SECOND UPDATED REFUND TARIFF FOR FEDERAL INCOME TAX RATE DECREASE IN COMPLIANCE WITH DOCKET NO. 46831, PROVIDING THAT THE PROPOSED REFUND TARIFF SHALL BE APPROVED ON AN INTERIM BASIS DURING THE PERIOD OF SUSPENSION.

RECITALS

WHEREAS, El Paso Electric Company (“EPE” or the “Company”) distributes electric power within the city limits of the CITY OF SAN ELIZARIO (“City”) pursuant to a franchise granted to EPE by the City, and is an electric utility; and

WHEREAS, in Docket No. 48124, *Application of El Paso Electric Company to Implement Refund Tariff for Federal Income Tax Rate Decrease in Compliance with Docket No. 46831*, EPE sought and received approval to implement the Refund Tariff in accordance with the Final Order in Docket No. 46831, *Application of El Paso Electric to Change Rates*, to effectuate a base rate reduction as a result of the decrease in the federal corporate income tax rate under the *Tax Cuts and Jobs Act of 2017*, and

WHEREAS, EPE is required to file an annual update to the Refund Tariff in accordance with Docket No. 46831, to which the City was party to; and

WHEREAS, EPE on February 25, 2020, filed with the City and with the Public Utility Commission of Texas, Docket No. 50575, its *Application to Implement the Second Updated Refund Tariff for Federal Income Tax Rate Decrease in Compliance with Docket No. 46831*, proposing to change rates by updating the Refund Tariff by implementing Schedule No. FTRF Update, effective on April 1, 2019; and

WHEREAS, pursuant to applicable law, the City maintains original jurisdiction over EPE rates charged within the city limits of the City and the Application specifies that the rate change within the City's jurisdiction should be effective on April 1, 2020; and

WHEREAS, pursuant to section 36.108 of the Texas Utilities Code, the City, as regulatory Authority, has the right to suspend the proposed rate change subject to the City's jurisdiction for a period of 90 days after April 1, 2020, the proposed date the change would otherwise be effective; and

WHEREAS, the City Council has determined that it has received all appropriate notice from the Company and that additional time and information is needed for the City Council to study the proposed rate changes and tariffs and the reasons therefor; and

WHEREAS, pursuant to section 36.109 of the Texas Utilities Code, the City may establish temporary rates to be in effect during the suspension period; and

WHEREAS, EPE has requested that Schedule No. FTRF Update be implemented on an interim basis beginning April 1, 2020, and such interim rate be subject to refund or surcharge when the final rate is determined; and

WHEREAS, the Refund Tariff approved in Docket No. 49251 is set to expire March 31, 2020; and

WHEREAS, the City Council has determined that it is in the best interest of its citizens and ratepayers to suspend the proposed rate change and implement Schedule No. FTRF Update on an interim basis pending the conclusion and final resolution of this rate case.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF SAN ELIZARIO, TEXAS:

SECTION 1. The foregoing recitals are adopted as facts and are incorporated fully herein.

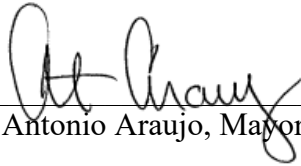
SECTION 2. That the effective date of the proposed change in rates of El Paso Electric Company is hereby suspended for a period of 90 days from April 1, 2020.

SECTION 3. That the rate proposed in Schedule No. FTRF Update by El Paso Electric Company within this municipality be implemented on an interim basis and shall continue in force beginning on April 1, 2020, and during the period of suspension as provided in Section 1 hereof, subject to refund or surcharge when the final rate is determined.

SECTION 4. That the City Clerk of this municipality is hereby directed to deliver a copy of this Resolution to El Paso Electric Company promptly after the passage hereof.

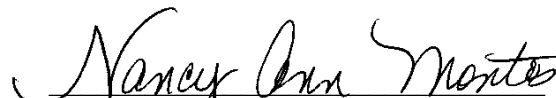
PASSED AND APPROVED this, the 25th day of April, 2020, by a vote of 5 (*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Antonio Araujo, Mayor

ATTEST:



Nancy Montes, City Clerk