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Filing Date - 2023-12-29 11:39:53 AM

Control Number - 55942

Item Number - 10

PUC DOCKET NO. 55942

PETITION BY RATEPAYERS	§	PUBLIC UTILITY COMMISSION
APPEALING THE WATER AND	§	
WASTEWATER RATES	§	OF TEXAS
ESTABLISHED BY THE CITY OF	§	
ROCKPORT	§	

**RESPONSE OF CITY OF ROCKPORT PURSUANT TO ORDER NO. 1 AND
MOTION TO DISMISS**

COMES NOW the City of Rockport, Texas (“City” or “Rockport”) and files this Response Pursuant to Order No. 1 and Motion to Dismiss.

I. BACKGROUND

A purported petition to appeal rates adopted by the City for retail customers outside the corporate limits of the City was filed on December 4, 2023. Order No. 1 requires the City to provide comments on the petition by December 30, 2023. This pleading is timely filed.

II. PETITION

A group of purported ratepayers (“Ratepayers”) filed a petition appealing the water and wastewater rates adopted by the City on or about December 4, 2023. The Ratepayers filed two sets of documents on said date. One document containing approximately 235 pages of signatures of persons purporting to be the signatures of ratepayers of the City of Rockport. The document is provided unverified.

Secondly, the Ratepayers filed what is identified on the PUC Interchange as “Cover Letter for Petition” which was filed confidentially despite no protective order being issued in this case. **The City has never been provided this document.** As such, the City is unable to fully respond to the purported petition with such limited information.

In reviewing the materials submitted on the PUC Interchange, there has been no protective order filed in this docket. If one has been entered, it has not been filed on the interchange and not

been served on the City. Further, the PUC's standard "Protective Order or Confidential Filing Certification" provides a certification for viewing confidential or highly sensitive protective information. However, as stated in the first line of said certification the certificate is only good pursuant to the "the terms and restrictions of the *Protective Order in this docket...*" (emphasis added).¹ Thus, the City cannot submit the certification as there is no Protective Order filed in this case and, likewise, no terms or conditions that the City has been made aware to which it needs to abide.

In order to seek a protective order, one may be requested by mutual agreement, which has not occurred in this docket, or by motion, which has also not been sought. Said motion must include "affidavits, discovery pleadings, or other pertinent documents to support the allegations" in the request for protection.² No such documentation has been served on the City and no such request appears to be made on the PUC Interchange. As such, the "Cover Letter for Petition" should be made non-confidential and provided to the City. In the alternative, the City must be given additional time to respond to the letter until a protective order has been entered and the City be given a chance to review the materials provided therein.

III. MOTION FOR DISMISSAL

Regardless of the Ratepayers' attempt to prevent its appeal from being seen by the City, the only manner in which they can appeal the City's rates are through Texas Water Code ("TWC") § 13.043(b)(3) and the PUC's implementing rules §§24.101 and 24.103.

¹ See Exhibit A.

² See PUC Rule 22.142(a)(2) and (c).

FACTS

The City considered two ordinances which would raise rates for all of its customers. Both in-city and out-of-city customers received rate increases. The City adopted Ordinance No. 1909,³ which increased the water rates, and Ordinance No. 1910,⁴ which increased the wastewater rates. The City duly adopted said ordinances on two separate readings according to the City's charter. The water and wastewater rates were to become effective September 15, 2023.⁵

The City then sought to provide the notice required by TWC § 13.043(i) which provides as follows:

(i) The governing body of a municipally owned utility or a political subdivision, **within 60 days after the date of a final decision** on a rate change, **shall** provide individual **written notice** to each ratepayer eligible to appeal who resides outside the boundaries of the municipality or the political subdivision. The notice must include, at a minimum, the effective date of the new rates, the new rates, and the location where additional information on rates can be obtained. The governing body of a municipally owned utility or a political subdivision may provide the notice electronically if the utility or political subdivision has access to a ratepayer's e-mail address (emphasis added).

Thus, under the plain reading of TWC § 13.043(i), the City had a statutory obligation to provide notice to its affected ratepayers by November 4, 2023 (i.e., September 4, 2023, plus 60 days). The City began the process of preparing the notice required by TWC § 13.043(j). The City sent the required notice to its third-party billing partner. The City sent a complete and proper notice for mailing to the affected ratepayers.

Due to information provided by one of the Ratepayers, the City, after November 4, 2023, discovered that there was an error in printing. The notice that was mailed by the City's third-party vendor to affected persons failed to include the effective date of the new rates. A true and correct

³ A certified copy of the ordinance is attached hereto as Exhibit B.

⁴ A certified copy of the ordinance is attached hereto as Exhibit C.

⁵ See Section 4 of Ordinance Nos. 1909 and 1910, Exhibits B and C, respectively.

copy of the notice that contained the error is attached hereto as Exhibit D. As stated above, the error was due to a printing error from the City's third-party vendor. An email from the vendor admitting the error is attached hereto as Exhibit E.

The City, discovering the vendor's error in notice, quickly worked to correct error. On December 13, 2023, the City adopted Ordinance No. 1920 which repeals the rates adopted for the City's out of city customers back to September 15, 2023, and seeks to refund the inappropriately collected amounts during the time period.⁶ The City likewise adopted Ordinance No. 1921 which similarly does the same as Ordinance No. 1920 but for wastewater rates.⁷ The net effect of Ordinance Nos. 1920 and 1921 is that the City's rates have remained unchanged for out of City customers .

LEGAL ANALYSIS

Mootness

The presiding officer may recommend the dismissal of a proceeding because the Commission lacks jurisdiction or there is a question of mootness.⁸

An appeal under the instant case should be governed by PUC Rule § 22.101(c)(3) which requires that the decision of the City affecting the "rates" to the Commission. As provided in City Ordinance Nos. 1920 and 1921, the City repealed the rates to be "appealed" and as such, there is no appeal proper. The Commission lost its jurisdiction over the rate once it was repealed. There is no "rate" to appeal. In other words, the appeal is moot. There are no rates to consider as there is no increase in rates. Administrative agencies may exercise only those powers the law confers upon them in clear and express statutory language and those reasonably necessary to fulfill a

⁶ A certified copy of Ordinance No. 1920 is attached hereto as Exhibit F.

⁷ A certified copy of Ordinance No. 1921 is attached hereto as Exhibit G.

⁸ 16 TAC § 22.181.

function or perform a duty that the legislature has expressly placed with the agency. *In re Entergy Corp.*, 142 S.W.3d 316, 322 (Tex.2004). A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings. *Allstate Ins. Co. v. Hallman*, 159 S.W.3d 640, 642 (Tex.2005); *Bd. of Adjustment of San Antonio v. Wende*, 92 S.W.3d 424, 427 (Tex.2002); *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex.2001). As the facts, documents, and declaration of Rockport City Manager Vanessa Shrauner⁹ provide, the appealed rate has been repealed by the City and as such, there is no new rate to appeal. The case is moot.

The City believes that its failure to adequately provide notice to its customers and subsequent repeal of its rate are adequate to dismiss this proceeding. However, in the alternative, the City believes the matter may be dismissed based on the following grounds.

Notice

The City acknowledges that it received approximately 235 pages of signed pages which is purportedly part of the “petition” for appeal. That is the sole sum of information received by the City. As stated above, the City never received the Ratepayers’ “Cover Letter for Petition.” An appeal pursuant to TWC § 13.043(b)(3) **must be initiated within 90 days** after the effective date of the rate change.¹⁰ The section further states: “An appeal is initiated by filing a petition for review with the commission **and** by sending a copy of the petition to the entity providing service....” (emphasis added). As stated in the attached declaration of Ms. Shrauner, the City did not receive the “Cover Letter for Petition,” but only the 235 signature pages. As such, the “petition” is deficient and, now, untimely.

⁹ Ms. Shrauner’s declaration is attached hereto as Exhibit H.

¹⁰ 16 TAC §24.101(b).

The Ratepayers' failed to provide the City the complete "Petition" which must be initiated by filing with the Commission and the City within 90 days of the effective date of the rate change. Regardless, if "Petition" if filed correctly is moot. However, in case the "Petition" is not moot as described above, the Ratepayers failed to meet the most basic of petition requirements. It failed to submit its "Petition" to the City within 90 days of the effective date of the rate change. If you consider September 15, 2023, the date of the rate change, then it was incumbent on the Ratepayers to provide the "Petition" to the City on December 14, 2023 (i.e., September 15, 2023, plus 90 days). The Ratepayers failed to do so. As such, the Ratepayers have failed to meet their statutory and regulatory requirements for a valid petition. Without meeting this basic requirement, the PUC has no jurisdiction over the "Petition" and it should be dismissed.

Further, the Ratepayers' "Petition" does not meet the following regulatory requirements:

1. 10% of signatures of ratepayers who are eligible to appeal – See 16 TAC § 24.101(b) and § 24.103(b). There are plenty of signatures submitted on the PUC Interchange. However, there is no verification by ratepayers that any or all or some of the signatories are persons eligible to appeal the City's rates. The submission only states that they are ratepayers without any statement as to whether they are eligible or not and without any verification from the Ratepayers as to whether the signatories meet the 10% requirement.
2. The filed signature pages are unclear as to whether retail residential and/or commercial rates are being appealed. As such, only residential rates should be considered, if the case is not dismissed.

IV. CONCLUSION

Regretfully, the City made what it believes is a grave error in noticing its customers of the rate increase and as such has repealed the rates. The City believes that the “Petition” should be dismissed as moot. In the alternative, if not moot, then the “Petition” should be denied as the “Petition” was not initiated timely and there is no verification that the requisite signatures were collected for the “Petition.”

Date: December 29, 2023

Respectfully submitted,

/s/ Arturo D. Rodriguez, Jr.

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AUSTIN, TEXAS 78727

512-930-1317 – TELEPHONE

972.668.6414 – FACSIMILE

COUNSEL FOR CITY OF ROCKPORT

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of December, 2023, a true and correct copy of the foregoing document was served on the parties listed above by hand delivery, email, facsimile or First Class Mail.

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.



Protective Order or Confidential Filing Certification

If confidential information is subject to a Protective Order

I certify my understanding that the Protected Materials and/or Highly Sensitive Protected Material are provided to me pursuant to the terms and restrictions of the Protective Order in this docket and that I have received a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials and/or Highly Sensitive Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials and/or Highly Sensitive Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. _____. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials and/or Highly Sensitive Protected Materials is obtained from independent public sources, the understanding stated here shall not apply.

