

RESOLUTION NO. R-2017-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS SUSPENDING THE PROPOSED TARIFF AND SCHEDULE OF RATES FILED BY (LIBERTY UTILITIES); AND AUTHORIZING THE CITY TO INTERVENE IN RELATED DOCKETS BEFORE THE PUBLIC UTILITY COMMISSION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Liberty Utilities (Liberty; AKA Tall Timbers Utility Company, Inc.), on September 2, 2016, filed an Application for Tariff/Rate Change with the City of Tyler for an increase in sewer rates charged by Liberty within the City of Tyler and,

WHEREAS, the City of Tyler has received complaints from more than ten percent (10%) of the ratepayers affected by this proposed sewer rate increase who are located within the City of Tyler; and,

WHEREAS, the City of Tyler is a regulatory authority having a statutory duty to review applications for sewer rate changes within its city limits and is an affected municipality having the right to initiate and participate in a hearing on an application for a sewer rate change filed with the Public Utility Commission (PUC) for sewer rates outside of its city limits when ratepayers within the city limits may be affected by the sewer rates established as a result of such proceedings; and,

WHEREAS, the City of Tyler is entitled by the Texas Water Code to select and engage rate consultants, accountants, auditors, attorneys, engineers, or any combination of these experts to conduct investigations, present evidence, advise and represent the City Council of the City of Tyler and assist with litigation on sewer utility ratemaking proceedings, and the City of Tyler is entitled to be reimbursed for the reasonable costs of the experts' services; and,

WHEREAS, in order to allow sufficient time for consideration of the data filed by Liberty, it is the desire of the City Council of the City of Tyler to suspend, pursuant to Section 13.187(k) of the Texas Water Code, the proposed effective date of said proposed rate change for ninety (90) days from the effective date stated in Tall Timber's application, as initially filed or hereafter revised, for further study, investigation, presentation of evidence and hearing; and,

WHEREAS, it is in the public interest of the City of Tyler to intervene, participate and file evidence in the regulatory proceeding before the Texas Commission on Environmental Quality concerning Liberty's application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, THAT:

PART 1: That all statements made above are hereby found to be true and correct and are incorporated in their entirety.

PART 2: That the City of Tyler, in order to allow for sufficient time to analyze and prepare for hearing and decision on the requested rates, hereby suspends the operation of the proposed tariffs and rate schedules filed by Liberty until midnight May 1, 2017, (which is ninety (90) days from the February 1, 2017, effective date contained in the proposed tariffs and rate

schedules) and for such additional period of time as may be necessary and authorized by law. During such period of suspension, the rates in force shall be those rates in effect when the suspended tariffs and rate schedules were first filed, which shall continue in force until new rates are set by the City Council.

PART 3: That the City Council authorizes the City of Tyler to initiate and intervene in regulatory proceedings before the Public Utility Commission held for the purpose of reviewing Liberty's Application for Tariff/Rate Change.

PART 4: That copies of this Resolution shall be sent to Liberty.

PART 5: That this Resolution shall be effective on and after its date of passage.

PASSED AND APPROVED on this the 25 day of January, 2017.

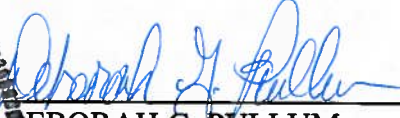

MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY