

ORDINANCE NO. 41

AN ORDINANCE OF THE TOWN OF THOMPSONS, TEXAS, ANNEXING CERTAIN LAND AND TERRITORY TO THE TOWN OF THOMPSONS, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID TOWN OF THOMPSONS TO INCLUDE SAID LAND AND TERRITORY WITHIN THE CORPORATE LIMITS OF SAID TOWN OF THOMPSONS; GRANTING TO SAID LAND AND TERRITORY AND TO ALL FUTURE INHABITANTS THEREOF ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF SAID TOWN OF THOMPSONS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID TOWN OF THOMPSONS; DIRECTING THE TOWN SECRETARY TO FILE WITH THE COUNTY CLERK OF FORT BEND COUNTY, TEXAS, A CERTIFIED COPY OF THIS ORDINANCE AND THE RELATED PETITION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 13th day of March, 1986, Houston Lighting & Power Company, as owner of the hereafter described tracts of land, filed a petition in writing to the Board of Aldermen of the Town of Thompsons, Texas, requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A" attached hereto and made a part hereof and (2) the tract of land described on Exhibit "B" attached hereto and made a part hereof and make said tracts of land a part of the Town of Thompsons; and

WHEREAS, on the 20th day of March, 1986, a date which is not less than five (5) and not more than thirty (30) days after the filing of the above-described petition, the Board of Aldermen of the Town of Thompsons heard such petition and the arguments for and against the same and, after doing so, granted such petition; and

WHEREAS, on the 21st day of March, 1986, notices were published of two public hearings to be held on the 2nd day of April, 1986, and the 3rd day of April, 1986, respectively, at which hearings all interested persons would be provided an opportunity to be heard on the question of the annexation accomplished by this ordinance, said notices having both been published in the Houston Chronicle and The Herald-Coaster, newspapers having general circulation in the Town of Thompsons and in the territory hereby annexed; and

WHEREAS, said public hearings were both held, respectively, on the day and at the time and place stated in the said published notice relating thereto and all interested persons were provided an opportunity to be heard on the question of the annexation accomplished by this ordinance; and

WHEREAS, not less than (10) nor more than nineteen (19) full days intervened between the day that both of said notices were published and the respective days that said hearings were held; and

WHEREAS, not less than twenty (20) nor more than thirty-nine (39) full days intervened between the respective days that said hearings were held and the day that this ordinance was read and passed on first and final reading; and

WHEREAS, the territory annexed hereby is contiguous and adjacent to the corporate limits of the Town of Thompsons, Texas, not more than one-half (1/2) mile in width, vacant and without residents and within the exclusive extraterritorial jurisdiction (as that term is defined in Section 3 of Article 970a of the Revised Civil Statutes of Texas, as amended) of the Town of Thompsons, Texas, the extraterritorial jurisdiction of all other municipalities having never attached to said territory;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF THOMPSONS, TEXAS:

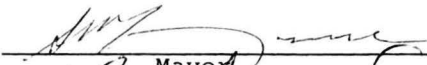
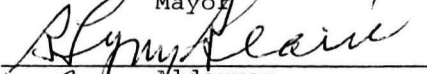

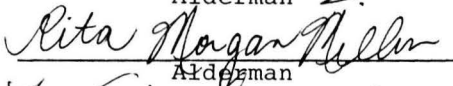
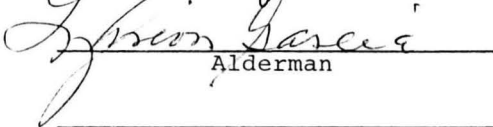
Section 1. That, by virtue of the authority vested in the Town of Thompsons, Texas, by Article 974g of the Revised Civil Statutes of Texas, as amended, (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, be and the same are hereby added and annexed to the Town of Thompsons, Texas, and said land and territory shall hereafter be included within the corporate limits as hereby extended and be a part of the Town of Thompsons, Texas.

Section 2. The above-described annexed land and territory shall bear its pro rata part of the taxes levied by the Town of Thompsons, and the future inhabitants thereof shall be entitled to all of the rights and privileges of citizens of the Town of Thompsons and shall be bound by the acts, ordinances, resolutions and regulations of the Town of Thompsons.

Section 3. The Town Secretary is hereby directed to file a certified copy of this ordinance, together with a certified copy of a duplicate of the Houston Lighting & Power Company petition relating thereto in the office of the County Clerk of Fort Bend County, Texas.

Section 4. This ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved this the 24<sup>th</sup> day of April, 1986.

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Alderman  
  
\_\_\_\_\_  
Alderman  
  
\_\_\_\_\_  
Alderman  
  
\_\_\_\_\_  
Alderman

ATTEST:

  
\_\_\_\_\_  
SECRETARY

THE STATE OF TEXAS       §  
  §  
COUNTY OF FORT BEND     §

I, María T. Solomon, the duly appointed, qualified and acting Secretary of the Town of Thompsons, Texas, hereby certify that the above and foregoing ordinance of the Town of Thompsons was passed at a regular meeting of the Board of Aldermen of the Town of Thompsons held on the 24<sup>th</sup> day of APRIL, 1986; that written notice of the date, hour, place and subject of said meeting was posted for at least 72 hours preceding the scheduled time of said meeting on a bulletin board located in a place in the city hall which is convenient and readily accessible to the general public at all times; that the Mayor, LONGKERRE, and Aldermen BEARD, NEWSOME, GARCIA, MILNER and \_\_\_\_\_ were present at said meeting and acted as the Board throughout; that said ordinance has been approved by the Mayor and is duly attested by the Secretary; and that the same has been duly engrossed and enrolled in the records of the Town of Thompsons, Texas.

EXECUTED under my hand and the official seal of the Town of Thompsons, Texas, this 24<sup>th</sup> day of APRIL, 1986.

María T. Solomon  
SECRETARY  
OF THE TOWN OF THOMPSONS, TEXAS

That certain parcel of land approximately 500-feet wide containing 26.217 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Samuel Young Survey, Abstract No. 348, and the A. P. George Survey, Abstract No. 758, Fort Bend County, Texas. Said 26.217-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952";

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, S. 25° 36' 47" W., a distance of 6285.18 feet to the POINT OF BEGINNING located in the northwest right-of-way line of Prairie Road;

THENCE, S. 46° 46' 20" W., a distance of 453.84 feet along the northwest right-of-way line of said Prairie Road to its most westerly northwest corner;

THENCE, S. 02° 49' 40" E., a distance of 52.52 feet along the west right-of-way line of said Prairie Road to a point located in the northwest right-of-way line of the G. C. & S. F. RR.;

THENCE, S. 46° 46' 20" W., a distance of 98.59 feet along the northwest right-of-way line of said G. C. & S. F. RR. to an angle point;

THENCE, S. 87° 21' 00" W., a distance of 476.97 feet to an angle point;

THENCE, S. 44° 15' 50" W., a distance of 577.63 feet to an angle point;

THENCE, S. 46° 46' 15" W., a distance of 484.26 feet, to an angle point;

THENCE, S. 88° 31' 33" W, a distance of 341.13 feet passing the common line between said Young Survey and said George Survey to a point for corner in the common line between said George Survey, and the Horatio A. Alsbury Survey, Abstract No. 102, said point bears S. 34° 18' 20" W., a distance of 8322.24 feet from the commencing point of the tract herein described;

THENCE, N. 01° 28' 27" W., a distance of 500.00 feet along the common line between said George Survey and said Alsbury Survey to a point for corner;

THENCE, N. 88° 31' 33" E., a distance of 143.58 feet to an angle point;

THENCE, N. 45° 24' 26" E., a distance of 1055.73 feet passing the common line between said George Survey and said Young Survey to an angle point;

THENCE, N. 87° 21' 00" E., a distance of 422.28 feet to an angle point;

THENCE, N. 46° 46' 20" E., a distance of 448.32 feet, running 500.00 feet northwest of and parallel with the northwest line of said Prairie Road to a point for corner;

THENCE, S. 43° 13' 40" E., a distance of 500.00 feet to the POINT OF BEGINNING and containing 26.217 acres of land subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
Mark R. Apolant, RPS #4108

That certain parcel of land approximately 500 feet wide containing 28.844 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Henry Jones League, Abstract No. 39, Fort Bend County, Texas. Said 28.844-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, N. 20° 42' 31" E., a distance of 7677.29 feet to the POINT OF BEGINNING located in the common line between said Jones League and the Horatio Chrisman League, Abstract No. 18;

THENCE, S. 02° 30' 17" E., a distance of 2600.00 feet along said common line to a point for corner, which bears N. 31° 40' 37" E., a distance of 5386.17 feet from the commencing point of the tract herein described;

THENCE, S. 87° 29' 43" W., a distance of 500.00 feet to a point for corner;

THENCE, N. 02° 30' 17" W., a distance of 2600.00 feet, running west of and parallel with the common line between said Jones League and said Chrisman League, to a point for corner;

THENCE, N. 87° 29' 43" E., a distance of 500.00 feet to the POINT OF BEGINNING of the tract herein described and containing 29.844 acres of land, subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
Mark R. Apolant, RPS #4108

ORDINANCE NO. 42

AN ORDINANCE OF THE TOWN OF THOMPSONS, TEXAS, GRANTING THE PETITION OF HOUSTON LIGHTING & POWER COMPANY FOR THE ANNEXATION OF CERTAIN LAND AND TERRITORY BY THE TOWN OF THOMPSONS; SETTING THE DATES, TIMES AND PLACES FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF SAID LAND AND TERRITORY; AUTHORIZING AND DIRECTING THE MAYOR OF SAID TOWN OF THOMPSONS TO PUBLISH NOTICES OF BOTH SUCH PUBLIC HEARINGS; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 9th day of May, 1986, Houston Lighting & Power Company filed a petition in writing to the Board of Aldermen of the Town of Thompsons, Texas, requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, to and make said tracts of land a part of the Town of Thompsons; and

WHEREAS, on the 15th day of May, 1986, the Board of Aldermen of the Town of Thompsons heard the aforesaid petition of Houston Lighting & Power Company and the arguments for and against the same; and

WHEREAS, in view of the foregoing, the Board of Aldermen of the Town of Thompsons finds and concludes that the following ordinance should be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF THOMPSONS, TEXAS:

Section 1. That, pursuant to Article 974g of the Revised Civil Statutes of Texas, as amended, the Board of Aldermen of the Town of Thompsons, Texas, hereby grants the petition of Houston Lighting & Power Company requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, to and make said tracts of land a part of the Town of Thompsons.

Section 2. On the 28th day of May, 1986, at 5:30 o'clock P.M., in the Meeting Room of the Board of Aldermen in the City Hall of the Town of Thompsons, Texas, the Board of Aldermen

of the Town of Thompsons, Texas, will hold a public hearing providing all interested persons the right and opportunity to be heard on the proposed annexation by the Town of Thompsons, Texas, of (1) the tract of land described on Exhibit "A" attached hereto and made a part hereof and (2) the tract of land described on Exhibit "B" attached hereto and made a part hereof.

Section 3. On the 29th day of May, 1986, at 5:30 o'clock P.M., in the Meeting Room of the Board of Aldermen in the city Hall of the Town of Thompsons, Texas, the Board of Aldermen of the Town of Thompsons, Texas, will hold a second public hearing providing all interested persons the right and opportunity to be heard on the proposed annexation by the Town of Thompsons, Texas, of (1) the tract of land described on Exhibit "A" attached hereto and made a part hereof and (2) the tract of land described on Exhibit "B" attached hereto and made a part hereof.

Section 4. The Mayor of the Town of Thompsons is hereby authorized and directed to cause notices of both of the above-described public hearings to be published once in a newspaper having general circulation in the Town of Thompsons and in the above-described territory proposed to be annexed, in each case, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing involved, all in accordance with Article 970a of the Revised Civil Statutes of Texas, as amended.

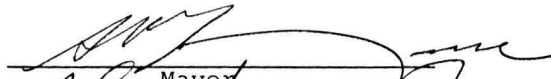
Section 5. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Town of Thompsons in adopting this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other


portion, provision or regulation, and to this end, all provisions of this ordinance are declared to be severable.

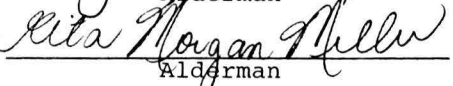
Section 6. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of their conflict only.

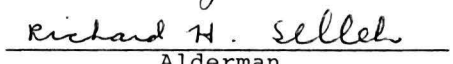
Section 7. This ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved this the 15th day of May, 1986.

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 Alderman

  
 \_\_\_\_\_  
 Alderman

  
 \_\_\_\_\_  
 Alderman

\_\_\_\_\_  
 Alderman

\_\_\_\_\_  
 Alderman

ATTEST:  
  
 \_\_\_\_\_  
 SECRETARY

THE STATE OF TEXAS       §  
  §  
COUNTY OF FORT BEND     §

I, Maria T. Solomon, the duly appointed, qualified and acting Secretary of the Town of Thompsons, Texas, hereby certify that the above and foregoing ordinance of the Town of Thompsons was passed at a regular meeting of the Board of Aldermen of the Town of Thompsons held on the 15<sup>th</sup> day of May, 1986; that written notice of the date, hour, place and subject of said meeting was posted for at least 72 hours preceding the scheduled time of said meeting on a bulletin board located in a place in the city hall which is convenient and readily accessible to the general public at all times; that the Mayor, G.W. Longserre, and Aldermen Rita Miller, Richard Sellph, \_\_\_\_\_, \_\_\_\_\_ and Lynn Beard were present at said meeting and acted as the Board throughout; that said ordinance has been approved by the Mayor and is duly attested by the Secretary; and that the same has been duly engrossed and enrolled in the records of the Town of Thompsons, Texas.

EXECUTED under my hand and the official seal of the Town of Thompsons, Texas, this 15<sup>th</sup> day of May, 1986.

Maria T. Solomon  
SECRETARY  
OF THE TOWN OF THOMPSONS, TEXAS

That certain parcel of land approximately 500 feet wide containing 24.212 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Horatio A. Alsbury Survey, Abstract No. 102, Fort Bend County, Texas. Said 24.212-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, S. 34° 18' 20" W., a distance of 8322.24 feet to the POINT OF BEGINNING of the tract herein described located in the common line between the A. P. George Survey, Abstract No. 758 and said Alsbury Survey;

THENCE, S. 88° 31' 33" W., a distance of 1000.00 feet to an angle point;

THENCE, N. 01° 28' 27" W., a distance of 260.00 feet to an angle point;

THENCE, N. 33° 29' 47" W., a distance of 1200.00 feet to a point for corner, said point bears S. 48° 25' 52" W., a distance of 8499.61 feet from the commencing point of the tract herein described;

THENCE, N. 56° 30' 13" E., a distance of 500.00 feet to a point for corner;

THENCE, S. 33° 29' 47" E., a distance of 1229.63 feet to an angle point;

THENCE, N. 88° 31' 33" E., a distance of 560.37 feet to a point for corner located in the common line between said Alsbury Survey and said George Survey;

THENCE, S. 01° 28' 27" E., a distance of 500.00 feet along the common line between said Alsbury Survey and said George Survey to the POINT OF BEGINNING and containing 24.212 acres of land subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
 Mark R. Apolant, RPS #4108

Parcel #5

That certain parcel of land approximately 500 feet wide containing 28.182 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Henry Jones League, Abstract No. 39, Fort Bend County, Texas. Said 28.182-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, N. 14° 53' 45" E., a distance of 10118.833 feet to a 1-inch iron pipe located on the common line between said Jones League and the Horatio Chrisman League, Abstract No. 18;

THENCE, S. 02° 30' 17" E., a distance of 2600.00 feet along said common line, crossing Rabbs Bayou, to a point for corner, which bears N. 20° 42' 31" E., a distance of 7677.29 feet from the commencing point of the tract herein described;

THENCE, S. 87° 29' 43" W., a distance of 500.00 feet to a point for corner;

THENCE, N. 02° 30' 17" W., a distance of 2310.39 feet, running west of and parallel with the common line between said Jones League and said Chrisman League, again crossing Rabbs Bayou to a point for corner;

THENCE, N. 57° 24' 53" E., a distance of 577.82 feet, crossing said Rabbs Bayou, to the POINT OF BEGINNING of the tract herein described and containing 28.182 acres of land, subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
 Mark R. Apolant, RPS #4108

Parcel # 24

AN ORDINANCE OF THE TOWN OF THOMPSONS, TEXAS, ANNEXING CERTAIN LAND AND TERRITORY TO THE TOWN OF THOMPSONS, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID TOWN OF THOMPSONS TO INCLUDE SAID LAND AND TERRITORY WITHIN THE CORPORATE LIMITS OF SAID TOWN OF THOMPSONS: GRANTING TO SAID LAND AND TERRITORY AND TO ALL FUTURE INHABITANTS THEREOF ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF SAID TOWN OF THOMPSONS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID TOWN OF THOMPSONS: DIRECTING THE TOWN SECRETARY TO FILE WITH THE COUNTY CLERK OF FORT BEND COUNTY, TEXAS, A CERTIFIED COPY OF THIS ORDINANCE AND THE RELATED PETITION: AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 9th day of May, 1986, Houston Lighting & Power Company, as owner of the hereafter described tracts of land, filed a petition in writing to the Board of Aldermen of the Town of Thompsons, Texas, requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A" attached hereto and made a part hereof and (2) the tract of land described on Exhibit "B" attached hereto and made a part hereof and make said tracts of land a part of the Town of Thompsons; and

WHEREAS, on the 15th day of May, 1986, a date which is not less than five (5) and not more than thirty (30) days after the filing of the above-described petition, the Board of Aldermen of the Town of Thompsons heard such petition and the arguments for and against the same and, after doing so, granted such petition; and

WHEREAS, on the 16th day of May, 1986, notices were published of two public hearings to be held on the 28th day of May, 1986, and the 29th day of May, 1986, respectively, at which hearings all interested persons would be provided an opportunity to be heard on the question of the annexation accomplished by this ordinance, said notices having both been published in the Houston Chronicle and The Herald-Coaster, newspapers having general circulation in the Town of Thompsons and in the territory hereby annexed; and

WHEREAS, said public hearings were both held respectively, on the day and at the time and place stated in the said published notice relating thereto and all interested persons were provided an opportunity to be heard on the question of the annexation accomplished by this ordinance; and

WHEREAS, not less than (10) nor more than nineteen (19) full days intervened between the day that both of said notices were published and the respective days that said hearings were held; and

WHEREAS, not less than twenty (20) nor more than thirty-nine

(39) full days intervened between the respective days that said hearing were held and the day that this ordinance was read and passed on first and final reading; and

WHEREAS, the territory annexed hereby is contiguous and adjacent to the corporate limits of the Town of Thompsons, Texas, not more than one-half ( $\frac{1}{2}$ ) mile in width, vacant and without residents and within the exclusive extraterritorial jurisdiction (as that term is defined in Section 3 of Article 970a of the Revised Civil Statutes of Texas, as amended) of the Town of Thompsons, Texas, the extraterritorial jurisdiction of all other municipalities having never attached to said territory;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF THOMPSONS, TEXAS:

Section 1. That, by virtue of the authority vested in the Town of Thompsons, Texas, by Article 974g of the Revised Civil Statutes of Texas, as amended, (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, be and the same are hereby added and annexed to the Town of Thompsons, Texas, and said land and territory shall hereafter be included within the corporate limits as hereby extended and be a part of the Town of Thompsons, Texas.

Section 2. The above-described annexed land and territory shall bear its pro rata part of the taxes levied by the Town of Thompsons, and the future inhabitants thereof shall be entitled to all of the rights and privileges of citizens of the Town of Thompsons and shall be bound by the acts, ordinances, resolutions and regulations of the Town of Thompsons.

Section 3. The Town Secretary is hereby directed to file a certified copy of this ordinance, together with a certified copy of a duplicate of the Houston Lighting & Power Company petition relating thereto in the office of the County Clerk of Fort Bend County, Texas.

Section 4. This ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved this the 19th day of June, 1986.

*[Signature]*  
Mayor

*[Signature]*  
Alderman

*[Signature]*  
Alderman

*[Signature]*  
Alderman

*[Signature]*  
Alderman

\_\_\_\_\_  
Alderman

ATTEST:

*[Signature]*  
SECRETARY

THE STATE OF TEXAS  
COUNTY OF FORT BEND

I, Charlotte Hansen the duly appointed, qualified and acting Secretary of the Town of Thompsons, Texas, hereby certify that the above and foregoing ordinance of the Town of Thompsons was passed at a regular meeting of the Board of Aldermen of the Town of Thompsons held on the 19<sup>th</sup> day of June, 1986; that written notice of the date, hour, place and subject of said meeting was posted for at least 72 hours preceding the scheduled time of said meeting on a bulletin board located in a place in the city hall which is convenient and readily accessible to the General public at all times; that the Mayor, G.W. Longman and Lynn David, Fredrick M. Morrison, Mike Miller, Richard A. Little, were present at said meeting and acted as the Board throughout; that said ordinance has been approved by the Mayor and is duly attested by the Secretary; and that the same has been duly engrossed and enrolled in the records of the Town of Thompsons, Texas.

EXECUTED under my hand and the official seal of the Town of Thompsons, Texas, this 19<sup>th</sup> day of June, 1986.

Charlotte Hansen  
SECRETARY  
OF THE TOWN OF THOMPSONS, TEXAS

That certain parcel of land approximately 500 feet wide containing 24.212 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Horatio A. Alsbury Survey, Abstract No. 102, Fort Bend County, Texas. Said 24.212-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, S. 34° 18' 20" W., a distance of 8322.24 feet to the POINT OF BEGINNING of the tract herein described located in the common line between the A. P. George Survey, Abstract No. 758 and said Alsbury Survey;

THENCE, S. 88° 31' 33" W., a distance of 1000.00 feet to an angle point;

THENCE, N. 01° 28' 27" W., a distance of 260.00 feet to an angle point;

THENCE, N. 33° 29' 47" W., a distance of 1200.00 feet to a point for corner, said point bears S. 48° 25' 52" W., a distance of 8499.61 feet from the commencing point of the tract herein described;

THENCE, N. 56° 30' 13" E., a distance of 500.00 feet to a point for corner;

THENCE, S. 33° 29' 47" E., a distance of 1229.63 feet to an angle point;

THENCE, N. 88° 31' 33" E., a distance of 560.37 feet to a point for corner located in the common line between said Alsbury Survey and said George Survey;

THENCE, S. 01° 28' 27" E., a distance of 500.00 feet along the common line between said Alsbury Survey and said George Survey to the POINT OF BEGINNING and containing 24.212 acres of land subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



  
Mark R. Apolant, RPS #4108

certain parcel of land approximately 500 feet wide containing 28.182 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Henry Jones League, Abstract No. 39, Fort Bend County, Texas. Said 28.182-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, N. 14° 53' 45" E., a distance of 10118.833 feet to a 1-inch iron pipe located on the common line between said Jones League and the Horatio Chrisman League, Abstract No. 18;

THENCE, S. 02° 30' 17" E., a distance of 2600.00 feet along said common line, crossing Rabbs Bayou, to a point for corner, which bears N. 20° 42' 31" E., a distance of 7677.29 feet from the commencing point of the tract herein described;

THENCE, S. 87° 29' 43" W., a distance of 500.00 feet to a point for corner;

THENCE, N. 02° 30' 17" W., a distance of 2310.39 feet, running west of and parallel with the common line between said Jones League and said Chrisman League, again crossing Rabbs Bayou to a point for corner;

THENCE, N. 57° 24' 53" E., a distance of 577.82 feet, crossing said Rabbs Bayou, to the POINT OF BEGINNING of the tract herein described and containing 28.182 acres of land, subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
Mark R. Apolant, RPS #4108

CITY OF THOMPSONS, TEXAS

To the Honorable City Council of the City of THOMPSONS :

I submit and introduce to you the ordinance set out below with the request that it be passed finally on the date of its introduction. There exists a public emergency requiring such action and I accordingly request that you pass the same if it meets with your approval.

DATE: JUNE 19, 1986 Mayor of the City of THOMPSONS

City of THOMPSONS Ordinance No. 44

AN ORDINANCE RELATING TO RATES TO BE CHARGED BY HOUSTON LIGHTING & POWER COMPANY FOR ELECTRIC UTILITY SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF THOMPSONS, TEXAS; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR A REPEALER AND FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

\* \* \* \*

WHEREAS, on or about March 18, 1986, Houston Lighting & Power Company (the "Company"), filed with the City of THOMPSONS a Statement of Intent and Petition for Authority to Change Rates relating to electric utility service, and proper notice thereof was duly given; and

WHEREAS, by ~~Ordinance~~ <sup>Resolution</sup> No. 50, the City Council suspended the effective date of such proposed rate increase until July 22, 1986; and

WHEREAS, the City Council, having considered the Company's rate increase at a public hearing for which proper notice was duly given, finds that such request is excessive; and

WHEREAS, the City Council having original jurisdiction over the matter finds that a lesser increase in rates should be prescribed for the Company; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THOMPSONS :

Section 1. The City Council of the City of THOMPSONS hereby finds the requested rates of the Company to be excessive and unreasonable.

Section 2. The City Council hereby approves and adopts the rates, adjustments, and determinations set out in Exhibit "A", attached hereto and incorporated herein for all purposes, and additionally finds and determines the following:

I. Findings

1. Cost of Service

The revenue requirement of the Company is \$3,087,698,000.00. Adjustments were made to Operations & Maintenance Expenses, Fuel Expenses, Purchased Power, Depreciation Expense, Other Taxes, Federal Income Taxes, and the Return component.

a. Operations and Maintenance Expenses

Adjustments to the Company's Operation and Maintenance Expenses amounted to \$45,097,000.00. The major adjustments include a reduction in Salaries and Wages expense of \$4,618,000.00, a reduction of Limestone Operating Expenses of \$1,889,000.00, a reduction in Municipal Street Use Fees of \$7,696,000.00, a reduction in Rate Case Expenses of \$1,059,000.00, elimination of EEI dues of \$331,000.00, a reduction in Gas Operation and Maintenance Expense of \$9,464,000.00, and a reduction for Non-Recurring Maintenance of \$8,550,000.00.

b. Fuel Expenses and Purchased Power

The adjustment of Fuel Expenses is a reduction of \$136,181,000.00. The adjustment to Purchased Power is a reduction of \$40,961,000.00. The Overall Fixed Fuel Factor per KWH is \$0.020386, the Distribution Level Fixed Fuel Factor per KWH is \$0.020854, and the Transmission Level Fixed Fuel Factor per KWH is \$0.019713.

c. Depreciation

The total adjustment to Depreciation Expense is a reduction of \$13,835,000.00.

d. Other Taxes

The total adjustment for all Taxes Other than Federal Income Taxes is a net reduction of \$5,013,000.00.

e. Federal Income Taxes

The adjustment to the Cost of Service for Federal Income Taxes is a reduction of \$65,507,000.00.

f. Return

The rate of return on equity is 14.75 percent. The rate of return on invested capital is 11.58 percent.

2. Invested Capital

The invested capital is determined to be \$4,764,986,000.00.

3. Adjustments to Invested Capital

The adjustments to invested capital include a reduction of \$5,496,000.00 in Plant in Service, an increase of \$1,243,000.00 in Construction Work in Progress, a reduction of \$2,713,000.00 in Fuel Oil Inventory, a reduction of \$82,702,000.00 in Working Cash Allowance, a reduction of \$64,625,000.00 in Deferred Limestone Cost, a reduction of \$8,880,000.00 in Unrecovered Storm Loss, a reduction of \$29,878,000.00 in Deferred Taxes, and a reduction of \$5,280,000.00 in Other Cost-Free Capital.

4. Revenue Deficiency

The overall non-fuel revenue deficiency is \$159,759,000.00.

5. Rate Structure

a. Residential

The rate structure for the residential customer class is:

Summer: Customer Charge of \$9.00 per month, which includes 250 kwh

all kwh over 251 kwh at 6.2460¢ per kwh  
plus: fuel charge of 2.0854¢ per kwh for all kwh

Winter: Customer Charge of \$9.00 per month, which includes 250 kwh

251-1,000 kwh at 6.2460¢ per kwh  
over 1,000 kwh at 2.9655¢ per kwh  
plus: fuel charge of 2.0854¢ per kwh for all kwh

b. All Other Customer Classes

The rate structure for all customer classes other than residential is that proposed in the Company's Statement of Intent and Petition for Authority to Change Rates.

II. Related Issues

1. The City Council hereby authorizes the Company to utilize the following deferred accounting treatment for certain expenses related to Limestone Unit 2: Beginning on the commercial in-service date as defined by the Public Utility Commission of Texas ("commercial in-service date") for Limestone Unit 2 and continuing for a period of time ending eighteen (18) months after that in-service date or upon the effective date of rates set as a result of the Company's next filed statement of intent to change rates, whichever ending date is sooner, the Company may place into a deferred account all depreciation expense, tax expense, and operation and maintenance expense incurred during that time period by the Company related to Limestone Unit 2, and upon review, approval, and adjustment of such deferred expenses by the City in the proceeding considering the Company's next filed statement of intent to change rates,

these deferred amounts shall be amortized over a period of ten years from the commercial in-service date of Limestone Unit 2.

