

ACCEPTANCE OF FRANCHISE BY
CENTRAL POWER AND LIGHT COMPANY

File of ordinance

Ordinance

1992-3

THE STATE OF TEXAS §
 §
COUNTY OF SAN PATRICIO §

WHEREAS, the City Council of the City of Ingleside on the Bay, by ordinance passed, adopted and approved at a meeting of said City Council held on the 3rd day of March, 1992, granted to Central Power and Light Company a franchise in accordance with applicable law to supply electricity to the City of Ingleside on the Bay, Texas, until January 1 , 2012; and

WHEREAS, in compliance with the terms of said Franchise Ordinance, Central Power and Light Company desires to file its written acceptance of the Franchise Ordinance adopted by the City Council of the City of Ingleside on the Bay, Texas, on the 3rd day of March, 1992.

NOW, THEREFORE, Central Power and Light Company, a Texas corporation, acting by its duly authorized officers, the Grantee of said franchise granted to it, its successors and assigns, by said Franchise Ordinance passed, adopted and approved by the City Council of Ingleside on the Bay, Texas, on the 3rd day of March, 1992, hereby accepts said Franchise Ordinance and files this, its acceptance thereof, and agrees that it, its successors and assigns, are and shall be entitled to all of the rights, privileges and franchise thereby granted and are and shall be bound by and will comply with all of the duties, liabilities, terms and provisions thereof.

IN WITNESS WHEREOF, said Grantee has caused these presents to be executed by its duly authorized officer and attested by its corporate seal, this the 22 day of March, 1992.

CENTRAL POWER AND LIGHT COMPANY

By:

R. P. Verret
R. P. VERRET (Name)
VICE PRESIDENT (Title)

ATTEST:

Marilyn J. Beebe
ASSISTANT Secretary
MARILYN J. BEEBE

THE STATE OF TEXAS §
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I, the undersigned, City Secretary of the City of Ingleside on the Bay, Texas, hereby CERTIFY that the above and foregoing Acceptance of Franchise by Central Power and Light Company is a full, true and correct copy of such instrument dated the 22nd day of April ~~March~~ 1992, which accepts the franchise that was granted to Central Power and Light Company in accordance with applicable law by an ordinance of the City Council of the City of Ingleside on the Bay, Texas, on March 3, 1992. I further CERTIFY that such acceptance was filed by Central Power and Light Company with the City of Ingleside on the Bay, Texas, on the 22nd day of April ~~March~~, 1992, and that such acceptance appears of record and on file in my office.

IN TESTIMONY WHEREOF, witness my hand and seal of the City of Ingleside on the Bay, Texas, this 7th day of April, 1992.

Suzanne Hargrave
City Secretary of City of
Ingleside on the Bay





Dear Mayor:

As you know, an agreement was reached and adopted in the final orders in Dockets 4400 and 4588 which allows CPL to recover municipal franchise payments by means of a separate factor for each applicable rate schedule. The agreement outlined a method whereby the factors would be adjusted each six months in order to pass back or to charge for any over/under-recovery resulting from the application of the municipal franchise factor during the preceding six months. The agreement was later incorporated in PUCT final orders for Docket 4400 and was unchanged by the orders in Dockets 8646 and 9561 (CPL's most recent retail cases).

In accordance with the agreement and the tariff, we have modified the municipal franchise factors. During the last six month period, the factor generated billings of \$13,064,841.87. The municipal franchise fee rates charged to CPL by the Cities would generate payments of \$12,917,231.92. In order to adjust for an under-collection of \$134,704.49 in prior periods, the factors should have collected a total of \$13,051,936.41. The factors used to recover municipal franchise fees resulted in billings which were \$12,905.46 more than the adjusted fee payments resulting from those billings. The municipal franchise factors for the next six month period have been adjusted for the over-collection.

We have enclosed a Revision 23 to tariff sheet D1-2 which is effective May 29, 1992. Sheet D1-2 details the new factors. The Cotton Gin Factor was developed based upon data for the most recent twelve month period to limit seasonal fluctuations in factors for that rate group.

Sincerely,

Harold W. Ashley
Area Manager

Alfred Roblin

Acknowledgement

4-20-92

Date

Ingliside on the Bay

City



A Member of the Central and South West System

Central Power and Light
Corpus Christi, Texas

Public Service Company of Oklahoma
Tulsa, Oklahoma

Southwestern Electric Power
Shreveport, Louisiana

West Texas Utilities
Arlene, Texas

CENTRAL POWER AND LIGHT COMPANY

Sheet No. D1-2
Effective 05-29-92
Revision No. 23

SECTION D: Rules and Regulations

II. GROSS RECEIPTS FEE ADJUSTMENT

Electric service billed under rate tariffs having a gross receipts fee adjustment shall be subject to a gross receipts fee adjustment factor that provides for the recovery of municipal gross receipts fees. That factor will be adjusted semi-annually for over or under collections during the preceding period.

