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RESOLUTION NO. 1611R.04

A RESOLUTION OF THE CITY OF SAN ELIZARIO AUTHORIZING APPROVAL OF THE SETTLEMENT AGREEMENT TERMS BETWEEN THE CITY AND EL PASO ELECTRIC IN P.U.C. DOCKET NO. 44941, SOAH DOCKET NO. 473-15-5257, APPLICATION OF EL PASO ELECTRIC COMPANY TO CHANGE RATES

RECITALS

- WHEREAS, El Paso Electric Company ("EPE" or the "Company") is an electric utility which 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
- WHEREAS, EPE submitted to the City its Statement of Intent to initiate a rate change proceeding and, on August 10, 2015, filed its *Application of El Paso Electric Company to Change Rates and to Reconcile Fuel Costs*, PUC Docket No. 44941 before the Public Utility Commission of Texas ("PUC"), and subsequently referred to the State Office of Administrative Hearings ("SOAH"), SOAH Docket No. 473-15-5257; and
- WHEREAS, pursuant to Texas Utilities Code Chapter 33.001, the City has original jurisdiction over EPE rates charged within the city limits of the City; and
- WHEREAS, pursuant to that authority, the City Council of the City suspended the implementation of a rate change for 90 days for review and for a determination on rates by the PUC; and
- WHEREAS, the City intervened in the PUC rate case as a member of the Coalition of Cities and participated in all aspects of the case including settlement discussions and negotiation; and
- WHEREAS, the Parties, including the City, have reached consensus on terms of the rate case in lieu of proceeding to hearing; and
- WHEREAS, the City Council finds it to be in the best interests of the City to enter into a settlement agreement pursuant to the agreed upon terms in order to resolve this case efficiently and economically.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Elizario:

Section 1. Findings of Fact.

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

Section 2. Settlement Agreement.

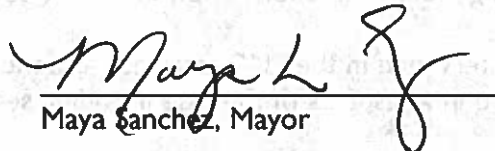
- A. The City Council of the City of San Elizario hereby approves the terms of settlement relating to rates as contained in *Attachment A*, attached hereto and incorporated fully herein for all intents and purposes. It is understood that these terms will be included in a final settlement agreement acceptable to the Parties and to be approved by the Commission. It is further understood, as referenced in Section K.9. of the term sheet, that fuel reconciliation will be addressed in a later proceeding.
- B. The City Attorney for the Coalition of Cities is hereby authorized to enter into a settlement agreement on behalf of the City of San Elizario in PUC Docket No. 44941, SOAH Docket No. 473-15-5257, *Application of El Paso Electric Company to Change Rates*.

Section 3. Effective Date

This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this, the 8th day of March, 2016, 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


Maya Sanchez, Mayor