The City Council hereby orders the Company, upon the commercial in-service date for Limestone Unit 2, to transfer its total investment in Limestone Unit 2 from Construction Work in Progress to Plant in Service. The City reserves the right to exclude from rate base or other recovery any portion of the expenditures from the plant, AFUDC, capitalized expenses, capitalized depreciation or other capitalized costs related to Limestone Unit 2 that the City determines is not used and useful, has been imprudently spent or incurred, or is in any other way not lawfully includable in rate base or other recovery. The City further reserves the right to determine the reasonableness and prudence of any deferred expenses in the rate order in which rate base treatment for Limestone Unit 2 is requested.

The City Council finds that all of the Company's investment in Limestone Unit 2 as of December 31, 1985, is presently in rate base as Construction Work in Progress.

The City Council hereby orders that the Company shall not, after the date of final passage of this ordinance, accrue any AFUDC on any Limestone Unit 2 investment.

2. The City Council hereby orders the Company, after the date of final passage of this ordinance, to include in reconcilable fuel expense for any fuel purchased from an affiliate only fuel prices at cost, and to exclude any returns on or of equity.

3. The City has incurred expenses for the purpose of conducting investigations, presenting evidence, advising and representing the governing body, and assisting with litigation in connection with the request of the Company to change its rates. The Company shall reimburse the City for the reasonable costs of such services pursuant to Section 24(a) of the Public Utility Regulatory Act, TEX.REV.CIV.STAT.ANN. art. 1446c (Vernon Supp. 1986). The Mayor shall forward to the Company an invoice or invoices for such costs together with a request for reimbursement. The Company shall reimburse the City for such costs incurred within thirty days after having received each such request.

### III. Conclusions

1. The City has original jurisdiction over this case pursuant to Section 43 of the Public Utility Regulatory Act.

2. The Company has the burden of establishing its revenue deficiency under its present rates and of establishing the amount of such deficiency that will be collected under its proposed rates pursuant to Section 40 of the Public Utility Regulatory Act.

3. The rates prescribed herein will allow the Company to recover its operating expenses together with a reasonable return on its invested capital, pursuant to provision of Section 39 of the Public Utility Regulatory Act.

4. The rates prescribed herein will permit the Company a reasonable opportunity to earn a reasonable return upon the invested capital used and useful in rendering service to the public over and above its reasonably necessary operating expenses as provided by Section 39(a) of the Public Utility Regulatory Act.

5. The rates for electric service set forth herein provide just and reasonable and not unreasonably preferential, prejudicial, or discriminatory rates, and are sufficient, equitable, and consistent in application to each class of consumer, as provided by Section 38 of the Public Utility Regulatory Act.

Section 3. The City Council hereby determines, prescribes, establishes and authorizes the increased rates for sale or supply of electric service by the Company within the corporate limits of the City of THOMPSONS as set out in this ordinance. Such increased rates shall become effective as to each customer on or no later than the thirtieth day after the date of final passage of this ordinance. The Company shall be authorized to collect such rates until such time as they may be changed, modified, amended or withdrawn in accordance with applicable statutes and ordinances.

Section 4. The City Council hereby authorizes and directs the City Secretary to serve the Company with a certified copy of this ordinance which is the final determination and order of the City.

Section 5. The Company shall, within ten days following the final passage and approval of this ordinance and thereafter whenever required by applicable statutes and ordinances and whenever requested by the Mayor, file a complete schedule of rates and tariffs with the Mayor setting forth all of the Company's rates and charges for utility service then in effect. The Mayor is authorized to review, approve and require revisions to the tariff if he determines it not to be in accordance with this ordinance.

Section 6. Nothing contained in this ordinance shall be construed now or hereafter as limiting or modifying, in any manner, the right and power of the City under the law to regulate the rates and charges of the Company.

Section 7. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 8. In the event that the Company appeals from this order setting electric rates for the Company, the City hereby waives written notice of the hearing before the Public Utility Commission of Texas on such appeal.

With respect to any such appeal, the City Council hereby authorizes the City Attorney or his designees to represent the City and its citizens in any and all matters in connection with such appeal and to take any and all actions necessary and incidental thereto and to the resolution of the matters subject to such appeal, all as may be in the best interests of the City.

Section 9. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

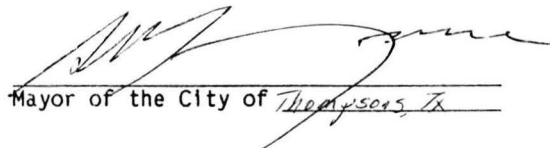
Section 10. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, TEX.REV.CIV.STAT.ANN. art. 6252-17 (Vernon Supp. 1986); and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally

acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 11. There exists a public emergency requiring that this ordinance be passed finally on the date of its introduction, and the Mayor having in writing declared the existence of such emergency and requested such passage, this ordinance shall be passed finally on the date of its introduction, this 19<sup>th</sup> day of June, 1986, and shall be a final order of the City Council upon the subject matter thereof immediately upon its passage and approval by the Mayor.

PASSED this 19<sup>th</sup> day of June, A.D. 1986.

APPROVED this 19<sup>th</sup> day of June, A.D. 1986.

  
\_\_\_\_\_  
Mayor of the City of The Woodlands, Tx

ATTEST

*Charlotte Stines*  
City Secretary

SCHEDULE 1

CITY OF HOUSTON  
 HOUSTON LIGHTING & POWER COMPANY  
 REVENUE REQUIREMENT  
 TEST YEAR ENDED DECEMBER 31, 1985  
 (000's)

LINE NO.	DESCRIPTION	PER BOOKS	ADJUSTMENT	HLEP REQUEST	CITY ADJUSTMENT	CITY RATE ORDER
1	OPERATION AND MAINTENANCE	\$594,576	\$11,114	\$605,690	(\$45,097)	\$560,593
2	FUEL	1,420,262	(432,108)	988,154	(136,181)	851,973
3	PURCHASED POWER	442,802	96,454	539,256	(40,961)	498,295
4	DEPRECIATION	177,099	33,488	210,587	(13,835)	196,752
5	OTHER TAXES	140,185	16,507	156,692	(5,013)	151,679
6	INTER ON CUSTOMER DEPOSITS	0	0	2,302	(0)	2,302
7	FEDERAL INCOME TAXES	262,557	77,439	339,996	(65,507)	274,489
8	RETURN	495,883	121,940	617,823	(66,209)	551,614
9	REVENUE REQUIREMENT	<u>\$3,533,364</u>	<u>(\$75,166)</u>	<u>\$3,460,500</u>	<u>(\$372,802)</u>	<u>\$3,087,698</u>

EXHIBIT A

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SCHEDULE 2

CITY OF HOUSTON  
 HOUSTON LIGHTING & POWER COMPANY  
 CALCULATION OF INCREASE  
 TEST YEAR ENDED DECEMBER 31, 1985  
 (000's)

LINE NO.	DESCRIPTION	HLEP REQUEST	CITY ADJUSTMENT	CITY RATE ORDER	TEST YEAR AS ADJUSTED
1	REVENUE REQUIREMENT	\$3,460,500	(\$372,802)	\$3,087,698	\$3,500,255
2	LESS: FUEL REVENUES	(1,265,810)	177,158	(1,088,652)	(1,651,171)
3	MUNICIPAL STREET USE REVENUES	(80,117)	9,069	(71,048)	(84,587)
4	OTHER REVENUES	(25,090)	(1,241)	(26,331)	(22,589)
5	BASE RATE REVENUE REQUIREMENT	\$2,089,483	(\$187,816)	\$1,901,667	\$1,741,908
6	INCREASE IN BASE RATE REVENUES				\$159,759

EXHIBIT A

SCHEDULE 3

CITY OF HOUSTON  
HOUSTON LIGHTING & POWER COMPANY  
OPERATIONS & MAINTENANCE EXPENSE ADJUSTMENTS  
TEST YEAR ENDED DECEMBER 31, 1985  
(000'S)

LINE NO.	DESCRIPTION	PER BOOKS	ADJUSTMENT	HLEP REQUEST	CITY ADJUSTMENT	CITY RATE ORDER
1	SALARIES & WAGES	\$226,920	\$14,104	\$241,024	(\$4,618)	\$236,406
2	EMPLOYEE BENEFITS	29,511	(488)	29,023	(816)	28,207
3	LIMESTONE OPERATING EXPENSES	152	12,330	12,482	(1,889)	10,593
4	STORM DAMAGES	2,076	(702)	1,374	0	1,374
5	STORM DAMAGES-5779	238	996	1,234	0	1,234
6	MUNICIPAL STREET USE FEES	98,711	(19,967)	78,744	(7,696)	71,048
7	RATE CASE EXPENSES	498	757	1,255	(1,059)	196
8	EET DUES	414	(83)	331	(331)	0
9	R & D	11,721	1,058	12,779	0	12,779
10	AMORT. OF OTHER DEF. CHARGES	204	0	204	0	204
11	MANAGEMENT AUDIT	0	978	978	(652)	326
12	LEASE AND RENTAL	5,408	278	5,686	(318)	5,368
13	UNCOLLECTIBLE ACCOUNTS	14,419	902	15,321	(947)	14,374
14	ADVERT., CONTR. & DON.	2,803	784	3,587	(13)	3,574
15	LEGISLATIVE ADVOCACY	9	(9)	0	0	0
16	SOCIAL DUES	25	(25)	0	0	0
17	POWER WHEELING	8,677	(6,855)	1,822	(197)	1,625
18	AMORT. OF LIMESTONE DEF. CHRGS	0	7,056	7,056	(7,056)	0
19	OTHER O&M EXPENSES	192,790	0	192,790	0	192,790
20	REDUCTION IN GAS O&M EXP.				(9,464)	(9,464)
21	NEW BILLING PROCEDURES				(255)	(255)
22	ADD'L. LEGISLATIVE ADVOCACY				(17)	(17)
23	UNSUPPORTED & EXCESSIVE OFFICER EXP.				(85)	(85)
24	LEASE & RENTAL EXPENSES				(51)	(51)
25	FUEL REFUND COSTS				(248)	(248)
26	MALAKOFF EXP. TO CWIP				(16)	(16)
27	STP #2 EXP. RECLASS. TO RATE CASE EXP.				(100)	(100)
28	NON-RECURRING MAINTENANCE				(8,550)	(8,550)
29	AFFILIATE CHARGES				(538)	(538)
30	EMPLOYEE STORE EXPENSES				(181)	(181)
	TOTAL EXPENSES	\$594,576	\$11,114	\$605,690	(\$45,097)	\$560,593

EXHIBIT A

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SCHEDULE 4

CITY OF HOUSTON  
 HOUSTON LIGHTING & POWER COMPANY  
 SUMMARY OF FUEL COSTS  
 TEST YEAR ENDED DECEMBER 31, 1985  
 (000's)

LINE NO.	DESCRIPTION	HLCR REQUEST	CITY ADJUSTMENT	CITY RATE ORDER
	FUEL EXPENSE			
1	RECOVERABLE COSTS	\$875,322	(\$121,279)	\$754,043
2	BASE RATE FUEL	112,832	(14,902)	97,930
3	TOTAL FUEL	988,154	(136,181)	851,973
	PURCHASED POWER			
4	RECOVERABLE COSTS	390,488	(55,879)	334,609
5	BASE RATE PURCHASED POWER	148,768	14,918	163,686
6	TOTAL PURCHASED POWER	539,256	(40,961)	498,295
7	TOTAL FUEL AND PURCHASED POWER	\$1,527,410	(\$177,142)	\$1,350,268
8	BASE RATE FUEL	\$261,600	\$16	\$261,616
9	FUEL REVENUE	\$1,265,810	(\$177,158)	\$1,088,652

EXHIBIT A

SCHEDULE 5

CITY OF HOUSTON  
HOUSTON LIGHTING & POWER COMPANY  
INVESTED CAPITAL AND RETURN  
TEST YEAR ENDED DECEMBER 31, 1985  
(000'S)

LINE NO.	DESCRIPTION	HLEP REQUEST	CITY ADJUSTMENT	CITY RATE ORDER
1	PLANT IN SERVICE	\$5,915,823	(\$5,496)	\$5,910,327
2	ACCUMULATED DEPRECIATION	1,201,576	0	1,201,576
3	NET PLANT	4,714,247	(5,496)	4,708,751
4	CONSTRUCTION IN PROGRESS	676,830	1,243	678,073
5	PROPERTY HELD FOR FUTURE USE	3,613	(518)	3,095
6	NUCLEAR FUEL	118,181	(60,370)	57,811
7	FUEL OIL INVENTORY	17,478	(2,713)	14,765
8	WORKING CASH ALLOWANCE	44,454	(82,702)	(38,248)
9	MATERIALS AND SUPPLIES	56,662	0	56,662
10	PREPAYMENTS	15,058	(308)	14,750
11	DEFERRED LIMESTONE CHARGES	64,625	(64,625)	0
12	UNRECOVERED STORM LOSSES	8,880	(8,880)	0
13	DEFERRED TAXES	(601,625)	(29,878)	(631,503)
14	PRE-1971 INVESTMENT TAX CREDIT	(6,302)	0	(6,302)
15	CUSTOMERS DEPOSITS	(32,538)	0	(32,538)
16	CUSTOMER ADVANCES FOR CONSTR.	(15,891)	0	(15,891)
17	RESERVE FOR INJURIES	(5,597)	0	(5,597)
18	OTHER COST FREE CAPITAL	(33,562)	(5,280)	(38,842)
19	INVESTED CAPITAL	\$5,024,513	(\$259,527)	\$4,764,986
20	RATE OF RETURN	12.30%	-0.72%	11.58%
21	RETURN	\$617,823	(\$66,209)	\$551,614

SCHEDULE 6

CITY OF HOUSTON  
HOUSTON LIGHTING & POWER COMPANY  
(000's)

SUMMARY OF CASH WORKING CAPITAL

WORKING CAPITAL USES	RECOMMENDED AMOUNT	(LEAD)/LAG DAYS	MULTIPLIER (LEAD)/LAG DAYS /365 DAYS	CASH WORKING CAPITAL REQUIREMENT
Revenue Requirement	\$3,087,698	36.25	0.0993	\$308,655
<b>WORKING CAPITAL SOURCES</b>				
Fuel	\$851,973	(29.47)	(0.0807)	(\$68,784)
Purchased Power	498,295	(37.50)	(0.1027)	(51,195)
Other O&M	560,593	(17.54)	(0.0481)	(26,946)
Federal Income Taxes	160,139	(99.91)	(0.2737)	(43,834)
Other Taxes	99,407	(180.54)	(0.4946)	(49,189)
Interest	247,571	(86.13)	(0.2360)	(58,418)
Preferred Dividends	29,391	(46.13)	(0.1264)	(3,715)
ESTIMATED CAPITAL TO FINANCE THE NET LEAD IN RECOVER OF COST OF SERVICE				4,594
Cash Component				1,636
Municipal Franchise Fees	71,048	(228.50)	(0.6260)	(44,478)
CASH WORKING CAPITAL REQUIREMENT				(\$38,248)

EXHIBIT A

PAGE 6 OF 12

Cost of Capital

Houston Lighting & Power Company  
(000s)

Component =====	Balance =====	Percent of Total =====	Cost =====	Wt. Av. Cost of Capital =====
Long Term Debt	\$2,697,412 (a)	43.10%	8.76% (f)	3.78%
Preferred Stock	\$341,348 (b)	5.45%	8.49% (g)	0.46%
Common Equity	\$2,725,464 (c)	43.55%	14.75%	6.42%
ITCs	\$494,082 (d) =====	7.89% =====	11.58%	0.91% =====
Total	\$6,258,306 (e)	100.00%		11.58%

- (a) RFI HOU 7-42 Page 1.
- (b) RFI HOU 7-42 Page 1.
- (c) RFI HOU 7-42 Page 1.
- (d) Response to on-site interrogatory.
- (e) RFI HOU 7-42 Page 1.
- (f) RFI HOU 7-42 Page 3.
- (g) RFI HOU 7-42 Page 5.

