

ORDINANCE NO. 1039- G

AN ORDINANCE APPROVING THE RATE DECREASE OF 9.87% AS OUTLINED IN THE RATE SCHEDULE FOR THE GAS SUPPLY CHARGE, ADOPTING “SECOND REVISED” SHEET NO. 10, AND REVISING SAID RATE SCHEDULE TO AN ANNUAL SERVICE SCHEDULE.

WHEREAS, the Board of Directors of the Natural Gas Department and System Enterprise of the City of Fort Morgan hereby finds and declares it to be in the public interest and in the interest of the customers of the City’s natural gas utility that the Enterprise adopt the rate decrease proposed in the Rate Schedule for the Gas Supply Charge by the City of Fort Morgan to Residential, Commercial, and Municipal Customers, and that it shall be revised to an annual service schedule as proposed by McFadden Consulting Group, Inc., effective April 1, 2007; and

WHEREAS, Article VII, Sec. 3 of the *Charter of the City of Fort Morgan* gives the council “power by ordinance to fix and regulate rates, fares and charges for service by public utility corporations and to change the same every five years; provided, that rates, fares or charges shall not be changed without examination by competent inspectors . . .”; and

WHEREAS, the rate decrease and revisions have been recommended by competent inspectors, McFadden Consulting Group, Inc.; and

WHEREAS, “The governing body of the municipal utility, for good cause shown, may allow changes without requiring the thirty days’ notice and public hearing by an order specifying the changes to be made, the circumstances necessitating the change without requiring the thirty days’ notice and public hearing, the time when the changes shall take effect, and the manner in which the changes shall be published”, pursuant to C.R.S. §40-3.5-104; and

WHEREAS, in order to pass the rate decrease savings on to the consumer more quickly and efficiently, good cause is hereby shown, thus alleviating the requirement for the thirty days’ notice and public hearing; and

WHEREAS, the “Second Revised” Sheet No. 10 shall be incorporated into the published tariff of gas rates of the City of Fort Morgan, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE NATURAL GAS DEPARTMENT AND SYSTEM ENTERPRISE OF THE CITY OF FORT MORGAN, COLORADO, THAT:

1. The Natural Gas Department and System Enterprise (hereinafter the “Enterprise”) of the City of Fort Morgan, Colorado, does hereby adopt the rate decrease proposed in the Rate Schedule for the Gas Supply Charge by the City of Fort Morgan to

Residential, Commercial, and Municipal Customers, hereby adopts the "Second Revised" Sheet No. 10, and that the Rate Schedule shall be revised to an annual service schedule as proposed by McFadden Consulting Group, Inc., effective April 1, 2007.

3. This **Ordinance** shall be in full force and take effect after its passage and approval as provided by law, retroactive to April 1, 2007.

INTRODUCED, READ AND PASSED UPON FIRST READING this 3rd day of April, 2007, for publication once in a newspaper of general circulation in the City of Fort Morgan, Colorado, at least ten days before its final passage.

NATURAL GAS DEPARTMENT AND
SYSTEM ENTERPRISE OF THE CITY
OF FORT MORGAN, COLORADO

[SEAL]

BY: */s/ Jack L. Darnell*
President

ATTEST:

/s/ Andrea J. Strand
Secretary

FINALLY PASSED, ADOPTED AND APPROVED this 17th day of April, 2007, for publication once in a newspaper of general circulation in the City of Fort Morgan, Colorado, within five days of the final passage, to take effect five days after final publication.

NATURAL GAS DEPARTMENT AND
SYSTEM ENTERPRISE OF THE CITY
OF FORT MORGAN, COLORADO

[SEAL]

By: */s/ Jack L. Darnell*
President

ATTEST:

/s/ Andrea J. Strand
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, Andrea J. Strand, the duly appointed, qualified and acting Secretary of the Natural Gas Department and System Enterprise of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1039-G** was, as a proposed **Ordinance** duly and legally presented to the Board of Directors of the Enterprise, at a Regular Meeting on the 3rd day of April, 2007. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 6th day of April, 2007, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a Regular Meeting of the City Council held on the 17th day of April, 2007. Within five (5) days after its final passage, said **Ordinance** was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed by title only in the City of Fort Morgan, Morgan County, Colorado.

/s/ Andrea J. Strand
Secretary