Signature

Party Represented

Printed Name

Date

I also certify that I am eligible to have access to Highly Sensitive Protected Materials under the terms of the Protective Order in this docket.

Signature

Party Represented

Printed Name

Date

If confidential information is not subject to a Protective Order

I certify my understanding that the Confidential Materials provided to me may not be disclosed to anyone except as required by the provisions of the Texas Public Information Act, Texas Government Code Chapter 552, or other applicable law or court order.

Signature

Staff job title

Printed Name

Date

Exhibit A

STATE OF TEXAS

§

§

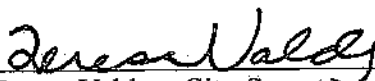
COUNTY OF ARANSAS

§

CERTIFICATE TO COPY OF PUBLIC RECORDS

I hereby certify, in the performance of the functions of my office, that the attached instrument is a full, true, and correct copy of **ORDINANCE NO. 1909 AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 102 "UTILITIES," ARTICLE II. "WATER SERVICE," DIVISION 3. "SERVICE CHARGES" BY AMENDING WATER RATES FOR ALL CUSTOMERS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE**, as the same appears of record in my office and that said document is an official record from the public office of the City Secretary of Rockport, Aransas County, State of Texas, and is kept in said office. I further certify that I am City Secretary, that I have legal custody of said record and that I am lawful possessor and keeper and have legal custody of the records in said office. In witness whereof, I have hereunto set my hand and affixed the official seal of said office this 19th day of December 2023.




Teresa Valdez, City Secretary
City of Rockport
Aransas County
State of Texas

ORDINANCE NO. 1909

AN ORDINANCE AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 102 "UTILITIES," ARTICLE II. "WATER SERVICE," DIVISION 3. "SERVICE CHARGES" BY AMENDING WATER RATES FOR ALL CUSTOMERS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. AMENDMENT

That Chapter 102 "Utilities," Article II. "Water Service," Division 3 "Service Charges" is hereby amended to wit:

Sec. 102-56. - Water rates inside city limits.

(a) There shall be charged and collected by the city from all residential customers of water supplied by the city inside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customers usage (in gallons of water), as set forth in the following schedule of rates and charges:

(1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
$\frac{3}{4}$	\$21.74	\$22.52
1	\$26.26	\$27.21
1½	\$48.64	\$50.39
2	\$75.52	\$78.24
3	\$147.21	\$152.51
4	\$227.87	\$236.07
6	\$227.87	\$236.07

(2) If applicable, for all additional gallons used over 1,501 to 10,000, the sum of ~~\$5.83~~ \$6.04 per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

(3) Conservation billing. If applicable for all gallons used over 10,001 to 15,000, the sum of ~~\$6.83~~ \$7.08 each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$7.76~~ \$8.04 for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(b) There shall be charged and collected by the city from all commercial customers of water supplied by the city inside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges, used in any one regular billing cycle by any one user, the following sum per cycle.

(1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by

any one user, the following sum per cycle:

Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
¾	\$21.74	\$23.91
1	\$26.26	\$28.89
1½	\$48.64	\$53.50
2	\$75.52	\$83.07
3	\$147.21	\$161.93
4	\$227.87	\$250.66
6	\$227.87	\$250.66

(2) If applicable, for all additional gallons used over 1,501 to 10,000, the sum of ~~\$5.83~~ \$6.41 per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

(3) Conservation billing. If applicable for all gallons used over 10,001 to 15,000, the sum of ~~\$6.83~~ \$7.51 each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$7.76~~ \$8.54 for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

Sec. 102-57. - Wholesale water rates.

There shall be charged and collected by the city from all contracted resale customers, the sum of ~~\$6.30~~ \$6.93 per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

Sec. 102-58. - Water rates outside city limits.

(a) There shall be charged and collected by the city from all customers of water supplied by the city outside its city limits, including customers residing within the Town of Fulton city limits, the amount of money based upon the size of the customer's tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges:

(1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
¾	\$29.95	\$33.06
1	\$36.21	\$39.84
1½	\$67.62	\$73.41
2	\$104.68	\$113.73
3	\$204.36	\$221.27
4	\$316.45	\$342.26
6	\$316.45	\$342.26

(2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ \$9.05 per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

(3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of ~~\$9.59~~ \$10.55 per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ \$11.94 for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

Exhibit B

(b) There shall be charged and collected by the city, for all commercial customers of water supplied by the city outside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges, used in any one regular billing cycle by any one user, the following sum per cycle:

(1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
¾	\$29.95	\$33.06
1	\$36.21	\$39.84
1½	\$67.62	\$73.41
2	\$104.68	\$113.73
3	\$204.36	\$221.27
4	\$316.45	\$342.26
6	\$316.45	\$342.26

(2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ \$9.05 per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

(3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of ~~\$9.59~~ \$10.55 per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ \$11.94 for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

Secs. 102-59—102-70. - Reserved.

SECTION 2. REPEALER.

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this Ordinance, are all hereby repealed.