SCHEDULE 8

CITY OF HOUSTON  
HOUSTON LIGHTING & POWER COMPANY  
(000's)

REVENUE BY RATE CLASS - PER CITY RATE ORDER  
Test Year Ending December 31, 1985

Line No.	RATE CLASS	CITY RATE ORDER
1	RS - RESIDENTIAL SERVICE	\$1,153,131
2	MGS - MISCELLANEOUS GENERAL SERVICE	799,810
3	LGS - LARGE GENERAL SERVICE	470,565
4	LOS-A - LARGE OVERHEAD SERVICE (A)	160,990
5	LOS-B - LARGE OVERHEAD SERVICE (B)	326,200
6	TNP - TEXAS-NEW MEXICO POWER COMPANY	58,948
7	IS - INTERRUPTIBLE SERVICE	60,768
8	SPL - STREET AND PROTECTIVE LIGHTING SERVICE	25,394
9	GL - GUARD LIGHTING SERVICE	1,284
10	TOTAL ELECTRIC REVENUES	3,057,090
11	OTHER OPERATING REVENUES	30,608
12	TOTAL OPERATING REVENUES	\$3,087,698

EXHIBIT A

It is determined that Sheet No. E1, Terms and Conditions for Sale of Electric Service in Section V, Service Rules and Regulations, of the Company's Tarriff for Electric Service shall read as follows:

"Section V-Service Rules and Regulations  
Terms and Conditions for Sale of Electric Service

Sheet No. E1  
Page 1 of 4

HOUSTON LIGHTING & POWER COMPANY  
HL&P 90

**TERMS AND CONDITIONS FOR THE SALE OF ELECTRIC SERVICE  
APPLICABLE TO RATE SCHEDULES RS, RTD, MGS, LGS, LOS, ISA and ISB**

1. Electric service will be supplied in accordance with these terms and conditions (as supplemented by the Company's Service Standards and Service Rules and Regulations which are by reference incorporated herein), and any changes required by law, and in accordance with such applicable rate schedule or schedules as may, from time to time, be established by the Company. However, in the case of Customers whose electrical service requirements are of unusual size or characteristics, additional rate and contract or service arrangements may be required. These terms and conditions constitute a selected list of rules from the Company's Service Rules and Regulations. Upon request, Customer may obtain at any Company office information on Company's policies regarding the extension of service, refusal to serve, service discontinuance, Customer credit, billing and metering.
2. Company will make reasonable provisions to supply steady and continuous electric service, consistent with the Customer's class of service, but does not guarantee the electric service against fluctuations or interruptions. Company will not be liable for any damages occasioned by fluctuations or interruptions unless it be shown that Company has not made reasonable provisions to supply steady and continuous electric service, consistent with the Customer's class of service, and in the event of a failure to make such reasonable provisions Company's liability shall be limited to the cost of necessary repairs of physical damage proximately caused by the service failure to those electrical facilities of Customer which were then equipped with the protective safeguards recommended or required by the then current edition of the National Electrical Code. In no event shall Company be liable for damage occasioned by fluctuations or interruptions or failure to begin supplying electric service, caused by an act of God, the public enemy, unavoidable accident, fire, explosion, strike, riot, war, order of any court or judgment granted in any bona fide adverse legal proceeding, or action or order of any commission or tribunal having jurisdiction in the premises, or, without limitation by the preceding enumeration, any act or thing reasonably beyond its control, or for interruptions (when Customer has been given reasonable notice) which are necessary for inspection, repair or changes in Company's generating equipment or its transmission or distribution system. Company may, without liability therefor, interrupt service to any Customer or Customers in the event of an emergency arising anywhere on the interconnected system of which it is a part, which emergency poses a threat to the area power supply if, in its sole judgment, such action may prevent or alleviate the emergency condition. | T
3. For the mutual protection of the Customer and the Company, only authorized employees of the Company are permitted to make and energize the connections between the Company's service wires and the Customer's service entrance conductors. The Company does not assume any duty of inspecting the Customer's lines, wires, switches or other equipment and will not be | T

Revision Number: 8 <sup>th</sup>

Effective:

EXHIBIT A

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HOUSTON LIGHTING & POWER COMPANY  
HL&P 90

responsible therefor. To the extent allowed by law, the customer agrees to defend, indemnify and hold Company and its agents harmless from and against all claims, causes of action, liability, the losses, costs and expenses of any kind for personal injury, death and property damage arising out of or resulting (a) from the design, installation, operation or maintenance of the lines, wires, switches or other equipment on the Customer's side of the point of delivery or (b) from energization by the Customer of the Company's lines through operation of equipment within the Customer's control without 24 hours advance notice to the Company's dispatcher. The obligation to indemnify pursuant to (a) and (b) shall apply without regard to the negligence of the Company or its agents if the negligence of both the Customer and the Company or their respective agents were proximate causes of such personal injury, death or property damage, but shall not apply when proximately caused by the sole negligence of the Company or its agents. | T

4. The Company will supply to one premises only one point of delivery and only one of the standard types of service listed in the Service Standards or one of the available transmission voltages, and Customer's installation is to be so arranged that the Company can measure the Customer's electric service with one meter. The Company will not install and maintain any lines and equipment on the Customer's side of the point of delivery except its meter. The Customer will provide, in accordance with the Company's Service Standards and free of expense to the Company, locations for the installation of the Company's meter and other equipment and acceptable right of way for facilities erected solely to make service available to Customer. The Customer will install and maintain all his wiring and apparatus in accordance with good electric practice, all applicable lawful regulations, and in such condition and manner as not to endanger persons or property, or to cause impairment of the Company's service to the Customer, or its other customers; and the Customer will obtain all necessary permits and certificates of inspection covering his electric installation. The Customer will not permit any other party to use the service supplied to the Customer by the Company, or extend or connect his installation to lines across or under a street, alley, lane, court or other public or private space in order to obtain service for other premises, even though such other premises be owned by the Customer, except in the case of Customer owned street lighting installations.
5. Certain types of equipment used by Customers have electrical characteristics which may cause serious fluctuations of voltage and interfere with the service of the Company to its Customers. In such cases the Company may decline to serve such equipment under the Company's established rate schedules until the Customer having such equipment, has provided at his expense, suitable apparatus to hold to reasonable limits the effect of such fluctuations. Circumstances may require such equipment to be supplied separately from other service, and in such event, the Company may require additional contract arrangements and construction charges and may meter and bill such service separately from other service supplied to the Customer. Where the Customer owns generating equipment and proposes to operate this equipment in parallel with and concurrent

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HOUSTON LIGHTING & POWER COMPANY  
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- with electric service supplied by the Company, the Customer must obtain consent from the Company.
6. The duly authorized representatives of the Company are to have access at all reasonable hours to the Customer's premises for the purpose of inspecting Company's wiring and apparatus, erecting, removing or replacing its facilities, reading its meter and for all other purposes connected with the supplying of electric service.
  7. Company will upon Customer's request test the accuracy of Company's meter used in the metering of Customer's service. Such test will be free of charge provided Customer has not requested a similar test within a period of four years or in any case if such meter is found to be not accurate within the accuracy standards established by the American National Standards Institute, Incorporated. The maximum charge for testing a residential Customer's meter shall be fifteen dollars (\$15.00). Additional provisions of Company's Meter Policy, including re-billing, are contained in Company's Service Rules and Regulations.
  8. The Company may require a deposit, if in accordance with Customer Credit Policy, the credit of an applicant for service has not been established satisfactorily to Company. For permanent residential, commercial and industrial customers, such deposit shall not exceed one-sixth (1/6) of the Customer's estimated annual billings. Company will pay interest on required deposits at an annual rate established in accordance with the provisions of Tex. Rev. Civ. Stat. Ann. art. 1440a (Vernon's Supp. 1985). For amounts held on deposit with the Company prior to January 1, 1986, the annual interest rate shall be 6%. For amounts held on deposit with the Company during calendar year 1986, the annual interest rate shall be 7.29%. *If/retained/of/deposit/in/made/within/any/term/30/days/of/acceptance/of/deposit/for/interest/for/term/1/6* The Company reserves the right (subject to Customer Credit Policy) to require an additional deposit, when in accordance with Public Utility Commission rules, the Customer's deposit is insufficient. Any deposit shall not preclude the Company (subject to Service Discontinuance Policy) from terminating the Agreement for Service or suspending the supply of electric service to the Customer for any failure in the performance of the Customer's obligations under the Agreement for Service. Additional provisions of Company's Customer Credit Policy are contained in Company's Service Rules and Regulations.
  9. Charges for electric service will normally be based on a monthly period of approximately 30 days but not more than twelve (12) bills shall be rendered in any yearly period.
  10. In the event Customer's service under this Agreement is suspended (such suspension being subject to Company's Service Discontinuance Policy) because of tampering with Company's meters, bypassing the same, failure to

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Effective:

EXHIBIT A

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HOUSTON LIGHTING & POWER COMPANY  
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pay a delinquent account, failure to comply with deposit or guarantee arrangements (when required by Customer Credit Policy), or, if a reasonable opportunity to remedy the situation, violation of Company's rules pertaining to the use of service in a manner which interferes with the service of others, endangers persons or property, or is due to the operation of nonstandard equipment, all guarantees, minimums and other contract charges for the remainder of the term of the Agreement shall thereupon become due and payable by Customer. Company agrees to accept such sum as and for liquidated damages for such losses as Company may suffer by reason of Customer's breach of the Agreement. An LOS Customer shall have, as an alternative, the right to make payment of such charges or billings as they fall due under the terms of the LOS agreement; provided, however, in the event such LOS Customer shall fail to pay any such charge or billing in a timely manner, Company may then, at its option, require payment of all charges or billings in their total sum for the unexpired term.

11. Upon the expiration of an Agreement for Service, the Company may, without liability for injury or damage, dismantle and remove all facilities installed for the purpose of supplying electric service to the Customer, and shall be under no further obligation to serve the Customer at the point.
12. Agreements for Service shall inure to the benefit of and be binding upon the successors and assigns of the Customer and the Company, but no assignments by the Customer shall be binding upon the Company until accepted in writing by the Company. "

EXHIBIT A

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ORDINANCE NO. 45

AN ORDINANCE OF THE TOWN OF THOMPSONS, TEXAS, GRANTING THE PETITION OF HOUSTON LIGHTING & POWER COMPANY FOR THE ANNEXATION OF CERTAIN LAND AND TERRITORY BY THE TOWN OF THOMPSONS; SETTING THE DATES, TIMES AND PLACES FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF SAID LAND AND TERRITORY; AUTHORIZING AND DIRECTING THE MAYOR OF SAID TOWN OF THOMPSONS TO PUBLISH NOTICES OF BOTH SUCH PUBLIC HEARINGS; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 11th day of July, 1986, Houston Lighting & Power Company filed a petition in writing to the Board of Aldermen of the Town of Thompsons, Texas, requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, to and make said tracts of land a part of the Town of Thompsons; and

WHEREAS, on the 17th day of July, 1986, the Board of Aldermen of the Town of Thompsons heard the aforesaid petition of Houston Lighting & Power Company and the arguments for and against the same; and

WHEREAS, in view of the foregoing, the Board of Aldermen of the Town of Thompsons finds and concludes that the following ordinance should be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF THOMPSONS, TEXAS:

Section 1. That, pursuant to Article 974g of the Revised Civil Statutes of Texas, as amended, the Board of Aldermen of the Town of Thompsons, Texas, hereby grants the petition of Houston Lighting & Power Company requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, to and make said tracts of land a part of the Town of Thompsons.

Section 2. On the 30th day of July, 1986, at 5:30

o'clock P.M., in the Meeting Room of the Board of Aldermen in the City Hall of the Town of Thompsons, Texas, the Board of Aldermen of the Town of Thompsons, Texas, will hold a public hearing providing all interested persons the right and opportunity to be heard on the proposed annexation by the Town of Thompsons, Texas, of (1) the tract of land described on Exhibit "A" attached hereto and made a part hereof and (2) the tract of land described on Exhibit "B" attached hereto and made a part hereof.

Section 3. On the 31st day of July, 1986, at 5:30 o'clock P.M., in the Meeting Room of the Board of Aldermen in the city Hall of the Town of Thompsons, Texas, the Board of Aldermen of the Town of Thompsons, Texas, will hold a second public hearing providing all interested persons the right and opportunity to be heard on the proposed annexation by the Town of Thompsons, Texas, of (1) the tract of land described on Exhibit "A" attached hereto and made a part hereof and (2) the tract of land described on Exhibit "B" attached hereto and made a part hereof.

Section 4. The Mayor of the Town of Thompsons is hereby authorized and directed to cause notices of both of the above-described public hearings to be published once in a newspaper having general circulation in the Town of Thompsons and in the above-described territory proposed to be annexed, in each case, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing involved, all in accordance with Article 970a of the Revised Civil Statutes of Texas, as amended.

Section 5. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Town of Thompsons in adopting this ordinance, that no portion thereof or provision or

regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation, and to this end, all provisions of this ordinance are declared to be severable.


Section 6. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of their conflict only.


Section 7. This ordinance shall take effect and be in force from and after its passage and approval.

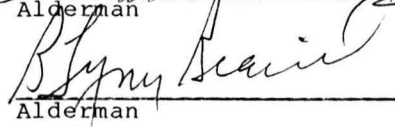
Passed and approved this the 17th day of July, 1986.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Alderman


  
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Alderman

  
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Alderman

  
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Alderman

  
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Alderman

ATTEST:

  
\_\_\_\_\_  
SECRETARY

THE STATE OF TEXAS       \*  
                                  \*  
COUNTY OF FORT BEND     \*

I, Maria T. Solomon, the duly appointed, qualified and acting Secretary of the Town of Thompsons, Texas, hereby certify that the above and foregoing ordinance of the Town of Thompsons was passed at a regular meeting of the Board of Aldermen of the Town of Thompsons held on the 17th day of July, 1986; that written notice of the date, hour, place and subject of said meeting was posted for at least 72 hours preceding the scheduled time of said meeting on a bulletin board located in a place in the city hall which is convenient and readily accessible to the general public at all times; that the Mayor, G.W. Longserre, and Aldermen Marion Garcia, Rita Miller, Freddie Newsome, Lynn Beard and Richard Selleh were present at said meeting and acted as the Board throughout; that said ordinance has been approved by the Mayor and is duly attested by the Secretary; and that the same has been duly engrossed and enrolled in the records of the Town of Thompsons, Texas.

EXECUTED under my hand and the official seal of the Town of Thompsons, Texas, this 17th day of July, 1986.

Maria T. Solomon  
SECRETARY  
OF THE TOWN OF THOMPSONS, TEXAS

Exhibit "A"

That certain parcel of land approximately 500 feet wide containing 30.610 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Horatio A. Alsbury Survey, Abstract No. 102, Fort Bend County, Texas. Said 30.610-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, S. 48° 25' 52" W., a distance of 8499.61 feet to the POINT OF BEGINNING of the tract herein described;

THENCE, N. 33° 29' 47" W., a distance of 383.66 feet to a 5/8-inch iron rod;

THENCE, S. 87° 27' 59" W., a distance of 2000.00 feet, at 739.26 feet passing Rabbs Prairie Road to a point for corner, said point bears S. 57° 44' 33" W., a distance of 10132.77 feet from the commencing point of the tract herein described;

THENCE, N. 02° 32' 01" W., a distance of 500.00 feet, crossing Smithers Lake Road to a point for corner;

THENCE, N. 87° 27' 59" E., a distance of 2283.10 feet, to an angle point;

THENCE, S. 33° 29' 47" E., a distance of 666.76 feet, again crossing said Smithers Lake Road to a point for corner;

THENCE, S. 56° 30' 13" W., a distance of 500.00 feet to the POINT OF BEGINNING and containing 30.610 acres of land, subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
Mark R. Apolant, RPS #4108

Exhibit "B"

That certain parcel of land approximately 500 feet wide containing 23.628 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Henry Jones League, Abstract No. 39, Fort Bend County, Texas. Said 23.628-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, N. 03° 20' 04" E., a distance of 10783.13 feet to the POINT OF BEGINNING of the tract herein described, located in the southwest line of the G. C. & S. F. RR. (100 feet wide);

THENCE, S. 63° 34' 38" E., a distance of 1976.27 feet along the southwest line of said G. C. & S. F. RR. to the beginning of a curve to the right;

THENCE, along said curve, having a radius of 5679.65 feet, a central angle of 02° 19' 26" and a long chord with a bearing of S. 62° 24' 55" E. and a length of 230.35 feet, for an arc distance of 230.36 feet, to a 1-inch iron pipe located on the common line between said Jones League and the Horatio Chrisman League, Abstract No. 18, said 1-inch iron pipe bears N. 14° 53' 45" E., a distance of 10118.83 feet from the commencing point of the tract herein described;

THENCE, S. 57° 24' 53" W., a distance of 577.82 feet, crossing Rabbs Bayou, to a point for corner;

THENCE, N. 63° 34' 38" W., a distance of 1909.04 feet, again crossing said Rabbs Bayou, to a point for corner;

THENCE, N. 26° 25' 22" E., a distance of 500.00 feet to the POINT OF BEGINNING and containing 23.628 acres of land, subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



  
Mark R. Apolant, RPS #4108

ORDINANCE NO. 46

AN ORDINANCE OF THE TOWN OF THOMPSONS, TEXAS, ANNEXING CERTAIN LAND AND TERRITORY TO THE TOWN OF THOMPSONS, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID TOWN OF THOMPSONS TO INCLUDE SAID LAND AND TERRITORY WITHIN THE CORPORATE LIMITS OF SAID TOWN OF THOMPSONS; GRANTING TO SAID LAND AND TERRITORY AND TO ALL FUTURE INHABITANTS THEREOF ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF SAID TOWN OF THOMPSONS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID TOWN OF THOMPSONS; DIRECTING THE TOWN SECRETARY TO FILE WITH THE COUNTY CLERK OF FORT BEND COUNTY, TEXAS, A CERTIFIED COPY OF THIS ORDINANCE AND THE RELATED PETITION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 11th day of July, 1986, Houston Lighting & Power Company, as owner of the hereafter described tracts of land, filed a petition in writing to the Board of Aldermen of the Town of Thompsons, Texas, requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof and make said tracts of land a part of the Town of Thompsons; and

WHEREAS, on the 17th day of July, 1986, a date which is not less than five (5) and not more than thirty (30) days after the filing of the above-described petition, the Board of Aldermen of the Town of Thompsons heard such petition and the arguments for and against the same and, after doing so, granted such petition; and

WHEREAS, on the 18th day of July, 1986, notices were published of two public hearings to be held on the 30th day of July, 1986, and the 31st day of July, 1986, respectively, at which hearings all interested persons would be provided an opportunity to be heard on the question of the annexation accomplished by this ordinance, said notices having both been published in the Houston Chronicle and The Herald-Coaster, newspapers having general circulation in the Town of Thompsons and in the territory hereby annexed; and

WHEREAS, said public hearings were both held, respectively, on the day and at the time and place stated in the said published notice relating thereto and all interested persons were provided an opportunity to be heard on the question of the annexation accomplished by this ordinance; and

WHEREAS, not less than (10) nor more than nineteen (19) full days intervened between the day that both of said notices were published and the respective days that said hearings were held; and

WHEREAS, not less than twenty (20) nor more than thirty-nine (39) full days intervened between the respective days that said hearings were held and the day that this ordinance was read and passed on first and final reading; and

WHEREAS, the territory annexed hereby is contiguous and adjacent to the corporate limits of the Town of Thompsons, Texas, not more than one-half (1/2) mile in width, vacant and without residents and within the exclusive extraterritorial jurisdiction (as that term is defined in Section 3 of Article 970a of the Revised Civil statutes of Texas, as amended) of the Town of Thompsons, Texas, the extraterritorial jurisdiction of all other municipalities having never attached to said territory;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF THOMPSONS, TEXAS:

Section 1. That, by virtue of the authority vested in the Town of Thompsons, Texas, by Article 974g of the Revised Civil Statutes of Texas, as amended, (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, be and the same are hereby added and annexed to the Town of Thompsons, Texas, and said land and territory shall hereafter be included within the corporate limits as hereby extended and be a part of the Town of Thompsons, Texas.


Section 2. The above-described annexed land and territory shall bear its pro rata part of the taxes levied by the Town of Thompsons, and the future inhabitants thereof shall be entitled to all of the rights and privileges of citizens of the


Town of Thompsons and shall be bound by the acts, ordinances, resolutions and regulations of the Town of Thompsons.

Section 3. The Town Secretary is hereby directed to file a certified copy of this ordinance, together with a certified copy of a duplicate of the Houston Lighting & Power Company petition relating thereto in the office of the County Clerk of Fort Bend County, Texas.

Section 4. This ordinance shall take effect and be in force from and after its passage and approval.

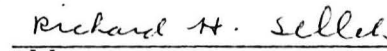
Passed and approved this the 21st day of August, 1986.

  
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Mayor

  
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Alderman

  
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Alderman

  
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Alderman

ATTEST:

  
\_\_\_\_\_  
SECRETARY

THE STATE OF TEXAS           \*  
  \*  
COUNTY OF FORT BEND        \*

I, María T. Solomon, the duly appointed, qualified and acting Secretary of the Town of Thompsons, Texas, hereby certify that the above and foregoing ordinance of the Town of Thompsons was passed at a regular meeting of the Board of Aldermen of the Town of Thompsons held on the 21st day of August, 1986; that written notice of the date, hour, place and subject of said meeting was posted for at least 72 hours preceding the scheduled time of said meeting on a bulletin board located in a place in the city hall which is convenient and readily accessible to the general public at all times; that the Mayor, G. W. Longjerre and Aldermen B. Lynn Beaird, Freddie Newsome, Marion Garcia and Richard H. Selleh were present at said meeting and acted as the Board throughout; that said ordinance has been approved by the Mayor and is duly attested by the Secretary; and that the same has been duly engrossed and enrolled in the records of the Town of Thompsons, Texas.

EXECUTED under my hand and the official seal of the Town of Thompsons, Texas, this 21st day of August, 1986.

María T. Solomon  
SECRETARY  
OF THE TOWN OF THOMPSONS, TEXAS

That certain parcel of land approximately 500 feet wide containing 30.610 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Horatio A. Alsbury Survey, Abstract No. 102, Fort Bend County, Texas. Said 30.610-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, S. 48° 25' 52" W., a distance of 8499.61 feet to the POINT OF BEGINNING of the tract herein described;

THENCE, N. 33° 29' 47" W., a distance of 383.66 feet to a 5/8-inch iron rod;

THENCE, S. 87° 27' 59" W., a distance of 2000.00 feet, at 739.26 feet passing Rabbs Prairie Road to a point for corner, said point bears S. 57° 44' 33" W., a distance of 10132.77 feet from the commencing point of the tract herein described;

THENCE, N. 02° 32' 01" W., a distance of 500.00 feet, crossing Smithers Lake Road to a point for corner;

THENCE, N. 87° 27' 59" E., a distance of 2283.10 feet, to an angle point;

THENCE, S. 33° 29' 47" E., a distance of 666.76 feet, again crossing said Smithers Lake Road to a point for corner;

THENCE, S. 56° 30' 13" W., a distance of 500.00 feet to the POINT OF BEGINNING and containing 30.610 acres of land, subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
Mark R. Apolant, RPS #4108

That certain parcel of land approximately 500 feet wide containing 23.628 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Henry Jones League, Abstract No. 39, Fort Bend County, Texas. Said 23.628-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, N. 03° 20' 04" E., a distance of 10783.13 feet to the POINT OF BEGINNING of the tract herein described, located in the southwest line of the G. C. & S. F. RR. (100 feet wide);

THENCE, S. 63° 34' 38" E., a distance of 1976.27 feet along the southwest line of said G. C. & S. F. RR. to the beginning of a curve to the right;

THENCE, along said curve, having a radius of 5679.65 feet, a central angle of 02° 19' 26" and a long chord with a bearing of S. 62° 24' 55" E. and a length of 230.35 feet, for an arc distance of 230.36 feet, to a 1-inch iron pipe located on the common line between said Jones League and the Horatio Chrisman League, Abstract No. 18, said 1-inch iron pipe bears N. 14° 53' 45" E., a distance of 10118.83 feet from the commencing point of the tract herein described;

THENCE, S. 57° 24' 53" W., a distance of 577.82 feet, crossing Rabbs Bayou, to a point for corner;

THENCE, N. 63° 34' 38" W., a distance of 1909.04 feet, again crossing said Rabbs Bayou, to a point for corner;

THENCE, N. 26° 25' 22" E., a distance of 500.00 feet to the POINT OF BEGINNING and containing 23.628 acres of land, subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
Mark R. Apolant, RPS 4108

ORDINANCE NO. 47

AN ORDINANCE OF THE TOWN OF THOMPSONS, TEXAS, GRANTING THE PETITION OF HOUSTON LIGHTING & POWER COMPANY FOR THE ANNEXATION OF CERTAIN LAND AND TERRITORY BY THE TOWN OF THOMPSONS; SETTING THE DATES, TIMES AND PLACES FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF SAID LAND AND TERRITORY; AUTHORIZING AND DIRECTING THE MAYOR OF SAID TOWN OF THOMPSONS TO PUBLISH NOTICES OF BOTH SUCH PUBLIC HEARINGS; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 12th day of September 1986, Houston Lighting & Power Company filed a petition in writing to the Board of Aldermen of the Town of Thompsons, Texas, requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, to and make said tracts of land a part of the Town of Thompsons; and

WHEREAS, on the 18th day of September 1986, the Board of Aldermen of the Town of Thompsons heard the aforesaid petition of Houston Lighting & Power Company and the arguments for and against the same; and

WHEREAS, in view of the foregoing, the Board of Aldermen of the Town of Thompsons finds and concludes that the following ordinance should be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF THOMPSONS, TEXAS:

Section 1. That, pursuant to Article 974g of the Revised Civil Statutes of Texas, as amended, the Board of Aldermen of the Town of Thompsons, Texas, hereby grants the petition of Houston Lighting & Power Company requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, to and make said tracts of land a part of the Town of Thompsons.

Section 2. On the 15th day of October, 1986, at 5:30 o'clock P.M., in the Meeting Room of the Board of Aldermen in the City Hall of the Town of Thompsons, Texas, the Board of Aldermen of the Town of Thompsons, Texas, will hold a public hearing providing all interested persons the right and opportunity to be heard on the proposed annexation by the Town of Thompsons, Texas, of (1) the tract of land described on Exhibit "A" attached hereto and made a part hereof and (2) the tract of land described on Exhibit "B" attached hereto and made a part hereof.

Section 3. On the 16th day of October, 1986, at 7:30 o'clock P.M., in the Meeting Room of the Board of Aldermen in the city Hall of the Town of Thompsons, Texas, the Board of Aldermen of the Town of Thompsons, Texas, will hold a second public hearing providing all interested persons the right and opportunity to be heard on the proposed annexation by the Town of Thompsons, Texas, of (1) the tract of land described on Exhibit "A" attached hereto and made a part hereof and (2) the tract of land described on Exhibit "B" attached hereto and made a part hereof.

Section 4. The Mayor of the Town of Thompsons is hereby authorized and directed to cause notices of both of the above-described public hearings to be published once in a newspaper having general circulation in the Town of Thompsons and in the above-described territory proposed to be annexed, in each case, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing involved, all in accordance with Article 970a of the Revised Civil Statutes of Texas, as amended.

Section 5. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Town of Thompsons in adopting

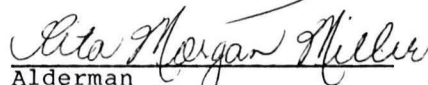
this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation, and to this end, all provisions of this ordinance are declared to be severable.

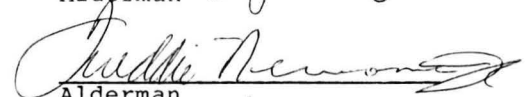
Section 6. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of their conflict only.

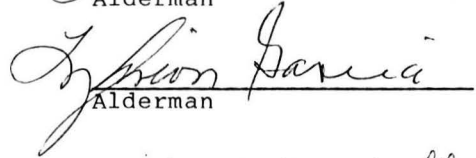
Section 7. This ordinance shall take effect and be in force from and after its passage and approval.

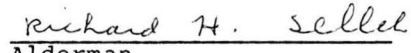
Passed and approved this the 18th day of September 1986.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Alderman

  
\_\_\_\_\_  
Alderman

  
\_\_\_\_\_  
Alderman

  
\_\_\_\_\_  
Alderman

\_\_\_\_\_  
Alderman

ATTEST:

  
\_\_\_\_\_  
SECRETARY

THE STATE OF TEXAS           \*  
  \*  
COUNTY OF FORT BEND        \*

I, María T. Solomon, the duly appointed, qualified and acting Secretary of the Town of Thompsons, Texas, hereby certify that the above and foregoing ordinance of the Town of Thompsons was passed at a regular meeting of the Board of Aldermen of the Town of Thompsons held on the 18th day of September, 1986; that written notice of the date, hour, place and subject of said meeting was posted for at least 72 hours preceding the scheduled time of said meeting on a bulletin board located in a place in the city hall which is convenient and readily accessible to the general public at all times; that the Mayor, G. W. Longierre, and Aldermen Rita Miller, Freddie Newsome, Marion Garcia, and Richard Sells were present at said meeting and acted as the Board throughout; that said ordinance has been approved by the Mayor and is duly attested by the Secretary; and that the same has been duly engrossed and enrolled in the records of the Town of Thompsons, Texas.

EXECUTED under my hand and the official seal of the Town of Thompsons, Texas, this 19th day of September, 1986.

María T. Solomon  
SECRETARY  
OF THE TOWN OF THOMPSONS, TEXAS

That certain parcel of land approximately 500 feet wide containing 27.316 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Horatio A. Alsbury Survey, Abstract No. 102, the Lancelot Smithers 1/4 League, Abstract No. 87, and the Edward Jeffry 1/4 League, Abstract No. 38, Fort Bend County, Texas. Said 27.316-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, S. 57° 44' 33" W., a distance of 10132.77 feet to the POINT OF BEGINNING of the tract herein described;

THENCE, S. 87° 27' 59" W., a distance of 704.42 feet to a 5/8-inch rod;

THENCE, N. 53° 49' 06" W., a distance of 1175.31 feet to a 5/8-inch iron rod;

THENCE, N. 16° 05' 53" E., a distance of 175.68 feet to a 5/8-inch iron rod;

THENCE, N. 53° 49' 06" W., a distance of 500.00 feet to a point for corner which bears S. 67° 57' 39" W., a distance of 11409.85 feet from the commencing point of the tract herein described;

THENCE, N. 36° 10' 54" E., a distance of 500.00 feet, crossing Smithers Lake Road and the common line between said Alsbury Survey and said Smithers 1/4 League, to a point for corner;

THENCE, S. 53° 49' 06" E., a distance of 849.56 feet, crossing the common line between said Smithers 1/4 League and said Jeffry 1/4 League to an angle point;

THENCE, S. 16° 05' 53" W., a distance of 175.68 feet to an angle point;

THENCE, S. 53° 49' 06" E., a distance of 650.09 feet, crossing the common line between said Jeffry 1/4 League and said Alsbury Survey to an angle point;

THENCE, N. 87° 27' 59" E., a distance of 528.76 feet to a point for corner;

THENCE, S. 02° 32' 01" E., a distance of 500.00 feet, crossing said Smithers Lake Road to the POINT OF BEGINNING and containing 27.316 acres of land subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
Mark R. Apolant, RPS #4108

That certain parcel of land approximately 500 feet wide containing 29.078 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Henry Jones League, Abstract No. 39, Fort Bend County, Texas. Said 29.078-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, N. 08° 58' 55" W., a distance of 11556.43 feet to the POINT OF BEGINNING of the tract herein described;

THENCE, N. 11° 29' 04" E., a distance of 517.49 feet to a 1/2-inch iron pipe located in the southwest line of the G. C. & S. F. RR. (100 feet wide);

THENCE, S. 63° 34' 38" E., a total distance of 2600.00 feet along the southwest line of said G. C. & S. F. RR., passing at 1204.30 feet Cortez Road and continuing said total distance to a point for corner which bears N. 03° 20' 04" E., a distance of 10783.13 feet from the commencing point of the tract herein described;

THENCE, S. 26° 25' 22" W., a distance of 500.00 feet to a point for corner;

THENCE, N. 63° 34' 38" W., a distance of 2456.60 feet, again crossing said Cortez Road, to the POINT OF BEGINNING and containing 29.078 acres of land, subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
 Mark R. Apolant, RPS #4108



# CITY OF HOUSTON

Finance & Administration Department  
Revenue & Regulatory Affairs Division

Kathryn J. Whitmire, Mayor

Post Office Box 1562 • Houston, Texas 77251 • 713/864-5840

CITY COUNCIL MEMBERS: Larry McKaskle • Ernest McGowen, Sr. • George Greanias • Rodney Ellis • Frank O. Mancuso • John G. Goodner • Christin Hartung  
Dale M. Gorczynski • Ben T. Reyes • Jim Westmoreland • Eleanor Tinsley • Jim Greenwood • Anthony W. Hall, Jr. • Judson Robinson, Jr. • CITY CONTROLLER: Lance Lalor

November 12, 1986

The Honorable Mayor  
Member City  
Coalition of Cities with Original Jurisdiction

Dear Mayor:

On Friday, November 7, 1986, the Public Utility Commission of Texas (PUC or Commission) convened to consider the Houston Lighting & Power Company rate case. The Final Order in this case is expected to be signed on Friday, November 14, 1986. As you may know, as a result of an appeal of Houston's rate decision which was filed by The Metropolitan Organization, the Commission will also set rates for electric consumption within the City of Houston. The City may appeal this assertion of jurisdiction by the Commission.

Preliminary analysis indicates that the revenue requirement to be set by the PUC produces rates slightly lower than those originally set by the Coalition of Cities.

Adoption of the enclosed ordinance will act to change the rates in your municipality to equal the lower rates ordered by the PUC to be charged in the environs and in the City of Houston. Houston Lighting & Power Company has indicated that it will appeal to the State district court in Travis County the decision of the PUC (and, consequently, the decisions of those Coalition cities that adopt the PUC rate order).

The HL&P rate case involved many complex issues; the PUC Hearing Examiners' Report totaled 422 pages. At the Final Order meeting, Commissioner Dennis Thomas acknowledged the work of the Coalition of Cities with Original Jurisdiction, indicating that he found our work to be of assistance in deciding the issues at hand.

Basically, the decisions of the Coalition cities and the Public Utility Commission are substantially similar. The final rate orders of the local regulatory authorities and the Commission produce total revenues within 1.3 percent of each other.

Honorable Mayor  
November 12, 1986  
Page Two

For your information, I have enclosed a copy of the transcript of the oral argument presented by Houston Assistant City Attorney Susan T. Taylor on behalf of the Coalition. While there were certain specific areas of disagreement in this case, Ms. Taylor stressed that the roles of the Coalition cities and the PUC are as partners in the regulation of electric rates and service in this area.

If I may answer any questions or be of assistance to you, please call me at (713) 864-5840. Should you decide to adopt the enclosed ordinance, I would appreciate it if you would send a certified copy to me at your earliest convenience.

Sincerely,



Jane W. Cater, Director  
Revenue & Regulatory Affairs

Attachments

B-6118-30

1 issue that hits me in the face. It may very well be that  
2 that may be the case. I just don't know and the reason why  
3 I don't know is because I haven't looked at the  
4 Commission's deposit policy for residential.

5 CHAIRMAN ROSSON: Thank you, Ms. Terry.

6 MS. TERRY: Thank you.

7 CHAIRMAN ROSSON: Ms. Taylor?  
8

9 CLOSING ARGUMENT ON BEHALF OF THE CITY OF HOUSTON  
10 AND THE COALITION OF CITIES WITH ORIGINAL JURISDICTION  
11

12 MS. TAYLOR: Madam Chairman, Commissioners,  
13 for the record, my name is Susan Taylor, and I am here  
14 today representing the City of Houston and the Coalition of  
15 Cities with original jurisdiction.

16 I would like to shift gears just a bit and  
17 discuss a question of law that is before this Commission,  
18 we believe a threshold question in Docket 6960, and that is  
19 whether or not the Commission indeed has jurisdiction to  
20 set rates for the City of Houston.

21 There are only two statutory bases for  
22 jurisdiction for this Commission. One of those is an  
23 appeal by a party to the municipal rate action. The other  
24 is an appeal by citizens obtaining the signatures of 20,000  
25 or 10 percent of the registered voters of that city.

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1           We believe that neither instance is available at  
2 this point, that there is not before you a petition  
3 containing signatures of 20,000 qualified voters of the  
4 City of Houston. There is, however, no evidence whatsoever  
5 in the record to raise that issue or to bring that to you.

6           The petition pages that were filed by TMO have  
7 never been offered into evidence. They are not a part of  
8 the pleadings of TMO as they might allege and have in  
9 response to the Cities' exceptions. The petitions for  
10 review filed by TMO make no reference to the signature  
11 pages. They are not incorporated within those pleadings.  
12 They are not a part of those pleadings.

13           Beyond that, we would offer to you that even if  
14 they were, pleadings are not evidence. There is no  
15 evidence that there are 20,000 signatures of qualified  
16 voters from the City of Houston. And, in fact, the review  
17 conducted by the City of Houston is contrary to that. The  
18 City is simply asking this Commission to give it the  
19 opportunity to prove that fact.

20           Our first argument is that the City, in fact, did  
21 timely file its statement of review under the rules of this  
22 Commission, that the City filed its statement of review as  
23 required on the date for filing. That was done, as I'm  
24 sure you're aware, less than an hour after 5 o'clock, but  
25 it was after 5 o'clock. There is no specific time for

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1 filing established in either the Examiner's Order setting a  
2 deadline or in this Commission's rules.

3 The Examiner has indicated in his order that he  
4 agrees that the rules are less than clear as to that  
5 matter, but by inference determines that the recitation of  
6 the business hours of this Commission create a limitation  
7 on the time for filing of documents and that, therefore,  
8 5 o'clock is somehow inferred as a deadline for filing.

9 The City must disagree. There is no such  
10 inference in the rules. However, if this Commission  
11 determines that the Examiner is right as to that matter, we  
12 would urge you that your rule has been vague and is  
13 ambiguous. The Examiner himself has indicated it is less  
14 than clear on that point. And if the rule is vague, then  
15 it is not enforceable. The City cannot be made to guess as  
16 to what the standards are of the rules.

17 A further rule then is relied upon by the  
18 Examiner to find that there is jurisdiction of this  
19 Commission, and that is if the City does not timely file  
20 its statement of review, that all the signatures are deemed  
21 valid.

22 We would urge again that this exceeds the  
23 authority of this Commission, that that rule is not  
24 enforceable because this Commission cannot by rule create  
25 jurisdiction for itself where it is not there in the

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1 statute. - The statute is very clear in what it requires,  
2 and that is the signatures of registered voters of the  
3 City. We have challenged the status of citizenry of many  
4 of the signatories. We have challenged the status of  
5 registered voters of many of the signatories and we have,  
6 in fact, challenged that many of the entries are even  
7 signatures.

8 So we believe that there is a real question here,  
9 a question of fact as to whether the petition meets the  
10 statutory standards. The Commission cannot resolve that  
11 question of fact by a rule and create for itself  
12 jurisdiction that it has not otherwise under its statute.

13 Perhaps the rule could be read to create a  
14 rebuttable presumption that the signatures are deemed valid  
15 and, therefore, the City must then take on the burden to  
16 prove that they are not. Rather than TMO and the Coalition  
17 being required to come in and establish that the signatures  
18 are valid, perhaps the rule should be read that the City  
19 now has the burden to prove that the signatures are not  
20 valid and do not meet the statutory requirements.

21 The City is simply asking for, and has all along  
22 through this process, the opportunity to litigate that  
23 issue. We believe the facts are clear and that it could be  
24 quickly and easily proven that that petition does not meet  
25 the statutory requirements or the requirements of this

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1 Commission.

2 We believe that these issues are very serious  
3 issues, that they bear strongly on the Commission and would  
4 require further consideration by this Commission. We  
5 believe that there is no jurisdiction to set rates for the  
6 City of Houston at this time by this Commission. And we  
7 believe that the law is fairly clear that your rules, if  
8 allowed to be interpreted as proposed by the Examiner, will  
9 violate the APA, the Texas APA, in that this is clearly a  
10 contested case, and we have been denied the opportunity for  
11 a hearing. We have been denied any due process to  
12 establish the facts that we believe are clear and would be  
13 made in the record.

14 Beyond violating the standards of the APA, we  
15 believe the interpretation of the Examiner also is contrary  
16 to PURA and that, therefore, the rule exceeds the authority  
17 of the Commission. However, should you agree with us that  
18 the statement of review was timely filed by the City or  
19 that the rule that would put a limitation of time on that  
20 was too vague to give the City any proper notice of that  
21 requirement and therefore not enforceable, we can go  
22 forward with the case and simply establish whether the  
23 petition is or is not valid and whether this Commission  
24 does or does not have jurisdiction.

25 COMMISSIONER CAMPBELL: Can I ask you a

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1 question on that one point?

2 MS. TAYLOR: Certainly.

3 COMMISSIONER CAMPBELL: Do you think that  
4 hearing would necessarily take more than a day?

5 MS. TAYLOR: I would tend to think it could  
6 take more than a day. I would think not more than a few  
7 days.

8 COMMISSIONER CAMPBELL: You don't think that  
9 it somehow could be handled in a day's time?

10 I think the problem I have is that we're running  
11 out of time, obviously. And I was trying to figure out a  
12 way in which the Commissioners themselves could deal with  
13 this problem.

14 MS. TAYLOR: Perhaps if it were possible to  
15 stipulate to some of the issues, perhaps as to what the  
16 standard is that the petition is to meet -- that has not  
17 even been determined by the Examiners -- it could be done  
18 perhaps in a fairly short period of time.

19 I believe part of my hesitation is that TMO had  
20 indicated early on that they would attempt to bring forward  
21 witnesses to -- and affidavits of individual signatories  
22 that we had challenged, trying to buttress the validity of  
23 those signatures and that if we did that for some 28,000  
24 signatures, that it could be a somewhat time-consuming  
25 process. If that were done by affidavit that could be

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1 reviewed, perhaps that would shorten that.

2 COMMISSIONER CAMPBELL: In other words, if  
3 the City would stipulate that they would waive cross-  
4 examination and just allow affidavits from these people, is  
5 that what you're saying?

6 MS. TAYLOR: Yes, ma'am.

7 COMMISSIONER CAMPBELL: Would the City be  
8 willing to do that?

9 MS. TAYLOR: Certainly the City would not be  
10 willing to stipulate that such affidavits should be allowed  
11 to be considered to buttress the validity of a signature.  
12 We believe the petition must stand on its face. The  
13 signatures are, or are not, now valid. But we would be  
14 prepared to stipulate that should TMO want to introduce  
15 those affidavits, we certainly do not need to cross-examine  
16 the people offering them, but we would not stipulate that  
17 that evidence would be probative of the validity of those  
18 signatures.

19 COMMISSIONER CAMPBELL: I guess I'm having  
20 difficulty with that. It seems to me that if the City  
21 comes in and challenges the validity of signatures for  
22 whatever reason -- they're not a resident of the City --  
23 that then TMO has the right to come back and rebut your  
24 questioning or your challenging that someone is a resident  
25 of the City.

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1 MS. TAYLOR: Certainly they could come back  
2 and challenge. If we argued that a particular address of a  
3 signature was outside of the City of Houston and,  
4 therefore, not a resident, certainly they could bring in  
5 evidence of affidavit or whatever they chose to show that  
6 that address is, in fact, inside the City of Houston.

7 COMMISSIONER CAMPBELL: Right.

8 MS. TAYLOR: The sort of affidavit that I  
9 was referring to is an affidavit -- we have many, many  
10 signatures that were completely illegible or that we've  
11 made various attempts to read and have not been able to  
12 locate those individuals as being residents of the City or  
13 as being qualified voters. And we do not believe that TMO  
14 should be able to bring in affidavits that have names  
15 printed out and then allege to us that this is the  
16 signature you should have been looking for. We believe the  
17 illegibility is something that is on the face of the  
18 petition.

19 COMMISSIONER CAMPBELL: That would eliminate  
20 almost any doctor in the whole City of Houston being able  
21 to sign the affidavit.

22 MS. TAYLOR: Well, that is why we believe  
23 that the Election Code is applicable because it requires  
24 all of those signatories to print their name.

25 COMMISSIONER CAMPBELL: But that requirement

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1 isn't in our rules or set out in the statute, it is?

2 MS. TAYLOR: Your rules include the  
3 requirements of a name and of a signature. It is not as  
4 clear as it is in the Election Code, but certainly the  
5 implication is there that both of those are required even  
6 under your rules. But we urge that the Election Code is  
7 applicable, while it's not a part of your rules, that it's  
8 a statutory requirement for petitions authorized by statute  
9 and that this is a petition authorized by a statute.

10 COMMISSIONER CAMPBELL: Go ahead. I'm  
11 sorry.

12 MS. TAYLOR: However, the legibility issue  
13 is a part of your rules. Your rules do require legibility  
14 to the degree that a reasonable person could read that  
15 name. And that is, I suppose, simply a matter of question  
16 of fact as to whether it's legible or not.

17 COMMISSIONER CAMPBELL: All right.

18 MS. TAYLOR: Once again, to conclude that,  
19 we would urge strongly that the Commission reconsider the  
20 position that it has taken that it has jurisdiction. We  
21 believe that that is contrary to the state of the law and  
22 is not supported by the record that you have before you and  
23 that that decision could be overturned in the courts. We  
24 are very firm that the law is simply not there to support  
25 that decision.

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1 I would like to move on to a couple of specific  
2 exceptions that the City has filed, one of those being the  
3 common costs of Limestone facilities. We are concerned  
4 that one-third of the costs of the common facilities for  
5 Limestone 1 and 2 have been excluded in that we don't  
6 believe that the evidence in the record that would support  
7 that allocation is particularly good evidence. There is  
8 one statement by Dr. Andersen in his testimony that that is  
9 an allocation factor used by engineers. We believe that  
10 that is an arbitrary and speculative standard.

11 Beyond that, a serious concern that we have is  
12 that this will cause future ratepayers to pay more for  
13 these facilities than they would if you put them in now,  
14 that by leaving that portion out, it will continue to  
15 accrue AFUDC, that when it is entered into rate base at the  
16 point that Unit 2 comes on, that the cost of this plant  
17 will have been increased by the degree of that AFUDC; and  
18 therefore, for the life of this plant, we will be paying  
19 more depreciation and more return for this facility than  
20 would be required now. And we do not think that's in the  
21 interest of the ratepayers, particularly looking at the  
22 long-term in the life of this facility.

23 In addition, one other exception that the City  
24 had filed as to the allocation of the state gross receipts  
25 fee. The Examiners have ruled that because this is

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1 collected in a manner somewhat similar to the franchise  
2 fee, it should be allocated similarly.

3 The cities, the argument traditionally for  
4 allocating the franchise fee to the cities has been that  
5 cities benefit from their general fund, benefits from the  
6 franchise fee and therefore their citizens recoup a greater  
7 benefit from that than others.

8 In this case, it is simply that the statute is  
9 written such that the amount to be paid is based on the  
10 revenues collected in the City. The revenues go out to the  
11 state; they do not come back to the City. There is no  
12 added benefit to the citizens of the City from that fee,  
13 and it is simply not equitable to charge it to the citizens  
14 of the City of Houston directly and not spread it over all  
15 the ratepayers since we receive absolutely no benefit from  
16 it, other than someone in any part of the state that it  
17 might be charged to. And, therefore, we would urge that  
18 you overturn the Examiners on that.

19 And moving on to --

20 CHAIRMAN ROSSON: Ms. Taylor?

21 MS. TAYLOR: Yes.

22 CHAIRMAN ROSSON: Let me ask you something  
23 there. In the record, did you explore -- how is that  
24 handled by other utilities?

25 MS. TAYLOR: I am not aware, Madam Chairman,

1 of how it is dealt with in other utilities. We have simply  
2 become aware that it is in this docket being allocated  
3 directly to the cities. I have not investigated as to how  
4 it's being dealt with with other utilities. But we are  
5 concerned that it is not like the franchise fee and should  
6 not be dealt with in this way. It puts an added burden on  
7 in-city ratepayers.

8 CHAIRMAN ROSSON: Are you familiar with  
9 that?

10 COMMISSIONER CAMPBELL: I'm just not real  
11 sure either what happens. Maybe our General Counsel will  
12 be able to address that.

13 CHAIRMAN ROSSON: Go ahead, Ms. Taylor.

14 MS. TAYLOR: Thank you.

15 And in conclusion, I would like to remind you  
16 that the City of Houston has, I believe, more than any  
17 other city in this state that does not own its own electric  
18 utility, been active and taken very seriously its role as a  
19 local regulatory authority.

20 We have participated in many, many dockets before  
21 this Commission, before the Water Commission, at the  
22 Railroad Commission, over utilities that we regulate. We  
23 take this role extremely seriously.

24 And as I have said to this Commission over the  
25 course of many years now, we consider our role as partners

1 with you in regulation. We do not like to find ourselves  
2 at odds with this body. We believe that we should be  
3 working together to regulate these utilities, that we both  
4 represent the same interests and goals and that being that  
5 we establish reasonable rates that allow this utility the  
6 opportunity to earn a reasonable return and recoup their  
7 expenses and no more than that.

8 We attempt to do that at every turn. We have a  
9 professional in-house staff of six individuals. We have in  
10 each rate case undertaken to hire outside consultants as  
11 we've done in this case. We've hired three outside  
12 consulting firms to produce evidence for us. And we  
13 believe that we have put together a fair and a reasonable  
14 rate case for this utility.

15 We have reviewed this same case twice now, once  
16 at the local level over a course of several months of  
17 reviewing and putting together a recommendation which was  
18 adopted by our City Council and then again here before the  
19 Examiners at the Commission. We believe that that  
20 recommendation is very fair and reasonable. And the fact  
21 that the Staff case came in almost identical to the Cities'  
22 case buttresses that feeling that our case was fair and  
23 reasonable.

24 We have not granted this company more than it  
25 should be allowed. We have cut their request by more than

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1 half. We believe what we have done is very fair and  
2 reasonable.

3 We are concerned, however, that before you today  
4 is a very difficult decision and, that is, you have an  
5 Examiners' Report which established what we considered to  
6 be very fair and reasonable financial parameters. It also,  
7 however, establishes rates that do not meet those  
8 parameters.

9 And one way or the other, it is going to have to  
10 be brought into line. Either the financial parameters will  
11 have to be lowered to meet the rates which will call, we  
12 believe, into question the integrity and the equity of the  
13 process if you set your target to meet your result or the  
14 rates will have to be raised. And I am afraid that the  
15 rates will have to be raised even more than we have set.  
16 That is not a result that we would like to see happen. We  
17 are very concerned that this utility will go to the courts  
18 with that set of facts and that we will be seeing rates  
19 much higher even than the City set.

20 We are hanging together in this and we would hope  
21 that you would be working with us on this. We are very  
22 worried that that could be the end result of the Examiners'  
23 Report if adopted.

24 We do not blame or fault the Examiners for this  
25 because they did not have the backup staff to make it a

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1 cohesive report as it came out. However, it sits as it is.  
2 We could end up with another situation, as we did or may  
3 well in 4540 on appeal, and we have additional rates to be  
4 charged back to the ratepayers in some fashion that will  
5 be, I believe, worse than if we had simply given  
6 appropriate rates along the way.

7 We come to you from the unique perspective of the  
8 local regulator. We have been elected by a million and a  
9 half people to set rates for them. Our City Council sits  
10 in Houston, deals with the problems of Houston on a daily  
11 basis. We would urge that you adopt the rate case that's  
12 been proposed by the City. There are several reasons why  
13 that is appropriate.

14 It is very near the Staff case. It is a fair,  
15 reasonable, and equitable level to set rates. It would  
16 also promote uniformity of rates. There are many coalition  
17 cities which still have in place what is being challenged  
18 as the City of Houston rates. It allows you to provide a  
19 certain deference to the decisions of the local regulatory  
20 authority, certainly not to rubber stamp them. But we  
21 believe we have shown that that rate case is a fair and  
22 equitable presentation and sets rates at the proper  
23 statutory level.

24 It is also, and we think particularly  
25 importantly, internally consistent in that we have

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1 established parameters; we have set rates that meet those  
2 parameters. And we hope we have set a cap on the level of  
3 rates that will be charged to our citizens.

4 We urge you to adopt, with the City of Houston,  
5 the rate case that it has proposed to you.

6 Thank you very much.

7 CHAIRMAN ROSSON: Thank you, Ms. Taylor.

8 COMMISSIONER THOMAS: I have a comment  
9 there. I think some of what you say is very well taken.

10 We obviously may have a jurisdictional difference  
11 of opinion which will end up in the courts no matter which  
12 way we decide it. And there is some uncertainty which just  
13 needs to be clarified, either in the courts or in the  
14 Legislature.

15 But I think so often when we have a  
16 jurisdictional dispute like that, it would lead one to  
17 assume that we're not taking seriously what the City and  
18 its professional staff does. And I know the City's  
19 participation in the rate case and the experts that you  
20 have brought forward were extremely helpful to me as a  
21 decisionmaker in trying to work through the evidence.

22 MS. TAYLOR: Thank you.

23 CHAIRMAN ROSSON: Any comments?

24 COMMISSIONER CAMPBELL: No.

25 CHAIRMAN ROSSON: Thank you, Ms. Taylor.

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1 MS. TAYLOR: Thank you.

2 CHAIRMAN ROSSON: We will stand in recess  
3 for our lunch break until 1:45.

4

5 (The luncheon recess was taken at 12:55 p.m., the  
6 hearing to reconvene at 1:45 p.m.)

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ORDINANCE NO. 49

AN ORDINANCE OF THE TOWN OF THOMPSONS, TEXAS, ANNEXING CERTAIN LAND AND TERRITORY TO THE TOWN OF THOMPSONS, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID TOWN OF THOMPSONS TO INCLUDE SAID LAND AND TERRITORY WITHIN THE CORPORATE LIMITS OF SAID TOWN OF THOMPSONS; GRANTING TO SAID LAND AND TERRITORY AND TO ALL FUTURE INHABITANTS THEREOF ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF SAID TOWN OF THOMPSONS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID TOWN OF THOMPSONS; DIRECTING THE TOWN SECRETARY TO FILE WITH THE COUNTY CLERK OF FORT BEND COUNTY, TEXAS, A CERTIFIED COPY OF THIS ORDINANCE AND THE RELATED PETITION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 12th day of September, 1986, Houston Lighting & Power Company, as owner of the hereafter described tracts of land, filed a petition in writing to the Board of Aldermen of the Town of Thompsons, Texas, requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof and make said tracts of land a part of the Town of Thompsons; and

WHEREAS, on the 18th day of September, 1986, a date which is not less than five (5) and not more than thirty (30) days after the filing of the above-described petition, the Board of Aldermen of the Town of Thompsons heard such petition and the arguments for and against the same and, after doing so, granted such petition; and

WHEREAS, on the 29th day of September, 1986, notices were published of two public hearings to be held on the 15th day of October, 1986, and the 16th day of October, 1986, respectively, at which hearings all interested persons would be provided an opportunity to be heard on the question of the annexation accomplished by this ordinance, said notices having both been published in the Houston Chronicle and The Herald-Coaster, newspapers having general circulation in the Town of Thompsons and in the territory hereby annexed; and

WHEREAS, said public hearings were both held, respectively, on the day and at the time and place stated in the said published notice relating thereto and all interested persons were provided an opportunity to be heard on the question of the annexation accomplished by this ordinance; and

WHEREAS, not less than (10) nor more than nineteen (19) full days intervened between the day that both of said notices were published and the respective days that said hearings were held; and

WHEREAS, not less than twenty (20) nor more than thirty-nine (39) full days intervened between the respective days that said hearings were held and the day that this ordinance was read and passed on first and final reading; and

WHEREAS, the territory annexed hereby is contiguous and adjacent to the corporate limits of the Town of Thompsons, Texas, not more than one-half (1/2) mile in width, vacant and without residents and within the exclusive extraterritorial jurisdiction (as that term is defined in Section 3 of Article 970a of the Revised Civil statutes of Texas, as amended) of the Town of Thompsons, Texas, the extraterritorial jurisdiction of all other municipalities having never attached to said territory;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF THOMPSONS, TEXAS:

Section 1. That, by virtue of the authority vested in the Town of Thompsons, Texas, by Article 974g of the Revised Civil Statutes of Texas, as amended, (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, be and the same are hereby added and annexed to the Town of Thompsons, Texas, and said land and territory shall hereafter be included within the corporate limits as hereby extended and be a part of the Town of Thompsons, Texas.

Section 2. The above-described annexed land and territory shall bear its pro rata part of the taxes levied by the Town of Thompsons, and the future inhabitants thereof shall be entitled to all of the rights and privileges of citizens of the

Town of Thompsons and shall be bound by the acts, ordinances, resolutions and regulations of the Town of Thompsons.


Section 3. The Town Secretary is hereby directed to file a certified copy of this ordinance, together with a certified copy of a duplicate of the Houston Lighting & Power Company petition relating thereto in the office of the County Clerk of Fort Bend County, Texas.

Section 4. This ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved this the 20th day of November, 1986.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Alderman

  
\_\_\_\_\_  
Alderman

  
\_\_\_\_\_  
Alderman

  
\_\_\_\_\_  
Alderman

\_\_\_\_\_  
Alderman

ATTEST:

  
\_\_\_\_\_  
SECRETARY

THE STATE OF TEXAS           \*  
  \*  
COUNTY OF FORT BEND        \*

I, María T. Solomon, the duly appointed, qualified and acting Secretary of the Town of Thompsons, Texas, hereby certify that the above and foregoing ordinance of the Town of Thompsons was passed at a regular meeting of the Board of Aldermen of the Town of Thompsons held on the 20th day of November, 1984; that written notice of the date, hour, place and subject of said meeting was posted for at least 72 hours preceding the scheduled time of said meeting on a bulletin board located in a place in the city hall which is convenient and readily accessible to the general public at all times; that the Mayor, L. W. Longserre and Aldermen Lynn Beard, Marion Garcia, Freddie Newsome, and Rita M. Miller were present at said meeting and acted as the Board throughout; that said ordinance has been approved by the Mayor and is duly attested by the Secretary; and that the same has been duly engrossed and enrolled in the records of the Town of Thompsons, Texas.

