

**RESOLUTION NO. 0815202301**

**RESOLUTION OF THE TOWN OF LITTLE ELM  
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 CITIES 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  
CITIES 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**

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 Little Elm (“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 cities 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 cities in ratemaking activities are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

1. That 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.

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

3. That the Town is authorized to cooperate with other cities 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.

4. That the Town's reasonable rate case expenses shall be reimbursed by CoServ.

5. That 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.

6. That 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)).

7. That this Resolution shall be and become effective from and after its adoption.

PASSED AND APPROVED this 15<sup>th</sup> day of August, 2023.

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Curtis J. Cornelious, Mayor

APPROVED AS TO FORM:

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Robert Brown, Town Attorney

I, Caitlan Biggs, Secretary of the Town Council of the Town of Little Elm, 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 Little Elm, Texas, at its regular meeting held of the 15<sup>th</sup> 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 Little Elm this 15<sup>th</sup> day of August, 2023.

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Caitlan Biggs, Secretary for the Town Council  
of the Town of Little Elm, Texas