SECTION 3. SEVERABILITY.

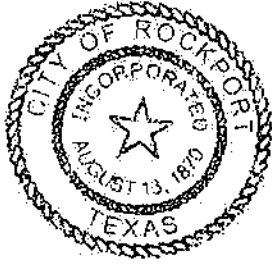
If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being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

SECTION 4. EFFECTIVE DATE.

This ordinance shall become effective upon adoption on second reading by the Rockport City Council and publication of the Ordinance caption in the official newspaper of the City of Rockport. Rates will become effective on September 15, 2023 and reflected on the November 1, 2023 billing.

APPROVED on first reading the 30th day of August 2023.

CITY OF ROCKPORT, TEXAS



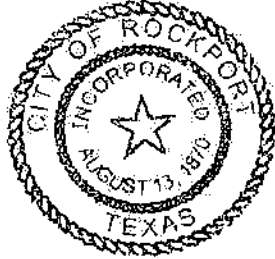

Tim Jayroe, Mayor


ATTEST:


Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading the 5th day of September 2023.

CITY OF ROCKPORT, TEXAS




Tim Jayroe, Mayor

ATTEST:


Teresa Valdez, City Secretary

STATE OF TEXAS

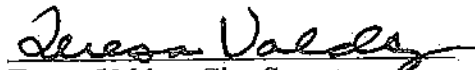
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CERTIFICATE TO COPY OF PUBLIC RECORDS

COUNTY OF ARANSAS

I hereby certify, in the performance of the functions of my office, that the attached instrument is a full, true, and correct copy of **ORDINANCE NO. 1910 AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 102 "UTILITIES," ARTICLE III. "WASTEWATER SERVICE," DIVISION 4. "SERVICE CHARGES" BY AMENDING WASTEWATER RATES FOR ALL CUSTOMERS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE**, as the same appears of record in my office and that said document is an official record from the public office of the City Secretary of Rockport, Aransas County, State of Texas, and is kept in said office. I further certify that I am City Secretary, that I have legal custody of said record and that I am lawful possessor and keeper and have legal custody of the records in said office. In witness whereof, I have hereunto set my hand and affixed the official seal of said office this 19th day of December 2023.




Teresa Valdez, City Secretary
City of Rockport
Aransas County
State of Texas

ORDINANCE NO. 1910

AN ORDINANCE AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 102 "UTILITIES", ARTICLE III. "WASTEWATER SERVICE", DIVISION 4. "SERVICE CHARGES" BY AMENDING WASTEWATER RATES FOR ALL CUSTOMERS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. AMENDMENT

That Chapter 102 "Utilities", Article II. "Wastewater Service", Division 4 "Service Charges" is hereby amended to wit:

Sec. 102-266. Wastewater rates inside city limits.

a) *Residential/single-family.* There shall be charged and collected by the city from all residential/single-family customers connected to wastewater utility system inside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's usage (in gallons of water, as set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user, the following sum per month:

TABLE INSET:

Wastewater Tap Size (Inches)	Minimum Charge	New Rate
3/4	23.06	\$25.79
1 or larger	26.27	\$29.42

2. For all additional gallons used over 1,500 gallons the sum of ~~\$4.28~~ \$4.79 for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.
3. For all additional gallons used over 5,000 gallons the sum of ~~\$5.02~~ \$5.62 for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.

b) *Nonresidential/non-single-family.* There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system inside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), as set forth in the following schedule or rates and charges:

1. For the first 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user, the following sum per month, to wit:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
3/4	\$23.34	\$29.64
1	\$29.16	\$37.03
1 -1/2	\$35.01	\$44.46
2	\$46.68	\$59.28
3	\$93.36	\$118.57
4 and larger	\$145.07	\$185.25

2. For all additional gallons used over 1,500 the sum of ~~\$4.24~~ \$5.44 for each 1,000 gallons up to 5,000 or fractional part thereof.
3. For all additional gallons used over 5,000 the sum of ~~\$5.02~~ \$6.38 for each 1,000 gallons or fractional part thereof.

Sec. 102-267. Wastewater rates outside city limits.

a) *Residential/single-family.* There shall be charged and collected by the city from all residential/single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
3/4	\$32.70	\$36.62
1 or larger	\$40.84	\$45.74

2. For all additional gallons used over 1,500 gallons the sum of ~~\$5.97~~ \$6.69 for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.
3. For all additional gallons used over 5,000 gallons the sum of ~~\$7.05~~ \$7.90 for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.

b) *Nonresidential/non-single-family.* There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), as set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user, the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
3/4	\$32.69	\$41.52
1	\$40.84	\$51.87
1 1/2	\$49.03	\$62.27
2	\$65.35	\$82.99
3	\$130.70	\$165.99
4 or larger	\$204.22	\$259.36

2. For all additional gallons used over 1,500 the sum of ~~\$5.95~~ **\$7.56** for each 1,000 gallons up to 5,000 or fractional part thereof.
3. For all additional gallons used over 5,000 the sum of ~~\$7.05~~ **\$8.95** for each 1,000 gallons or fractional part thereof.

Sec. 102-268. Contracted wastewater rates.

Wastewater rates charged to contracted wastewater customers shall not be affected by this division.

Sec. 102-269. Rates if not on city water.

Any person using the city wastewater utility system, and not connected full-time to its municipal water system shall pay the following monthly charges:

TABLE INSET:

Account Type	Inside the City Limits	NEW – Inside City Limits	Outside the City Limits	NEW – Outside City Limits
Residential/Single-family	\$41.41	\$46.38	\$55.89	\$70.98
Nonresidential/non-single family	\$47.13	\$52.79	\$63.58	\$80.75
Commercial operations (car washes/laundry), minimum*	\$205.23	\$229.86	\$272.96	\$346.66

*Rate will be determined by the director of public works or his designee by comparing like services to other nonresidential users.

Secs. 102-270--102-290 Reserved for future use.

SECTION 2. REPEALER.

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this Ordinance, are all hereby repealed.

SECTION 3. SEVERABILITY.

If any provision, section, 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 shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.


SECTION 4. EFFECTIVE DATE.

This ordinance shall become effective upon adoption on second reading by the Rockport City Council and publication of the Ordinance caption in the official newspaper of the City of Rockport. Rates would become effective on September 15, 2023 and reflected on the November 1, 2023 billing.

APPROVED on first reading the 30th day of August 2023.



CITY OF ROCKPORT, TEXAS



Tim Jayroe, Mayor

ATTEST:



Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading the 5th day of September 2023.



CITY OF ROCKPORT, TEXAS



Tim Jayroe, Mayor

ATTEST:



Teresa Valdez, City Secretary



Sec. 102-532. - Natural gas rates for Town of Fulton.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to customers within the corporate city limits of the Town of Fulton, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	\$30.08	\$35.08
Per 1,000 CF	\$3.34	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Sec. 102-533. - Natural gas rates for unincorporated areas of Aransas County.

There shall be charged and collected by the city from all residential and commercial customers of natural gas supplied by the city to the unincorporated areas of Aransas County, as now or hereafter established, the amount of money based on customers usage (in cubic centimeters), as set forth in the following schedule of rates and charges:

Demand Rate	\$30.08	\$35.08
Per 1,000 CF	\$3.34	\$3.76

Note: Rates do not include purchased gas adjustment and sales tax, where applicable.

Sec. 102-57. - Wholesale water rates.

There shall be charged and collected by the city from all contracted resale customers, the sum of ~~\$6.30~~ **\$6.93** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

Sec. 102-58. - Water rates outside city limits.

(a) There shall be charged and collected by the city from all customers of water supplied by the city outside its city limits, including customers residing within the Town of Fulton city limits, the amount of money based upon the size of the customer's tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges:

- (1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
¾	\$29.95	\$33.06
1	\$36.21	\$39.84
1½	\$67.62	\$73.41
2	\$104.68	\$113.73
3	\$204.36	\$221.27
4	\$316.45	\$342.26
6	\$316.45	\$342.26

- (2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ **\$9.05** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

- (3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of ~~\$9.59~~ **\$10.55** per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

- (4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$11.94** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(b) There shall be charged and collected by the city, for all commercial customers of water supplied by the city outside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges, used in any one regular billing cycle by any one user, the following sum per cycle:

- (1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size (In Inches)	MINIMUM CHARGES	NEW CHARGES
¾	\$29.95	\$33.06
1	\$36.21	\$39.84
1½	\$67.62	\$73.41
2	\$104.68	\$113.73
3	\$204.36	\$221.27
4	\$316.45	\$342.26
6	\$316.45	\$342.26

- (2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of ~~\$8.16~~ **\$9.05** per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

- (3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of ~~\$9.59~~ **\$10.55** per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

- (4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of ~~\$10.90~~ **\$11.94** for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

Sec. 102-267. Wastewater rates outside city limits.

a) *Residential/single-family*. There shall be charged and collected by the city from all residential/single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
¾	\$32.70	\$36.62
1 or larger	\$40.84	\$45.74

2. For all additional gallons used over 1,500 gallons the sum of ~~\$5.97~~ **\$6.69** for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.
3. For all additional gallons used over 5,000 gallons the sum of ~~\$7.05~~ **\$7.90** for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.

b) *Nonresidential/non-single-family*. There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), as set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user, the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
¾	\$32.69	\$41.52
1	\$40.84	\$51.87
1 1/2	\$49.03	\$62.27
2	\$65.35	\$82.99
3	\$130.70	\$165.99
4 or larger	\$204.22	\$259.36

2. For all additional gallons used over 1,500 the sum of ~~\$5.95~~ **\$7.56** for each 1,000 gallons up to 5,000 or fractional part thereof.
3. For all additional gallons used over 5,000 the sum of ~~\$7.05~~ **\$8.95** for each 1,000 gallons or fractional part thereof.

Sec. 102-268. Contracted wastewater rates.

Wastewater rates charged to contracted wastewater customers shall not be affected by this division.

Sec. 102-269. Rates if not on city water.

Any person using the city wastewater utility system, and not connected full-time to its municipal water system shall pay the following monthly charges:

TABLE INSET:

Account Type	Inside the City Limits	NEW - Inside City Limits	Outside the City Limits	NEW - Outside City Limits
Residential/Single-family	\$41.41	\$46.38	\$55.89	\$70.98
Nonresidential/non-single family	\$47.13	\$52.79	\$63.58	\$80.75
Commercial operations (car washes/laundry), minimum*	\$205.23	\$229.86	\$272.96	\$346.66

*Rate will be determined by the director of public works or his designee by comparing like services to other nonresidential users.

