

**Antonio Araujo**  
Mayor

**Leticia Miranda**  
Alderson Place 1

**David Cantu**  
Alderson Place 2



**Miguel Najera Jr.**  
Alderson Place 3

**Maria Covernali**  
Alderson Place 4

**George Almanzar**  
Alderson Place 5

**RESOLUTION NO. 1911R.02**

**A RESOLUTION SUSPENDING THE PROPOSED EFFECTIVE DATE OF EL PASO ELECTRIC COMPANY'S APPLICATION TO IMPLEMENT THE FIRST 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, AND AUTHORIZING INTERVENTION AT PUBLIC UTILITIES COMMISSION OF TEXAS**

**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; and

**WHEREAS**, EPE on February 22, 2019, filed with the City and with the Public Utility Commission of Texas, Docket No. 49251, its *Application to Implement the First 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, 2019; 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, 2019, 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, 2019, 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. 48124 is set to expire March 31, 2019; 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. 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, 2019.

SECTION 2. 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, 2019, and during the period of suspension as provided in Section 1 hereof, subject to refund or surcharge when the final rate is determined.

SECTION 3. That the Secretary of this municipality is hereby directed to deliver a copy of this Resolution to El Paso Electric Company promptly after the passage hereof.

SECTION 4. The City Council authorizes its attorneys to file a motion of intervention in Docket No. 49215 before the Public Utility Commission of Texas, *Application to Implement the First Updated Refund Tariff for Federal Income Tax Rate Decrease in Compliance with Docket No. 46831*.

**PASSED AND APPROVED** this, the 26 day of March, 2019, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

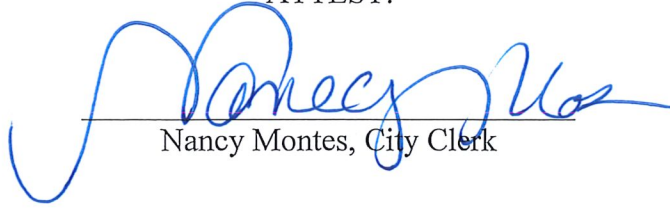
(signatures appear on the following page)

**CITY OF SAN ELIZARIO, TEXAS**



Antonio Araujo, Mayor

ATTEST:



Nancy Montes, City Clerk

*Attachment A*

***APPLICATION OF EL PASO ELECTRIC COMPANY  
TO IMPLEMENT FIRST UPDATED REFUND TARIFF  
FOR FEDERAL INCOME TAX RATE DECREASE  
IN COMPLIANCE WITH DOCKET NO. 46831***