Gross receipts fee adjustment factors shall be as follows:

Sheet No.	Rate Description	Factor
B 1	Residential Service -10	.0323984
B 2	Residential Service -12	.0323984
B 3	Residential Service -14	.0323984
B 4	Residential Service -16	.0323984
B 5	General Service -21	.0344996
B 6	Lighting & Power Service -32	.0344996
B 7	Industrial Power -44	.0307888
B 8	Petroleum Service -27	.0031839
B 9	Cotton Gin Service -20	.0133051
B10	Irrigation Pumping Service -28	.0038682
B11	Large Irrigation Pumping Service -29	.0061101
B12	Large Industrial Power -68	N/A *
B13	Security Lighting Service -70,71,72,74,77,78	.0261086
B14	Company Owned Street Lighting -73	.0377368
B15	Customer Owned Street Lighting -76	.0377368
B16	Traffic Signal Service -79	.0371663
B17	Municipal Pumping Service -75	.0323934
B19	Flood Lighting Service -50,51,52,53,54,55,56,57	.0318087
B20	Flood Lighting Service, Customer Owned -58	.0318087
B21	State Institutional Service -45	.0307888
C 1	Commercial Water Heating Service Rider -1	.0344996
C 3	Commercial space Heating Service Rider -3	.0344996
C17	Interruptible Service (B) -ISB	N/A *
C20	Interruptible Service (I) -ISI -Rider 20	N/A *

The above factors will apply to revenues produced by the base rates and fuel charges for each rate class and shall be included within the dollar amount shown as owing on the customers bill.

* Gross receipts fees attributable to Large Industrial Power-68, ISB and ISI customers located within municipalities will be assigned directly to those customers.

AN ORDINANCE GRANTING TO CENTRAL POWER AND LIGHT
COMPANY, A CORPORATION DULY INCORPORATED UNDER
THE LAWS OF THE STATE OF TEXAS, ITS SUCCESSORS AND
ASSIGNS, AN ELECTRIC LIGHT, HEAT AND POWER FRANCHISE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY:

SECTION 1: That there is hereby granted to Central Power and Light Company, its successors and assigns, herein called the "Grantee," the right, privilege, and franchise until January 1, 2012, to construct, maintain, and operate in the present and future streets, alleys and public places of the City of Ingleside on the Bay, Texas, as the limits of said City now exist and as they may hereafter be extended, and its successors, electric light and power lines, with all necessary or desirable appurtenances (including underground conduits, poles, towers, wires, and transmission lines, and telegraph and telephone wires for its own use) for the purpose of supplying electricity to the said City, the inhabitants thereof, and persons and corporations within and beyond the limits thereof, for light, heat, power, and other purposes.

SECTION 2: Poles and towers shall be erected so as not to interfere unreasonably with traffic over streets and alleys, and the City may make and impose reasonable requirements fixing the location of poles, towers, and conduits, provided that no such requirement shall be unreasonably burdensome upon Grantee or unreasonably interfere with the proper operation of said facilities.

SECTION 3: The service furnished hereunder to said City and its inhabitants shall be first-class in all respects considering all circumstances and shall be subject to such reasonable rules and regulations as the Grantee shall make from time to time. The Grantee may require reasonable security for the payment of its bills and reasonable fees in connection with furnishing said service.

SECTION 4: The Grantee shall hold the City harmless of and from all expense or liability for any act or neglect of the Grantee hereunder.

SECTION 5: For and as full consideration and compensation for this franchise and the rights, privileges, and easements granted and conferred thereby and as rental for the use of the streets, alleys, and other public areas within or that may hereafter be within said City, the Grantee shall pay said City four percent (4%) of the Grantee's gross receipts from the sale of electric energy in and for use within the corporate limits of the City of Ingleside on the Bay for the month of April, 1992, and for each month thereafter throughout the remainder of the term herein provided for, with each such payment to be made on the first day of the second succeeding month. If Grantee should agree to pay to any other municipality which it serves a greater percentage than four percent (4%) of its said gross receipts, Grantee will automatically thereafter pay to the City of Ingleside on the Bay the same percentage of its gross receipts within the City of Ingleside on the Bay derived from the sale of electric energy.

SECTION 6: This franchise is not exclusive and nothing contained herein shall be construed to prevent the City from granting other like or similar rights and privileges to any other person, firm, or corporation.

SECTION 7: This grant is conditioned that the Grantee shall file its written acceptance of this franchise within ninety (90) days after the adoption of this ordinance.

PASSED, ADOPTED, and APPROVED, this the 2nd day of March, 1992.

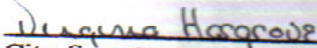


Mayor of the City of Ingleside on the Bay

ALFRED ROBBINS

(Printed Name)




City Secretary

Virginia Hargrove
(Printed Name)

THE STATE OF TEXAS §
 §
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I, the undersigned, City Secretary of the City of Ingleside on the Bay, Texas, hereby CERTIFY that the above and foregoing is a true and correct copy of a franchise ordinance passed, adopted, and approved by the City Council of the City of Ingleside on the Bay, at a meeting duly and regularly called and held on the 3rd day of March, 1992.

IN TESTIMONY WHEREOF, witness my hand and seal of office, this the 3rd day of March, 1992.

Dorine Hargrave
City Secretary of the City of
Ingleside on the Bay

