

RESOLUTION NO. _____

RESOLUTION BY THE CITY OF NEW BRAUNFELS, TEXAS (“CITY”) SUPPORTING THE DENIAL OF THE STATEMENT OF INTENT TO CHANGE RATES FILED ON OR ABOUT OCTOBER 30, 2023 BY CENTERPOINT ENERGY RESOURCES CORPORATION, D/B/A, CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS; AUTHORIZING CONTINUED PARTICIPATION IN THE ALLIANCE OF CENTERPOINT MUNICIPALITIES; AUTHORIZING INTERVENTION IN PROCEEDINGS RELATED TO CENTERPOINT’S STATEMENT OF INTENT; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING REPRESENTATION OF THE CITY BY SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT

WHEREAS, CenterPoint Energy Resources Corporation, D/B/A, CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed a Statement of Intent with the City on or about October 30, 2023, to change its rate schedules within the corporate limits of this municipality, specifically to increase its system-wide, annual revenue requirement by approximately \$37.4 million; and

WHEREAS, some cities are the regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under Chapter 104, §103.001 et seq. of GURA they have exclusive original jurisdiction over CenterPoint’s rates, operations, and services within the municipality; and

WHEREAS, though the City of New Braunfels ceded its original jurisdiction over CenterPoint’s rates to the Texas Railroad Commission years ago so that this resolution does not have the legal effect under GURA of denying the rate increase, but pursuant to GURA § 103.023 the City has standing in each case before the Texas Railroad Commission that relates to a gas utility's rates and services in the City, thus this resolution authorizes the City’s intervention in the proceeding before the Texas Railroad Commission (“TRRC”) though its continued membership in the Alliance for CenterPoint Municipalities- South Texas Division (“ACM”); and

WHEREAS, the City is a member of the Alliance of CenterPoint Municipalities-South Texas Division, and the ACM will represent New Braunfels and all of its members in this intervention action before the TRRC; and

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating CenterPoint’s rate request and its changes in tariffs it is prudent to coordinate the City’s efforts with a coalition of similarly situated municipalities; and

WHEREAS, the City, in matters regarding applications by CenterPoint to change rates, has in the past joined with other local regulatory authorities to form the Alliance of CenterPoint Texas Municipalities-Beaumont/East Texas Division (“ACM”), and hereby continues its participation in ACM; and

WHEREAS, CenterPoint’s rate request consists of a voluminous amount of information including CenterPoint’s rate-filing package, pre-filed direct testimony, exhibits, schedules, and workpapers; and

WHEREAS, CenterPoint proposes to implement its proposed increase in rates on or about December 4, 2023, and

WHEREAS, CenterPoint’s application fails to establish that its overall revenue request resulted in no more than an amount that will permit CenterPoint a reasonable opportunity to earn a reasonable return on the utility’s invested capital used and useful in providing service to the public in excess of its reasonable and necessary operating expenses; and

WHEREAS, CenterPoint’s application fails to establish that its proposed rates are just and reasonable; and

WHEREAS, CenterPoint may exercise its statutory right to appeal a City decision regarding CenterPoint’s request to increase rates to the Railroad Commission of Texas; and

WHEREAS, CenterPoint filed its Statement of Intent to increase its revenue and change its rate with the City and with the Railroad Commission of Texas on the same date, October 30, 2023, and it is important to intervene in the proceedings before the Railroad Commission of Texas because the Railroad Commission’s decisions will impact rates within the City;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS THAT:

Section 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2. CenterPoint’s application fails to show that its proposed rates are just and reasonable.

Section 3. The City hereby supports **DENIAL** of CenterPoint’s request to increase its revenue and change its rates and in support of **DENIAL** finds that:

- A.** CenterPoint failed in its burden of proof to establish that its requested increase in revenue or the changes set forth in its tariffs attached to CenterPoint’s Statement of Intent to change rates, results in just and reasonable rates;
- B.** CenterPoint failed in its burden of proof to establish that adoption of its proposed rate base, expenses, investment, return on equity, and other rate issues as presented in CenterPoint’s Statement of Intent to increase rates, result in just and reasonable rates.

Section 4. The City authorizes intervention in proceedings related to CenterPoint’s Statement of Intent before the Railroad Commission of Texas and any related proceedings in any courts of law.

Section 5. The City continues its participation with other cities in a coalition of cities known as the Alliance of CenterPoint Municipalities (“ACM”) with the understanding that the Steering Committee of ACM is to provide direction and guidance to Special Counsel representing said cities.

Section 6. The City hereby retains Herrera Law & Associates, PLLC as Special Counsel to represent the City with regard to CenterPoint’s Statement of Intent and related proceedings, including proceedings before local and state regulatory authorities and any court of law and authorizes Special Counsel to employ such rate experts as may be necessary for review and evaluation of CenterPoint’s Statement of Intent.

Section 7. The City, in coordination with the ACM Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CenterPoint for reimbursement.

Section 8. The City hereby orders CenterPoint to reimburse the City’s rate case expenses as provided in the Gas Utility Regulatory Act and that CenterPoint shall continue to do so on a monthly basis and within 30 days after submission of the City’s invoices for the City’s reasonable costs associated with the City’s activities related to this rate review or to related proceedings involving CenterPoint before the City, the Railroad Commission of Texas, or any court of law.

Section 9. A copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4400 Medical Parkway, Austin, Texas 78756, and a courtesy copy to Mr. Patrick Peters, VP – Regulatory Legal, AGC, CenterPoint Energy, Inc., 1005 Congress Ave., Suite 650, Austin Texas 78701.

Section 10. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 11. This resolution supersedes any prior inconsistent or conflicting resolution or ordinance.

Section 12. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this _____ day of _____ 2023.

MAYOR

ATTEST:

CITY SECRETARY