



Control Number: 51415



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SOAH DOCKET NO. 473-21-0538  
PUC DOCKET NO. 51415

2020 DEC -8 AM 11:27

APPLICATION OF SOUTHWESTERN §  
ELECTRIC POWER COMPANY FOR §  
AUTHORITY TO CHANGE RATES §

PUBLIC UTILITY COMMISSION  
BEFORE THE HEARING CLERK  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

**SOUTHWESTERN ELECTRIC POWER COMPANY'S  
SECOND PETITION FOR REVIEW OF THE RESOLUTION  
OF THE CITY OF AVERY AND MOTION TO CONSOLIDATE**

Southwestern Electric Power Company (SWEPCO) files this petition appealing the rate decision adopted by the City of Avery. This appeal is filed pursuant to Section 33.051 of the Public Utility Regulatory Act (PURA). In support of this appeal and motion, SWEPCO would show the following:

**I. SWEPCO's Requested Rate Change**

On October 14, 2020, SWEPCO filed with the Public Utility Commission of Texas (Commission) a Petition and Statement of Intent to Change Rates within the areas over which the Commission has original jurisdiction. That Petition and Statement of Intent was assigned Docket No. 51415. SWEPCO concurrently filed a Petition and Statement of Intent with each incorporated city having original jurisdiction over its retail rates.

**II. Municipal Actions**

On November 9, 2020, the City of Avery adopted a resolution that denied SWEPCO's application and kept the existing rates in effect. A copy of that resolution is attached as Exhibit 1.

**III. Jurisdiction**

The Commission has jurisdiction over this appeal in accordance with PURA §§ 32.001(b) and 33.051.

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#### **IV. Motion to Consolidate**

SWEPCO requests that its appeal of the resolution of the City of Avery be consolidated with Docket No. 51415. This appeal involves issues of law and fact common to those involved in Docket No. 51415, and a separate hearing of this appeal and Docket No. 51415 would result in unwarranted expenses, delay, or substantial injustice.

#### **V. Conclusion**

SWEPCO respectfully requests the Administrative Law Judges enter an order consolidating this appeal of the resolution of the City of Avery with Docket No. 51415. SWEPCO further respectfully requests that upon final hearing, SWEPCO be granted the rate relief as requested in its Petition and Statement of Intent.

Respectfully submitted,

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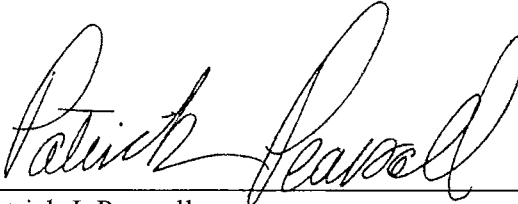
By:   
Patrick Pearsall

**ATTORNEYS FOR SOUTHWESTERN  
ELECTRIC POWER COMPANY**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on December 8, 2020 in accordance with the Second Order Suspending Rules issued in Project No. 50664 and Order No. 1 in this matter. In addition, a copy of the foregoing has been served by certified U.S. mail upon the following:

Deborah Crouch  
City Secretary  
City of Avery  
250 US Business Highway 82  
Avery, TX 75554

  
Patrick J. Pearsall

**ORDINANCE NO. 2020-11-13**

**AN ORDINANCE / RESOLUTION OF THE CITY OF AVERY, TEXAS  
FINDING, AFTER REASONABLE NOTICE AND HEARING, THAT  
SOUTHWESTERN ELECTRIC POWER COMPANY'S EXISTING ELECTRIC  
RATES AND CHARGES WITHIN THE CITY SHOULD REMAIN IN EFFECT**

WHEREAS, pursuant to §33.001 of the Public Utility Regulatory Act, the City of Avery has exclusive, original jurisdiction over the electric rates, operations, and services provided within city limits by Southwestern Electric Power Company (SWEPCO);

WHEREAS, on October 13, 2020, SWEPCO filed with the City of Avery a Petition and Statement of Intent seeking an overall net increase of 15.57% in total fuel and non-fuel revenues; and

WHEREAS, SWEPCO proposed an effective date of November 17, 2020.

NOW, THEREFORE, BE IT ORDAINED/RESOLVED BY THE CITY COUNCIL OF THE CITY OF AVERY, TEXAS:

SECTION 1. It is hereby found and determined that said meeting at which this Ordinance/Resolution was passed was open to the public, as required by Texas law, and that advance public notice of the time, place and purpose of said meeting was given.

SECTION 2. SWEPCO's request for approval of its base rates increase is denied. The existing rates and charges of SWEPCO are hereby found to be just and reasonable rates and the City adopts such existing rates to continue to be observed and to be in force within the City hereafter.

SECTION 3. The base rates set forth in this Ordinance / Resolution may be changed and amended by either the City or SWEPCO only as provided by law.

SECTION 4. This Ordinance / Resolution shall be served on SWEPCO by U.S. Mail to SWEPCO's authorized representative, Stacy Bankston-Pankratz, 400 W. 15<sup>th</sup> St., Suite 1520, Austin, Texas 78701.

SECTION 5. Nothing contained in this Ordinance shall be construed now or hereafter in limiting or modifying, in any manner, the right and power of the City under law to regulate the base rates and charges of SWEPCO.

CONSIDERED, PASSED, APPROVED AND SIGNED this the 9<sup>th</sup> day of November, 2020, at a regular called meeting of the City Council of the city of Avery,


Texas, at which a quorum was present and which was held in accordance with the provisions of Chapter 551, Texas Government Code.

SIGNED this 9th day of November, 2020.

CITY OF   AVERY  

By:   
Alex Ackley, Mayor

Attest:

  
Deborah Crouch, City Secretary