Exhibit D

From: [Jamie Gonzales](#)
To: [Vanessa Shrauner](#)
Cc: [Robbie Sorrell](#)
Subject: FW: Insert for Rockport
Date: Thursday, November 9, 2023 3:20:04 PM

This was the response email sent by Data Prose.

From: Craig Wewerka <cwewerka@dataprose.com>
Sent: Thursday, November 9, 2023 10:33 AM
To: Jamie Gonzales <utility3@cityofrockport.com>
Subject: RE: Insert for Rockport

WARNING: This email is from an external source. Do not click links or open attachments without positive sender verification of purpose. Never enter Username, Password or sensitive information on linked pages from this email. If you are unsure about the message, please forward to jamie@cityofrockport.com for assistance.

Hi Jamie,

It would have been a problem when printed and wasn't caught. The issue happened with our art and if there is an issue it will be caught and corrected in production. In this case it was missed. I spoke with the production supervisor and confirmed it was a mistake by the printer and corrected.

Craig Wewerka

Account Manager
Matrix Imaging Solutions
[Direct](#) (972) 462-5437
[Toll Free](#) (800) 876-5015

While our company structure is still the same, our email addresses are changing – PLEASE NOTE: my email address is now cwewerka@matriximaging.com

From: Jamie Gonzales <utility3@cityofrockport.com>
Sent: Wednesday, November 8, 2023 4:46 PM
To: Craig Wewerka <cwewerka@dataprose.com>
Subject: FW: Insert for Rockport

Hello Craig!

Sorry to bother you so late in the day.
I have a question regarding this insert notification that was sent a couple of months ago.
It looks like the printed copy that went out to our customers was missing some information.
It was missing the whole Greetings paragraph. Do we know what may have happened during the printing process?
Management is needing this information.

Thank you for any information and help you can provide.

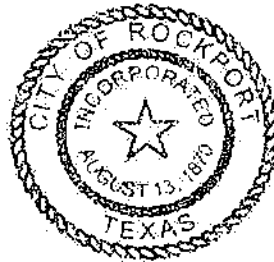
STATE OF TEXAS

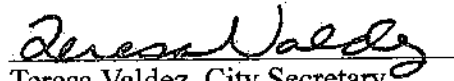
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CERTIFICATE TO COPY OF PUBLIC RECORDS

COUNTY OF ARANSAS

I hereby certify, in the performance of the functions of my office, that the attached instrument is a full, true, and correct copy of **ORDINANCE NO. 1920 OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS PARTIALLY REPEALING ORDINANCE NO. 1909 REGARDING WATER RATES FOR RATEPAYERS LOCATED OUT OF THE CITY; PROVIDING FOR REFUNDS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE**, as the same appears of record in my office and that said document is an official record from the public office of the City Secretary of Rockport, Aransas County, State of Texas, and is kept in said office. I further certify that I am City Secretary, that I have legal custody of said record and that I am lawful possessor and keeper and have legal custody of the records in said office. In witness whereof, I have hereunto set my hand and affixed the official seal of said office this 19th day of December 2023.




Teresa Valdez, City Secretary
City of Rockport
Aransas County
State of Texas

ORDINANCE NO. 1920

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS PARTIALLY REPEALING ORDINANCE NO. 1909 REGARDING WATER RATES FOR RATEPAYERS LOCATED OUT OF THE CITY; PROVIDING FOR REFUNDS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council considered on second reading Ordinance No. 1909 ("Rate Ordinance") that, among other things, approved water rates for out of city customers; and

WHEREAS, the City, as required by law, attempted to notify the out of city ratepayers of the water rate increase; and

WHEREAS, the City has discovered that ratepayers receiving paper notices did not receive sufficient notice of the rate increase, as required by law; and

WHEREAS, the City now seeks to repeal said rate increase and refund the affected ratepayers of the differential related thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Repealer. The Amendment and changes made in the Rate Ordinance to Chapter 102 "Utilities," Article II. "Water Service," Division 3 "Service Charges," Sec. 102-58 "Water rates outside city limits" are hereby repealed and the outside city water rates in effect immediately prior to the adoption of the Rate Ordinance pursuant to Chapter 102 "Utilities," Article II. "Water Service," Division 3 "Service Charges," Sec. 102-58 "Water rates outside city limits" remain in effect as of the date the Rate Order became effective. Thus, Sec. 102-58 "Water rates outside city limits" is returned to read as follows:

Sec. 102-58. - Water rates outside city limits.

(a) There shall be charged and collected by the city from all customers of water supplied by the city outside its city limits, including customers residing within the Town of Fulton city limits, the amount of money based upon the size of the customer's tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges:

(1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size	MINIMUM	NEW
$\frac{3}{4}$	\$29.95	\$33.06
1	\$36.21	\$39.84
1½	\$67.62	\$73.41
2	\$104.68	\$113.73
3	\$204.36	\$221.27
4	\$316.45	\$342.26
6	\$316.45	\$342.26

(2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of \$8.16 ~~\$9.05~~ per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

(3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of \$9.59 ~~\$10.55~~ per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of \$10.90 ~~\$11.94~~ for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

(b) There shall be charged and collected by the city, for all commercial customers of water supplied by the city outside its city limits, as now or hereafter established, the amount of money based upon the size of the customers tap and the customer's usage (in gallons of water), as set forth in the following schedule of rates and charges, used in any one regular billing cycle by any one user, the following sum per cycle:

(1) For the first 1,500 gallons, or fractional part thereof, used in any one regular billing cycle by any one user, the following sum per cycle:

Tap Size	MINIMUM	NEW
$\frac{3}{4}$	\$29.95	\$33.06
1	\$36.21	\$39.84
1½	\$67.62	\$73.41
2	\$104.68	\$113.73
3	\$204.36	\$221.27
4	\$316.45	\$342.26
6	\$316.45	\$342.26

(2) If applicable, for all additional gallons used over 1,501 to 10,000 gallons, the sum of \$8.16 ~~\$9.05~~ per month for each 1,000 gallons, or fractional part thereof, used in any one regular billing cycle.

- (3) Conservation billing. If applicable, for all gallons used over 10,001 to 15,000 the sum of \$9.59-~~\$10.55~~ per 1,000 gallons or fractional part thereof, used in any one regular billing cycle.
- (4) Conservation billing. If applicable for all gallons used over 15,001 and up, the sum of \$10.90-~~\$11.94~~ for each 1,000 gallons or fractional part thereof, used in any one regular billing cycle.

SECTION 3. Refunds. The City shall refund to the affected ratepayers of the repealer contained in Section 2 hereof a refund of the differential between the amounts collected pursuant to the Rate Order and the amount of the applicable rate just prior to the adoption of the Rate Order. Said refunds shall appear on the affected ratepayers next applicable water bill or in any other manner adequate in law as determined by the City Manager.

SECTION 4. Repealer Clause.

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this Ordinance, are all hereby repealed.

SECTION 5. Severability.

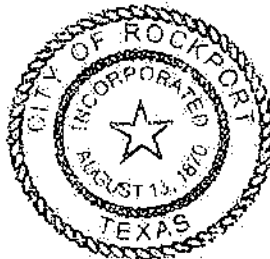
If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being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

SECTION 6. Effective Date.


This ordinance shall become effective upon adoption on second reading by the Rockport City Council.

APPROVED on first reading the 12th day of December 2023.

CITY OF ROCKPORT, TEXAS



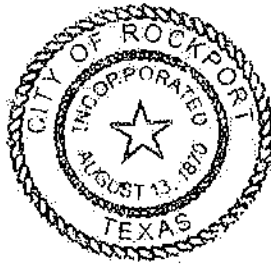
ATTEST:


Tim Jayroe, Mayor



Teresa Valdez, City Secretary

Exhibit F

APPROVED, PASSED and ADOPTED on second and final reading the 13th
day of December 2023.



CITY OF ROCKPORT, TEXAS



Tim Jayroe, Mayor

ATTEST:



Teresa Valdez, City Secretary

STATE OF TEXAS


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CERTIFICATE TO COPY OF PUBLIC RECORDS

COUNTY OF ARANSAS

I hereby certify, in the performance of the functions of my office that, the attached instrument is a full, true, and correct copy of **ORDINANCE NO. 1921 OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS PARTIALLY REPEALING ORDINANCE NO. 1910 REGARDING WASTEWATER RATES FOR RATEPAYERS LOCATED OUT OF THE CITY; PROVIDING FOR REFUNDS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE**, as the same appears of record in my office and that said document is an official record from the public office of the City Secretary of Rockport, Aransas County, State of Texas, and is kept in said office. I further certify that I am City Secretary, that I have legal custody of said record and that I am lawful possessor and keeper and have legal custody of the records in said office. In witness whereof, I have hereunto set my hand and affixed the official seal of said office this 19th day of December 2023.




Teresa Valdez, City Secretary
City of Rockport
Aransas County
State of Texas

ORDINANCE NO. 1921

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS PARTIALLY REPEALING ORDINANCE NO. 1910 REGARDING WASTEWATER RATES FOR RATEPAYERS LOCATED OUT OF THE CITY; PROVIDING FOR REFUNDS; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council considered on second reading Ordinance No. 1910 ("Rate Ordinance") that, among other things, approved wastewater rates for out of city customers; and

WHEREAS, the City, as required by law, attempted to notify the out of city ratepayers of the wastewater rate increase; and

WHEREAS, the City has discovered that ratepayers receiving paper notices did not receive sufficient notice of the rate increase, as required by law; and

WHEREAS, the City now seeks to repeal said rate increase and refund the affected ratepayers of the differential related thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Repealer. The Amendment and changes made in the Rate Ordinance to Chapter 102 "Utilities," Article III. "Wastewater Service," Division 4 "Service Charges," Sec. 102-267 "Wastewater rates outside city limits" and Sec. 102.269 "Rates if not on city water" are hereby repealed and the outside city wastewater rates in effect immediately prior to the adoption of the Rate Ordinance pursuant to Chapter 102 "Utilities," Article III. "Wastewater Service," Division 4 "Service Charges," Sec. 102-267 "Wastewater rates outside city limits" and Sec. 102-269 remain in effect as of the date the Rate Order became effective. Thus, Sec. 102-267 "Wastewater rates outside city limits" and Sec. 102.269 "Rates if not on city water" are returned to read as follows:

Sec. 102-267. - Wastewater rates outside city limits.

- a) *Residential/single-family.* There shall be charged and collected by the city from all residential/single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
3/4	\$32.70	\$36.62
1 or larger	\$40.84	\$45.74

2. For all additional gallons used over 1,500 gallons the sum of \$5.97 ~~\$6.69~~ for each 1,000 gallons up to 5,000 gallons or fractional part thereof, used in any one billing cycle.
3. For all additional gallons used over 5,000 gallons the sum of \$7.05 ~~\$7.90~~ for each 1,000 gallons up to 15,000 gallons or fractional part thereof, used in any one calendar month.

b) *Nonresidential/non-single-family.* There shall be charged and collected by the city from all nonresidential/non-single-family customers connected to wastewater utility system outside its city limits, as now or hereafter established, the amount of money based upon the customer's water tap and the customer's water usage (in gallons of water), as set forth in the following schedule of rates and charges:

1. For the first 0 to 1,500 gallons, or fractional part thereof, used in any one billing calendar month by any one user, the following sum per month:

TABLE INSET:

Water Tap Size (Inches)	Minimum Charge	New Charges
3/4	\$32.69	\$41.52
1	\$40.84	\$51.87
1 1/2	\$49.03	\$62.27
2	\$65.35	\$82.99
3	\$130.70	\$165.99
4 or larger	\$204.22	\$259.36

2. For all additional gallons used over 1,500 the sum of \$5.95 ~~\$7.56~~ for each 1,000 gallons up to 5,000 or fractional part thereof.
3. For all additional gallons used over 5,000 the sum of \$7.05 ~~\$8.95~~ for each 1,000 gallons or fractional part thereof.

Sec. 102-269. Rates if not on city water.

Any person using the city wastewater utility system, and not connected full-time to its municipal water system shall pay the following monthly charges:

TABLE INSET:

Account Type	Inside City Limits	Outside the City Limits	NEW Outside City Limits
Residential/Single-family	\$46.38	\$55.89	\$70.98
Nonresidential/non-single family	\$52.79	\$63.58	\$80.75
Commercial operations (car washes/laundry), minimum*	\$229.86	\$272.96	\$346.66

*Rate will be determined by the director of public works or his designee by comparing like services to other nonresidential users.

SECTION 3. Refunds. The City shall refund to the affected ratepayers of the repealer contained in Section 2 hereof a refund of the differential between the amounts collected pursuant to the Rate Order and the amount of the applicable rate just prior to the adoption of the Rate Order. Said refunds shall appear on the affected ratepayers next applicable bill or in any other manner adequate in law as determined by the City Manager.

SECTION 4. Repealer Clause.

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this Ordinance, are all hereby repealed.

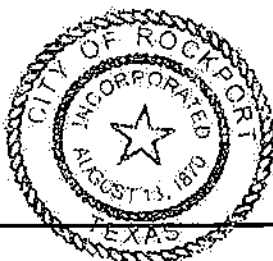
SECTION 5. Severability.

If any provision, section, 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 shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 6. Effective Date.

This ordinance shall become effective upon adoption on second reading by the Rockport City Council.

APPROVED on first reading the 12th day of December 2023.



CITY OF ROCKPORT, TEXAS


Tim Jayroe, Mayor

ATTEST:


Teresa Valdez, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading the 13th day of December 2023.

CITY OF ROCKPORT, TEXAS




Tim Jayroe, Mayor

ATTEST:


Teresa Valdez, City Secretary

PUC DOCKET NO. 55942

PETITION BY RATEPAYERS	§	PUBLIC UTILITY COMMISSION
APPEALING THE WATER AND	§	
WASTEWATER RATES	§	OF
ESTABLISHED BY THE CITY OF	§	
ROCKPORT	§	TEXAS

DECLARATION OF VANESSA SHRAUNER, CITY OF ROCKPORT, TEXAS

Pursuant to § 132.001 of the Texas Civil Practices and Remedies Code, I, VANESSA SHRAUNER, declare as follows:

1. My name is Vanessa Shrauner, my address is 2751 SH 35 Bypass, Rockport, Texas 78382. I am over 18 years of age. I declare under the penalty of perjury that all information in this document is true and correct.

2. I am the City Manager for the City of Rockport, Texas ("City").

3. The City adopted Ordinance Nos. 1920 and 1921 wherein the City repealed the rates to be appealed in the above referenced docket.

4. As of the date of my signature below, the City has not received a complete Petition for an appeal of its water and wastewater rates to its out of city customers from the Ratepayers or any other party. The City received signature pages of persons wishing to protest the rate increases, but it did not receive the document entitled "Cover Letter for Petition" which was filed with the Public Utility Commission of Texas confidentially on December 4, 2023.

JURAT

My name is Vanessa Shrauner, and I am employee of the following governmental agency: City of Rockport, Texas. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Aransas County, State of Texas on the 28th day of December, 2023.



Vanessa Shrauner