

ORDINANCE NO. 2005-97

AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S REQUEST FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM RATE ADJUSTMENT IN THIS MUNICIPALITY SO THAT THE COMPANY MAY PURSUE A SYSTEM-WIDE ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM RATE ADJUSTMENT WITH THE RAILROAD COMMISSION OF TEXAS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO ATMOS ENERGY CORP., MID-TEX DIVISION.

WHEREAS, on or about October 1, 2004, Atmos Energy Corporation merged with TXU Gas Company; and

WHEREAS, Atmos Energy Corp., Mid-Tex Division (the "Company") now operates the distribution system that was formerly operated by TXU Gas Company; and

WHEREAS, on or about December 17, 2004, the Company filed with the Town of Talty ("Town"), a request for an annual gas reliability infrastructure program rate adjustment for customers on the Company's system-wide distribution system, to be effective February 15, 2005; and

WHEREAS, the Town has exclusive original jurisdiction to evaluate the Company's request as it pertains to customers of the Company served from the distribution facilities located within the Town, pursuant to Texas Utilities Code §§ 102.001(b) and 103.001;

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

SECTION 1. That the Company's request for an annual gas reliability infrastructure program rate adjustment with respect to customers served from the Company's distribution facilities located inside the town, is denied in all respects.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage, as the law in such cases provides.

SECTION 3. That it is hereby officially found and determined that the meeting at which

this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

SECTION 4. That a copy of this ordinance, constituting final action on the Company's request for an annual gas reliability infrastructure program rate adjustment, shall be forwarded, within 10 days after the ordinance is approved, to the Company's designated representative: Richard Reis, Atmos Energy Corp., Mid-Tex Division, 300 South St. Paul Street, 8th Floor, Dallas, TX 75201.

PASSED AND APPROVED at a Regular Meeting of the Town of Talty, Texas on this the 11th day of January, 2005.

Allison Weaver, Mayor

ATTEST:

Roberta Owens, Town Secretary