

**TOWN OF BARTONVILLE, TEXAS  
RESOLUTION 2023 - XXX**

**A RESOLUTION OF THE TOWN OF BARTONVILLE, TEXAS, SUSPENDING THE SEPTEMBER 1, 2023, EFFECTIVE DATE OF COSERV GAS, LTD.'S REQUESTED RATE CHANGE TO PERMIT THE TOWN TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER MUNICIPALITIES IN THE COSERV SERVICE AREA, TO HIRE LEGAL AND CONSULTING SERVICES, AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF THE STEERING COMMITTEE OF MUNICIPALITIES SERVED BY COSERV GAS' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on or about July 28, 2023, CoServ Gas Ltd ("CoServ" or "Company"), pursuant to Gas Utility Regulatory Act § 104.102 filed with the Town of Bartonville, Texas ("Town"), a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within its service area, effective September 1, 2023; and

**WHEREAS**, the Town is a gas utility customer and a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under Chapter 104, § 104.001 *et seq.* of GURA, has exclusive original jurisdiction over CoServ's rates, operations, and services within the Town; and

**WHEREAS**, in order to maximize the efficient use of resources and expertise, it is reasonable for the Town to cooperate with other municipalities in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

**WHEREAS**, it is not possible for the Town to complete its review of CoServ's filing by the September 1, 2023, effective date proposed in CoServ's Statement of Intent; and

**WHEREAS**, the Town will need an adequate amount of time to review and evaluate CoServ's rate application to enable the Town to adopt a final decision as a local regulatory authority with regard to CoServ's requested rate increase; and

**WHEREAS**, GURA § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

**WHEREAS**, GURA § 103.022 provides that costs incurred by municipalities in ratemaking activities are to be reimbursed by the regulated utility.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:**

**SECTION 1.** The findings and recitations set out in the preamble of this Resolution are found to be true and correct and are hereby adopted by the Town Council and made a part hereof for all purposes.

**SECTION 2.** The September 1, 2023, effective date of the rate request submitted by CoServ on July 28, 2023, shall be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

**SECTION 3.** The Town is authorized to cooperate with other municipalities in the CoServ service area, CoServ Gas Cities, and subject to the right to terminate employment at any time, hereby authorizes the hiring of Thomas L. Brocato of the law firm of Lloyd Gosselink Rochelle and Townsend, P.C. and consultants, to review CoServ's filing, negotiate with the Company, make recommendations to the Town regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the Town or Railroad Commission.

**SECTION 4.** The Town's reasonable rate case expenses shall be reimbursed by CoServ.

**SECTION 5.** It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

**SECTION 6.** A copy of this Resolution shall be sent to CoServ, care of Charles D. Harrell, CoServ Gas Ltd., 7701 South Stemmons, Corinth, Texas 76210-1842, and to Thomas Brocato, counsel for CoServ Gas Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725 ([tbrocato@lglawfirm.com](mailto:tbrocato@lglawfirm.com)).

**SECTION 7.** This Resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

**DULY ADOPTED** by the Bartonville Town Council on this 15th day of September, 2023.

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Jaclyn Carrington, Mayor

APPROVED AS TO FORM:

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Ed P. Voss, Town Attorney

I, Shannon Montgomery, Town Secretary of the Town of Bartonville, Texas, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Town Council of the Town of Bartonville, Texas, at its regular meeting held on the 15th day of August, 2023, as the same appears in the records of this office.

**IN TESTIMONY WHEREOF**, I subscribe my name hereto officially under the corporate seal of the Town of Bartonville, Texas, this 15th day of August, 2023.

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Shannon Montgomery, TRMC  
Town Secretary for the Town of Bartonville, Texas

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