EXECUTED under my hand and the official seal of the Town of Thompsons, Texas, this 20th day of November, 1984.

María T. Solomon  
SECRETARY  
OF THE TOWN OF THOMPSONS, TEXAS

## Exhibit "A"

That certain parcel of land approximately 500 feet wide containing 27.316 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Horatio A. Alsbury Survey, Abstract No. 102, the Lancelot Smithers 1/4 League, Abstract No. 87, and the Edward Jeffry 1/4 League, Abstract No. 38, Fort Bend County, Texas. Said 27.316-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, S. 57° 44' 33" W., a distance of 10132.77 feet to the POINT OF BEGINNING of the tract herein described;

THENCE, S. 87° 27' 59" W., a distance of 704.42 feet to a 5/8-inch rod;

THENCE, N. 53° 49' 06" W., a distance of 1175.31 feet to a 5/8-inch iron rod;

THENCE, N. 16° 05' 53" E., a distance of 175.68 feet to a 5/8-inch iron rod;

THENCE, N. 53° 49' 06" W., a distance of 500.00 feet to a point for corner which bears S. 67° 57' 39" W., a distance of 11409.85 feet from the commencing point of the tract herein described;

THENCE, N. 36° 10' 54" E., a distance of 500.00 feet, crossing Smithers Lake Road and the common line between said Alsbury Survey and said Smithers 1/4 League, to a point for corner;

THENCE, S. 53° 49' 06" E., a distance of 849.56 feet, crossing the common line between said Smithers 1/4 League and said Jeffry 1/4 League to an angle point;

THENCE, S. 16° 05' 53" W., a distance of 175.68 feet to an angle point;

THENCE, S. 53° 49' 06" E., a distance of 650.09 feet, crossing the common line between said Jeffry 1/4 League and said Alsbury Survey to an angle point;

THENCE, N. 87° 27' 59" E., a distance of 528.76 feet to a point for corner;

THENCE, S. 02° 32' 01" E., a distance of 500.00 feet, crossing said Smithers Lake Road to the POINT OF BEGINNING and containing 27.316 acres of land subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
 Mark R. Apolant, RPS #4108  
 Parcel No. 7

## Exhibit "B"

That certain parcel of land approximately 500 feet wide containing 29.078 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Henry Jones League, Abstract No. 39, Fort Bend County, Texas. Said 29.078-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, N. 08° 58' 55" W., a distance of 11556.43 feet to the POINT OF BEGINNING of the tract herein described;

THENCE, N. 11° 29' 04" E., a distance of 517.49 feet to a 1/2-inch iron pipe located in the southwest line of the G. C. & S. F. RR. (100 feet wide);

THENCE, S. 63° 34' 38" E., a total distance of 2600.00 feet along the southwest line of said G. C. & S. F. RR., passing at 1204.30 feet Cortez Road and continuing said total distance to a point for corner which bears N. 03° 20' 04" E., a distance of 10783.13 feet from the commencing point of the tract herein described;

THENCE, S. 26° 25' 22" W., a distance of 500.00 feet to a point for corner;

THENCE, N. 63° 34' 38" W., a distance of 2456.60 feet, again crossing said Cortez Road, to the POINT OF BEGINNING and containing 29.078 acres of land, subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
 Mark R. Apolant, RPS #4108

ORDINANCE NO. 48

AN ORDINANCE REQUIRING THE HOUSTON LIGHTING & POWER COMPANY TO FILE MODIFIED RATE SCHEDULES TO BE CHARGED IN THE CITY OF THOMPSONS, TEXAS; PROVIDING FOR AN EFFECTIVE DATE FOR SUCH RATE SCHEDULES; PROVIDING CONDITIONS UNDER WHICH SUCH RATE SCHEDULES MAY BE CHANGED, MODIFIED, AMENDED OR WITHDRAWN; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; REPEALING ANY OTHER ORDINANCE OR PART OR PARTS THEREOF WHICH MAY BE IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, on March 18, 1986, Houston Lighting & Power Company (HL&P) filed with the City of THOMPSONS (City) a request to change rates; and

WHEREAS, the City by Ordinance No. 44 required HL&P to file modified rate schedules to be effective within the City as of July 18, 1986; and

WHEREAS, the Public Utility Commission of Texas in Docket No. 6765 issued a final order on HL&P's rate request in rural areas on November 7, 1986; and

WHEREAS, HL&P will make effective within the City rates, including revised fuel factors, equal to rates implemented pursuant to the final order in Docket No. 6765 on the same date such rates become effective in areas governed by said final order; and

WHEREAS, HL&P has agreed to waive its right to notice and hearing as to the rate modification required by this ordinance; and

WHEREAS, the City Council is of the opinion that rates equal to those established by the Public Utility Commission in Docket No. 6765 are just and reasonable to both customers and Company; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY:

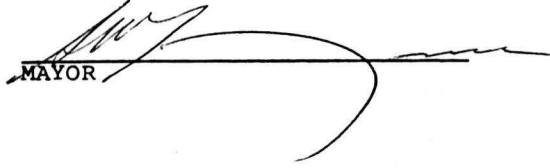
Section 1. The City Council orders HL&P to implement within the City the rate schedules approved by the Public Utility Commission of Texas pursuant to the final order in Docket No. 6765.

Section 2. The rates set forth on such rate schedules are those under which HL&P shall be authorized to render electric service and to collect charges from its customers for the sale of electric power and energy within the City until such time as said rate schedules may be changed, modified, amended or withdrawn as provided by law.

Section 3. The rate schedules filed by HL&P with the City shall be effective on the same date such rates become effective pursuant to the final order in Docket No. 6765 and shall apply to each customer of HL&P within the City for electricity consumed after that date.

Section 4. This ordinance constitutes the final action of the City Council of the City in determining the rates for sale of electric power and energy by HL&P within the City in accordance with Section 42 of the Public Utility Regulatory Act.

PASSED AND APPROVED at a meeting duly convened by  
the City Council of the City of Thompson's, Texas,  
this the 20 day of November, 1986.

  
MAYOR

ATTEST:

  
CITY SECRETARY

(CITY SEAL)

014RAWAM/066E01

ORDINANCE NO. 50

AN ORDINANCE OF THE TOWN OF THOMPSONS, TEXAS, GRANTING THE PETITION OF HOUSTON LIGHTING & POWER COMPANY FOR THE ANNEXATION OF CERTAIN LAND AND TERRITORY BY THE TOWN OF THOMPSONS; SETTING THE DATES, TIMES AND PLACES FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF SAID LAND AND TERRITORY; AUTHORIZING AND DIRECTING THE MAYOR OF SAID TOWN OF THOMPSONS TO PUBLISH NOTICES OF BOTH SUCH PUBLIC HEARINGS; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 12th day of December 1986, Houston Lighting & Power Company filed a petition in writing to the Board of Aldermen of the Town of Thompsons, Texas, requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, to and make said tracts of land a part of the Town of Thompsons; and

WHEREAS, on the 18th day of December 1986, the Board of Aldermen of the Town of Thompsons heard the aforesaid petition of Houston Lighting & Power Company and the arguments for and against the same; and

WHEREAS, in view of the foregoing, the Board of Aldermen of the Town of Thompsons finds and concludes that the following ordinance should be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF THOMPSONS, TEXAS:

Section 1. That, pursuant to Article 974g of the Revised Civil Statutes of Texas, as amended, the Board of Aldermen of the Town of Thompsons, Texas, hereby grants the petition of Houston Lighting & Power Company requesting that the Town of Thompsons annex (1) the tract of land described on Exhibit "A", attached hereto and made a part hereof, and (2) the tract of land described on Exhibit "B", attached hereto and made a part hereof, to and make said tracts of land a part of the Town of Thompsons.

Section 2. On the 14th day of January 1987, at 5:30 o'clock P.M., in the Meeting Room of the Board of Aldermen in the City Hall of the Town of Thompsons, Texas, the Board of Aldermen of the Town of Thompsons, Texas, will hold a public hearing providing all interested persons the right and opportunity to be heard on the proposed annexation by the Town of Thompsons, Texas, of (1) the tract of land described on Exhibit "A" attached hereto and made a part hereof and (2) the tract of land described on Exhibit "B" attached hereto and made a part hereof.

Section 3. On the 15th day of January 1987, at 7:30 o'clock P.M., in the Meeting Room of the Board of Aldermen in the city Hall of the Town of Thompsons, Texas, the Board of Aldermen of the Town of Thompsons, Texas, will hold a second public hearing providing all interested persons the right and opportunity to be heard on the proposed annexation by the Town of Thompsons, Texas, of (1) the tract of land described on Exhibit "A" attached hereto and made a part hereof and (2) the tract of land described on Exhibit "B" attached hereto and made a part hereof.

Section 4. The Mayor of the Town of Thompsons is hereby authorized and directed to cause notices of both of the above-described public hearings to be published once in a newspaper having general circulation in the Town of Thompsons and in the above-described territory proposed to be annexed, in each case, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing involved, all in accordance with Article 970a of the Revised Civil Statutes of Texas, as amended.

Section 5. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Town of Thompsons in adopting

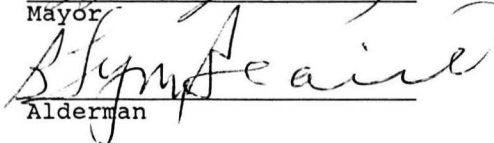
this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation, and to this end, all provisions of this ordinance are declared to be severable.

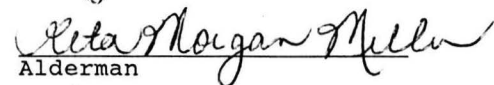
Section 6. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of their conflict only.

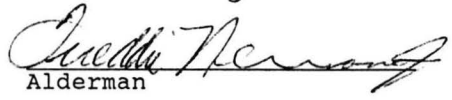
Section 7. This ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved this the 18th day of December 1986.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Alderman

  
\_\_\_\_\_  
Alderman

  
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Alderman

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Alderman

\_\_\_\_\_  
Alderman

ATTEST:

  
\_\_\_\_\_  
SECRETARY

THE STATE OF TEXAS           \*  
  \*  
COUNTY OF FORT BEND        \*

I, María T. Solomon, the duly appointed, qualified and acting Secretary of the Town of Thompsons, Texas, hereby certify that the above and foregoing ordinance of the Town of Thompsons was passed at a regular meeting of the Board of Aldermen of the Town of Thompsons held on the 18th day of December, 1986; that written notice of the date, hour, place and subject of said meeting was posted for at least 72 hours preceding the scheduled time of said meeting on a bulletin board located in a place in the city hall which is convenient and readily accessible to the general public at all times; that the Mayor, G.W. Longserre, and Aldermen B. Lynn Beard, Rita M. Miller, \_\_\_\_\_ and Freddie Newsome were present at said meeting and acted as the Board throughout; that said ordinance has been approved by the Mayor and is duly attested by the Secretary; and that the same has been duly engrossed and enrolled in the records of the Town of Thompsons, Texas.

EXECUTED under my hand and the official seal of the Town of Thompsons, Texas, this 18th day of December, 1986.

María T. Solomon  
SECRETARY  
OF THE TOWN OF THOMPSONS, TEXAS

## Exhibit "A"

That certain parcel of land approximately 500 feet wide containing 29.719 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Horatio A. Alsbury Survey, Abstract No. 102, the Lancelot Smithers 1/4 League, Abstract No. 87 and the Abraham D. Kelker Survey, Abstract No. 273, Fort Bend County, Texas. Said 29.719-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, S. 67° 57' 39" W., a distance of 11409.85 feet to the POINT OF BEGINNING of the tract herein described;

THENCE, N. 53° 49' 06" W., a distance of 1187.65 feet, passing the common line between said Alsbury Survey and said Kelker Survey to a 5/8-inch iron rod;

THENCE, N. 53° 48' 53" W., a distance of 1401.52 feet to a point for corner which bears S. 77° 44' 16" W., a distance of 12961.60 feet from the commencing point of the tract herein described;

THENCE, N. 36° 11' 07" E., a distance of 500.00 feet, crossing Smithers Lake Road to a point for corner;

THENCE, S. 53° 48' 53" E., a distance of 1401.50 feet, crossing the common line between said Kelker Survey and said Smithers 1/4 League to an angle point;

THENCE, S. 53° 49' 06" E., a distance of 1187.63 feet to a point for corner;

THENCE, S. 36° 10' 54" W., a distance of 500.00 feet, crossing the common line between said Smithers 1/4 League and said Alsbury Survey, then crossing said Smithers Lake Road to the POINT OF BEGINNING and containing 29.719 acres of land, subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



*Mark R. Apolant*  
 Mark R. Apolant, RPS #4108

## Exhibit "B"

That certain parcel of land approximately 500 feet wide containing 26.739 acres within and along a portion of the W. A. Parish Plant Site Boundary located in the Henry Jones League, Abstract No. 39, Fort Bend County, Texas. Said 26.739-acre tract is described by metes and bounds as follows; all bearings herein stated are referred to the Texas Plane Coordinate System, South Central Zone, as established by the National Geodetic Survey (formerly U. S. C. & G. S.), in 1934 and based on U. S. C. & G. S. triangulation station "George 1952":

COMMENCING at the northwest corner of the city limits of the City of Thompson and the Samuel Kennedy Survey, Abstract No. 44, said corner being the intersection of the north right-of-way line of Y. U. Jones Road (60 feet wide) and the west right-of-way line of Lockwood Road (80 feet wide);

THENCE, N. 14° 07' 25" W., a distance of 9349.10 feet to the POINT OF BEGINNING of the tract herein described;

THENCE, N. 11° 29' 04" E., a distance of 2396.20 feet to a point for corner, which bears N. 08° 58' 55" W., a distance of 11556.43 feet from the commencing point of the tract herein described;

THENCE, S. 63° 34' 38" E., a distance of 517.49 feet to a point for corner;;

THENCE, S. 11° 29' 04" W., a distance of 2262.80 feet to a point for corner;

THENCE, N. 78° 30' 56" W., a distance of 500.00 feet to the POINT OF BEGINNING and containing 26.739 acres of land, subject to all easements and right-of-ways that are of record or evidenced on the ground, but only to the extent that same are in full force and effect.

This description is based on surveys performed by Houston Lighting & Power Company.



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 Mark R. Apolant, RP# 4108