

Pursuant to Section 4.01 of the City of Coleman Home-Rule Charter, I am signing this petition to request the City Council of Coleman, Texas, to enact, without amendment, the ordinance hereby referred to as Ordinance Number: _____ and attached as "Exhibit A", which amends the electrical rate structure currently defined in Article 13.04.101 Division 3. If Council fails to pass this ordinance, Council shall submit the ordinance to a vote of the registered voters at a regular or special election to be held no later than 90 days from the date this petition is certified, as provided in Article IV of the Home-Rule Charter of the City of Coleman.

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Circulated and witnessed by: _____ Date: _____ 20 _____

EXHIBIT "A"

Ordinance Number: _____

AN ORDINANCE AMENDING ORDINANCE, ARTICLE 13.04.101 DIVISION 3, MAXIMUM ALLOWED PRICE DIFFERENTIAL BETWEEN THE TOTAL COST OF ELECTRICITY PAID FROM ITS WHOLESALE ELECTRICAL PROVIDER AND THE TOTAL PRICE CHARGED BY AND THROUGH CITY OF COLEMAN WHILE OPERATING AS A MUNICIPALLY OWNED UTILITY.

Be it ordained by the City Council of the City of Coleman, Texas that:

The City of Coleman, while operating as a Municipally Owned Utility (MOU), shall charge its residential, commercial and nonresidential customers an electrical rate (the Combined Rate) inclusive of all power cost adjustments, congestion fees, ancillary charges and other associated charges not to exceed the greater of:

- a) .12/kWh, or
- b) .03/kWh above the Combined Rate paid to purchase wholesale electricity (inclusive of all direct charges).

The City shall continue to charge a meter fee in addition to the Combined Rate as documented in the 2014-15 published electrical rate schedule. The City may increase such meter fees at a rate not to exceed 3% per annum.

This section does not impede the right of the city to negotiate electrical rates as currently provided for in §13.04.104, Schedule I, §13.04.105, Schedule ED, §13.04.106, Schedule SC and §13.04.107, Schedule 148, but pertains specifically to residential and commercial customers as currently provided for in §13.04.103, Schedule R and §13.04.104, Schedule C.

Pursuant to Section 4.01 of the City of Coleman Home-Rule Charter, I am signing this petition to request the City Council of Coleman, Texas, to enact, without amendment, the ordinance hereby referred to as Ordinance Number: _____ and attached as "Exhibit B", which defines the required divestiture of the Municipally Owned Utility. If Council fails to pass this ordinance, Council shall submit the ordinance to a vote of the registered voters at a regular or special election to be held no later than 90 days from the date this petition is certified, as provided in Article IV of the Home-Rule Charter of the City of Coleman.

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Circulated and witnessed by: _____ Date: _____ 20 _____

EXHIBIT “B”

Ordinance Number: _____

AN ORDINANCE AMENDING ORDINANCE, ARTICLE 13.04.101 DIVISION 3, ELECTRICAL, REQUIRING THAT THE MUNICIPALLY OWNED UTILITY BE DIVESTED, WITHIN A DESIGNATED TIME.

Be it ordained by the City Council of the City of Coleman, Texas that:

The City of Coleman shall, at its earliest convenience, sell, trade or otherwise transfer all of the assets, or substantially all of the assets comprising its electrical transmission and distribution system (T&D system), to an entity licensed to operate in the state of Texas that is duly certified by ERCOT and PUCT for the transmission of electricity. The transfer may not be made to any entity within the operational control of the City, nor incorporated by or on behalf of the City. The transfer shall occur within the timeframe and financial parameters the City deems most beneficial; however, such transfer shall occur no later than December 31st 2019. The City shall not extend the termination date of the existing electrical contract between the City and AEPEP, nor enter into any other contract with any other entity, which could cause the City to operate as a MOU beyond the date of December 31st 2019.

Affidavit

I, _____, swear or affirm that I, and I only personally circulated this petition, and each page thereof attached to this page, and each signature appended hereto was made in my presence and is the genuine signature of the persons whose name it is purported to be, and further, no signature has been placed hereof prior to forty-five (45) days of this filing of this petition on this _____ day of _____, 201__

Affiant

State of Texas
County of Coleman

Sworn to before me by _____

this _____ day of _____ 201__

Notary Public, State of Texas

(Seal)