

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF MIDLAND, TEXAS,
FINDING THAT THE APPLICATION OF ONCOR
ELECTRIC DELIVERY COMPANY, LLC (“ONCOR”)
FOR APPROVAL TO AMEND ITS DISTRIBUTION
COST RECOVERY FACTOR TO INCREASE
DISTRIBUTION RATES WITHIN THE CITY SHOULD
BE DENIED; AUTHORIZING PARTICIPATION WITH
STEERING COMMITTEE OF CITIES SERVED BY
ONCOR; AUTHORIZING THE HIRING OF LEGAL
COUNSEL AND CONSULTING SERVICES; FINDING
THAT THE CITY’S REASONABLE RATE CASE
EXPENSES SHALL BE REIMBURSED BY ONCOR;
FINDING THAT THE MEETING AT WHICH THIS
RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS
REQUIRED BY LAW; AND AUTHORIZING AND
DIRECTING THE CITY SECRETARY TO SEND COPIES
OF THIS RESOLUTION TO ONCOR AND LEGAL
COUNSEL**

WHEREAS, the City of Midland, Texas (the “City”) is an electric utility customer of Oncor Electric Delivery Company LLC (“Oncor”) and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the Steering Committee of Cities Served by Oncor (“OCSC”) is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost-effectively review and respond to electric issues affecting rates charged in Oncor’s service area in matters before the Public Utility Commission (the “Commission”) and the courts; and

WHEREAS, on or about April 8, 2021, Oncor filed with the Commission an Application for Approval to Amend its Distribution Cost Recovery Factor (“DCRF”), Commission Docket No. 51996, seeking to increase its total distribution revenue requirement by approximately \$97,826,277; and

WHEREAS, the City will cooperate with OCSC in coordinating their review of Oncor’s DCRF filing with designated attorneys and consultants, prepare a common response, negotiate with Oncor, and direct any necessary litigation, to resolve issues in Oncor’s filing; and

WHEREAS, all electric utility customers residing in the City will be impacted by this

ratemaking proceeding if Oncor's application is granted; and

WHEREAS, working with the OCSC to review the rates charged by Oncor allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, OCSC's members and attorneys recommend that members who have retained original jurisdiction over electric utility rates deny Oncor's DCRF;

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

SECTION ONE. That the City is authorized to participate with OCSC in Commission Docket No. 51996.

SECTION TWO. That, subject to the right to terminate employment at any time, the City hereby authorizes the hiring of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with Oncor, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of Oncor's DCRF application.

SECTION THREE. That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits should be denied.

SECTION FOUR. That Oncor shall continue to charge its existing rates to customers within the City.

SECTION FIVE. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution, and within 30 days of presenting monthly bills to Oncor thereafter.

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

SECTION SEVEN. That the City Secretary is hereby authorized and directed to send copies of this Resolution to J. Michael Sherburne, Vice President - Regulatory, Oncor

Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202; to Tab R. Urbantke, Hunton Andrews Kurth LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 7520; and to Thomas Brocato, General Counsel to OCSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, TX 78767-1725, or tbrocato@lglawfirm.com.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2021, by the following vote:

Council members voting “AYE”:

Council members voting “NAY”:

Patrick N. Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

Robert Patrick, Interim City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

Morris Williams, Assistant City Manager

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney