

ORDINANCE NO. 2003-10

AN ORDINANCE ELECTING TO HAVE THE RAILROAD COMMISSION OF TEXAS EXERCISE ORIGINAL JURISDICTION OVER GAS UTILITY RATES, OPERATIONS, AND SERVICES WITHIN THE INCORPORATED LIMITS OF THIS MUNICIPALITY CONCERNING THE TXU GAS COMPANY STATEMENT OF INTENT FILED ON MAY 23, 2003; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR NOTICE OF THIS ORDINANCE TO THE RAILROAD COMMISSION OF TEXAS; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO TXU GAS COMPANY.

WHEREAS, on or about May 23, 2003, TXU Gas Company (the "Company") filed with the CITY of CUMBY ("City"), a Statement of Intent to change gas rates in all municipalities within the Company's statewide gas utility system effective June 27, 2003; and

WHEREAS, the City, has exclusive original jurisdiction to evaluate the Company's Statement of Intent as it pertains to the distribution facilities located within the City, pursuant to Texas Utilities Code §§ 102.001(b) and 103.001; and

WHEREAS, provision is made in Section 103.003 of the Texas Utilities Code whereby a municipality may elect to have the Railroad Commission of Texas (the "Commission") exercise original jurisdiction over gas utility rates, operations, and services within the incorporated limits of said municipality; and

WHEREAS, the Governing Body of this municipality, after having thoroughly considered the matter, is of the opinion that the best interests of this municipality will be served by having the Commission exercise original jurisdiction over gas utility rates, operations, and services as to this Statement of Intent;

NOW, THEREFORE,

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

SECTION 1. That the Governing Body of this municipality does hereby elect to have the Commission exercise original jurisdiction over gas utility rates, operations, and services within the incorporated limits of this municipality concerning the TXU Gas Company Statement of Intent filed on May 23, 2003.

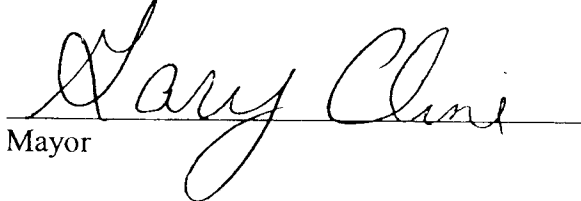
SECTION 2. That this Ordinance shall become effective, and the Commission shall exercise the exclusive original jurisdiction over said gas utility rates, operations, and services as to this Statement of Intent on and after the date of the passage hereof until such time as a final rate is set for TXU Gas Company by the Commission.

SECTION 3. That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

SECTION 4. That the Secretary of this municipality shall give notice of this Ordinance to the Commission by forwarding a certified copy of same to the Commission upon the passage of this Ordinance.

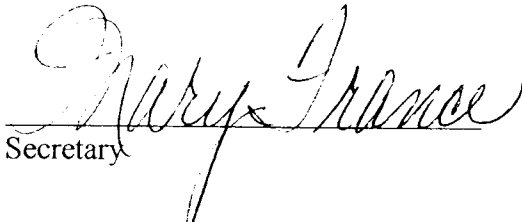
SECTION 5. That the Secretary of this City shall forward a copy of this Ordinance to the following representative of TXU Gas Company within 10 days after the Ordinance is approved: Autry L. Warren, Director Gas Regulatory, TXU Business Services, 1601 Bryan Street, Dallas, Texas 75201-3402.

PASSED AND APPROVED at a Regular Meeting of the CITY of CUMBY, Texas on this the 3rd day of June, 2003.



Mayor

ATTEST:



Secretary