

## ORDINANCE NO. 105

AN ORDINANCE APPROVING RATE SCHEDULES TO BE CHARGED BY SOUTHWESTERN PUBLIC SERVICE COMPANY IN THE CITY OF WHEELER, TEXAS, PROVIDING FOR AN EFFECTIVE DATE FOR SUCH RATE SCHEDULES, AND PROVIDING CONDITIONS UNDER WHICH SUCH RATE SCHEDULES MAY BE CHANGED, MODIFIED, AMENDED OR WITHDRAWN.

WHEREAS, on May 12, 1978, Southwestern Public Service Company filed with the City of Wheeler a request for an increase in rates to be charged within the City in the amount of approximately \$22 million per annum on a systemwide basis, and

WHEREAS, the City, having suspended the effective date of such proposed rate increase and having considered the same at a public hearing, is of the opinion and finds that an increase in rates should be approved, and

WHEREAS, pursuant to § 41 (c) (1) of the Public Utility Regulatory Act, it is hereby found that payments, to the Company's subsidiary for fuel as paid by the City of Wheeler consumers through the fuel cost adjustment, are excessive and should be deleted from the Company's cost of service to the extent of such excessiveness. Therefore, all profits of the Company's fuel subsidiary, TUCO, in excess of that to achieve a return to equity during the test year of 13.2% have been deleted from the Company's allowable cost of service.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEELER, TEXAS:

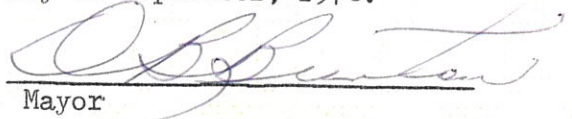
SECTION 1: That an increase in the rates, tariffs and charges of Southwestern Public Service Company for electric power and energy sold within the City be approved in an amount such that the adjusted total systemwide operating revenues for the Company be increased \$4,208,964.00 per annum, based on the adjusted test year ending December 31, 1977. Such Schedule of Rates, as are approved in accordance herewith, are those under which said Company shall be authorized to render electric service and to collect charges from its customers for the sale of electric power and energy within the corporate limits of the City until such time as said Rate Schedules may be changed, modified, amended or withdrawn, with the approval of the City Council.

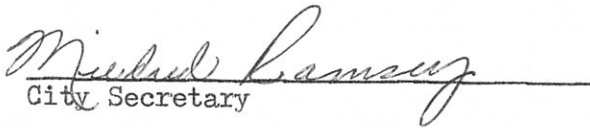
SECTION 2: That Southwestern Public Service Company shall, within 10 days from the final passage of this Ordinance, file with the City a revised Schedule of Rates and Tariffs setting forth those rates, tariffs and charges based upon an increase in total operating revenues as prescribed herein. Such Schedule of Rates and Tariffs shall contain no provision allowing an automatic increase in final cost otherwise, same shall provide that such rates, tariffs and charges shall contain no provision allowing an automatic increase in fuel cost and after final passage of this Ordinance shall be modified or amended by the City Council of the City of Wheeler, within 20 days from the final passage of this Ordinance, otherwise, same shall be considered approved as filed in such Schedule of Rates and Tariffs, as amended by the modified or amended, shall be effective from and after final passage of this Ordinance and shall apply to all the power and energy used by each customer after the final passage of this Ordinance.

SECTION 3: That the action of the City Council of the City of Wheeler en-acting this Ordinance constitutes, on the date of its final passage, a final determination of rates for Southwestern Public Service Company within the City of Wheeler in accordance with Section 43 (e) of the Public Utility Regulatory Act.

SECTION 4: Nothing in this Ordinance contained shall be construed now or hereafter as limiting or modifying, in any manner, the right and power of the City under the law to regulate the rates and charges of Southwestern Public Service Company.

PASSED AND APPROVED on first reading at a Regular Meeting of the City Council of the City of Wheeler, Texas this the 18 day of September, 1978.

  
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Mayor

  
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City Secretary