

ORDINANCE NO. 2094

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS ESTABLISHING LOCAL REGISTRATION OF RETAIL ELECTRICAL PROVIDERS BY AMENDING CHAPTER 9, BY ADDING ARTICLE 9-22, “RETAIL ELECTRICAL PROVIDERS”; PROVIDING AN EFFECTIVE DATE THEREFOR; PROVIDING SUSPENSION OR REVOCATION OF PROVIDER’S REGISTRATION UPON NONCOMPLIANCE WITH THIS CHAPTER; PROVIDING FOR A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) PER VIOLATION, PER DAY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature in the 76th legislative session provided that a municipality may require a retail electrical provider to register with the municipality; and,

WHEREAS, the municipality may suspend or revoke such provider’s registration upon noncompliance with the rules and regulations herein established;

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

SECTION I.

That Chapter 9 of the City of Terrell Code of Ordinances be, and the same is, hereby amended by adding Article 9-22 to provide for the local registration of retail electrical providers, which shall read as follows:

“ARTICLE 9-22. RETAIL ELECTRICAL PROVIDERS.

Sec. 9-22-1. Definitions.

In this article the following words and terms shall have the following meaning inscribed to them unless the context indicates otherwise:

Retail Electrical Provider means a person that sells electric energy to retail customers in this state. A retail electric provider may not own or operate generation assets.

Retail customer means the separately metered end-use customer who purchases and ultimately consumes electricity.

Public Utility Commission means the Texas Public Utility Commission.

Certification of retail electric provider means that person, firm, corporation, entity or partnership otherwise certified by the state in accordance with 39.352 of the TEXAS UTILITY CODE, as amended.

Ordinance No. 2094

Sec. 9-22-2. Registration and Fees.

All Retail Electrical Providers providing commercial or residential electrical service within the City of Terrell shall register with the City Manager or his designee. The City of Terrell shall assess a reasonable administrative fee for the registration in the amount of Five Hundred Dollars (\$500.00) plus Ten Dollars (\$10.00) for each retail or commercial customer which such fees shall be assessed on an annual basis.

Sec. 9-22-3. Suspension or Revocation.

A. The City Manager or his designee may establish such reasonable regulations governing the registration including the formation or promulgation of an application.

- (1) The City Manager or his designee shall adopt such reasonable regulations to require such Retail Electrical Providers to provide such financial and/or operation debt as is necessary to provide a sufficient data base to administer the regulations adopted hereunder and as provided for under State law.
- (2) The City Manager or his designee may suspend or revoke the Retail Electrical Providers registration and operation within the municipality for significant violations during the registration and rules promulgated under the authority provided herein.
- (3) The City Manager or his designee may contract with an outside consulting firm to perform the services herein and provided for by this section.

Sec. 9-22-4. Penalties.

A person, firm, corporation, entity or partnership that violates a provision of this article is guilty of a separate offense for each day or part of day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed Five Hundred Dollars (\$500.00) per offense, per day.”

SECTION II.

That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Passed and Approved this the ____ day of _____, _____.
Passed and Adopted this the ____ day of _____, _____.

HENRY C. MADGWICK, SR., Mayor

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY