

City of Houston, Texas Ordinance No. 2016-_____

AN ORDINANCE RELATING TO THE RETAIL WATER AND SEWER RATES OF NITSCH AND SON UTILITY COMPANY, INC.; SETTING A HEARING REGARDING JUST AND REASONABLE RATES TO BE OBSERVED WITHIN THE CITY OF HOUSTON; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, Nitsch and Son Utility Company, Inc. ("Nitsch"), filed a Rate Increase Application to implement new rates ("Application") on June 20, 2016, with the Administration and Regulatory Affairs Department and City Secretary for the City of Houston, Texas ("the City"); and

WHEREAS, the City commenced a rate case review ("2016 Nitsch Rate Case") to address the issues in the Application as allowed by the applicable provisions of the Texas Water Code and Texas Administrative Code ("Water Code and Rules"); and

WHEREAS, on July 13, 2016, the City Council approved Ordinance No. 2016-555 suspending the effective date for ninety days beyond July 25, 2016, the date the new rates would otherwise be in effect ("Suspension Period"); and

WHEREAS, Ordinance No. 2016-555 continued the rates in effect as of June 20, 2016, for in-City customers ("Current Rates") until the expiration of the Suspension Period or the adoption of a replacement rate ordinance by City Council; and

WHEREAS, in September, City Council conducted a public meeting regarding the new rates and customer service concerns for customers affected by Nitsch's Application; and

WHEREAS, the City may on its own motion set the 2016 Nitsch Rate Case Review for a hearing to determine just and reasonable rates to be observed within the City; the hearing may be informal pursuant to Texas Water Code § 13.1871; and

WHEREAS, during the hearing, the City Council will consider the customer comments received at the September public meeting, Nitsch's Application for new rates, and any City recommendations for adjustments of the new rates; and

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the facts contained in the recitals hereto are hereby found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That the City Council will conduct a public hearing on Nitsch's Application for new rates at 9:00 o'clock a.m. on October 5, 2016, during the regular City Council meeting. The City Secretary is directed to cause notice of the hearing to be published in a newspaper of general circulation in Houston not later than the seventh day before the date of the hearing.

Section 3. That 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 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 4. That 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, Chapter 551, Texas Government Code; 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 5. That a public emergency exists requiring that this ordinance be passed finally on the date of introduction as requested in writing by the Mayor; therefore, this ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, if the Mayor fails to sign this ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6 of the Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 2016.

APPROVED this ____ day of _____, 2016.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by Legal Dep't. 
YC August 29, 2016 Senior Assistant City Attorney
Requested by Tina Paez, Director,
Administration & Regulatory Affairs Department
L.D. File No. 0371600137001