

**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

A RESOLUTION TO AUTHORIZE THE MAYOR TO ENTER INTO A CONSENT AGREEMENT AND TO AUTHORIZE PAYMENT PURSUANT TO THE CONSENT AGREEMENT AS REQUESTED BY THE GEORGIA PUBLIC SERVICE COMMISSION OF THE STATE OF GEORGIA IN THE AMOUNT OF TEN THOUSAND DOLLARS AND NO CENTS (\$10,000.00); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") is responsible for maintaining and servicing the City's Water System; and

WHEREAS, the City is a Georgia municipal corporation, subject to the jurisdiction of the Georgia Utility Protection Act; and

WHEREAS, the City is responsible for the maintenance and servicing of water mains as a part of the City's water system; and

WHEREAS, the Georgia Public Service Commission has the power to enforce provisions of the Georgia Utility Facility Protection Act ("the Act" or "GUFPA"); and

WHEREAS, the Georgia Public Service Commission ("the Commission") received a notice of probable violation alleging that on November 12, 2004, the City violated Commission rule 515-9-4.05, authorized by O.C.G.A. T. 25 Chapter, et seq.; and

WHEREAS, Georgia Public Service Commission has proposed a Consent Agreement attached herewith as "Exhibit A" (Proposed Consent Agreement"); and

WHEREAS, the Proposed Consent Order shall not constitute a finding or adjudication of violations of any State law nor does the City, by its consent, agree to any violation of state law or admit any liability to any party or parties; and

WHEREAS, the City and the Public Service Commission desire to resolve the matter of the alleged violation; and

WHEREAS, it is in the City's best interest to execute the Proposed Consent Agreement while admitting no violation of the Georgia Utility Facility Protection Act by the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Mayor or he designee is authorized to execute the Proposed Consent Agreement and to pay the amount of Ten Thousand Dollars and No Cents (\$10,000.00) to the Public Service Commission to resolve an alleged violation of the Georgia Utility Facility Protection Act as set forth in the Consent Agreement .

BE IT FURTHER RESOLVED, that the Chief Financial Officer of the City is authorized to issue a check in an amount of Ten Thousand Dollars and No Cents (\$10,000.00) to the Public Service Commission as penalties imposed pursuant to the Consent Agreement as attached herewith as "Exhibit A".

BE IT FINALLY RESOLVED, that the said payment will be charged to and paid from Fund Department Organization and Account Number 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration).