

CITY OF EL PASO, TEXAS  
AGENDA ITEM

DEPARTMENT HEAD'S SUMMARY FORM

CITY CLERK DEPT.  
2018 APR 11 PM 12:53

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME AND PHONE NUMBR:  *SBF*

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

**SUBJECT:**

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action regarding a Resolution concerning a proposed amendment to Schedule CS – Community Solar Rate: suspending the proposed rate for 90 days; authorizing the City Manager to notify El Paso Electric and request working papers; authorizing the City Attorney to intervene and retain outside counsel.

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Pursuant to the Public Utility Regulatory Act, Texas Utilities Code Section 36.108, the City of El Paso, 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 the proposed date the change would otherwise be effective.

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one?

N/A

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

## RESOLUTION

**WHEREAS**, El Paso Electric Company, distributes electric power within the City Limits of the City of El Paso pursuant to a 25-year franchise granted to El Paso Electric Company dated as of July 15, 2005, and is an electric utility;

**WHEREAS**, on March 19, 2018, El Paso Electric Company (“EPE” or the “Company”), filed with the City of El Paso its Application and Statement of Intent of El Paso Electric Company to Expand and Change Rates for the Existing Voluntary Community Solar Pilot Program in Texas,

**WHEREAS**, pursuant to applicable law, the City of El Paso maintains original jurisdiction over rates of El Paso Electric Company for rates charged within the City limits of the City of El Paso and the Application specifies that the rate change within the City’s jurisdiction should be effective May 1, 2018; and

**WHEREAS**, the City Council has determined that additional time and information is needed for it to study the proposed rate changes and tariffs and the reasons therefor; 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.

**WHEREAS**, pursuant to the Public Utility Regulatory Act, Texas Utilities Code Section 36.108, the City of El Paso, 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 the proposed date the change would otherwise be effective; and

**WHEREAS**, El Paso Electric Company has also filed the same request at the Public Utility Commission of Texas for areas over which the Public Utility Commission of Texas exercises original jurisdiction, which has been assigned Docket No. 48181 and

**WHEREAS**, in order to project its jurisdiction the City Council finds it appropriate to intervene in Docket No. 48181 at the Public Utility Commission of Texas

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the proposed amendment to Rate Schedule CS-Community Solar Rate is hereby suspended for 90 days after the effective date for the rate change as specified in El Paso Electric Company’s filing.
2. That the City Manager shall so notify El Paso Electric Company of the suspension and the order to submit working papers by having a copy of this Resolution delivered or mailed to the Chief Executive Officer of the Company.

3. That the City Attorney is authorized to file a Motion in Intervention, in the companion case, Docket 48181 at the Public Utility Commission of Texas and the City Attorney is granted broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel and any necessary consultants in connection with this matter.

APPROVED this \_\_\_\_ day of April, 2018.


**CITY OF ELPASO:**

\_\_\_\_\_  
Dee Margo, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
Sylvia Borunda Firth  
City Attorney

**APPROVED AS TO CONTENT:**

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Tomás González  
City Manager