

ORDINANCE NO 90-1

An ordinance repealing ordinance number 85-1 of the City of Newton, Texas; and enacting certain rates to be charged by the light and power department (City of Newton) for electricity delivered to certain classes of customers.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, TEXAS:

Section "1"

That ordinance number 85-1 of the City of Newton, Texas is hereby in all things repealed and of no further force or effect.

Section "2"

That the following rates are established, subject to the terms and conditions hereof, as threats which shall be charged by the City of Newton, engaged in the business of furnishing and supplying electric service, of the type and class hereinafter specified, to consumers thereof, for consumption within the corporate limits of the City, until such rates are changed by the order of the City Council, or as hereinafter provided audit shall be unlawful for the City of Newton to charge any other rate or rates for service of the types and classes hereinafter set forth.

Section "3"

Schedule 140- Residential Service:

(A) Application- This schedule shall be applicable as follows:

To all electric service required for residential purposes for all domestic uses, including power to single phase motor installations of from 1 HP to 10 HP capacity, at not less than 80 percent power factor lagging, both inclusive, in individual private dwellings or individually metered apartments or where two family or housekeeping units are served at one point of delivery and measured through one meter, it will be optional at the beginning of service with the customer whether the kilowatt-hours in the rate and the minimum bill provisions will be doubled for billing purposes or whether all the service will be furnished under Commercial Electric Service. When more than two family housekeeping units or apartments are served at one point of delivery and measured through one meter, Commercial Electrical Service rates shall be used for billing.

(B) Type of Service- Single phase. 60 cycles and at any one of the City's standard service voltages.

(C) Net Monthly Bill- The monthly bill will be calculated as follows:

1. Customer Charge- 8.00 includes 50 KWH or less used per month.

2. **Energy Charge-** .0801/KWH for additional KWH used per month.
 3. **Minimum Charge-** 8.00
- (D) **Power Cost Adjustment-** the power cost adjustment will be calculated based upon the total KWH included in the monthly bill times the adjustment per KWH for the current month, calculated in accordance with Section “13” of this ordinance.
- (E) **Not Applicable-** Schedule 140, Residential Service, shall not be applicable to commercial, temporary, breakdown, standby, supplementary or resale service.

Section “14”

Schedule 141- Commercial Electrical Service:

- (A) **Application-** This schedule shall be applicable as follows: To commercial or non-residential customers for lighting and small appliances, including power to motor installation
- (B) **Type of Service-** Single or three phase when available, 60 cycles and at any of the City’s standard service voltages.
- (C) **Net Monthly bill:**
- 1) **Customer charge:** 14.00 per month
 - 2) **Energy Charge:** All KWH used per month .07075/KWH
 - 3) **Power Cost Adjustment-** The power cost adjustment will be calculated based upon the total KWH included in the monthly bill times the adjustment per KWH for the current month calculated in accordance with Section “13”.
 - 4) **Minimum Charge-** Minimum net monthly charge will be the Customer Charge.
- (D) **Metering-** If both single phase and three phase service are taken, customer’s wiring must terminate at a common metering point in order that service will be measured by a single metering installation as required in Section “1”.
- (E) **Use of Service-** Electric service furnished under this rate shall not be used by the customer s an auxiliary or supplementary service to engines or other prime movers, or to any other source of power. Customer shall not sub-meter and resell any energy purchased under this rate.

Section “5”

Schedule 142- Large Light and Power:

- (A) **Application-** This schedule shall be applicable as follows: For general lighting and motor loads of 40 HP capacity or more where all such service is taken through one point of delivery and measured through one meter.

- (B) Net Monthly Bill**
- 1. Customer Charge- 38.25 per month**
 - 2. Billing Load Charge- All KW 6.24/KW**
 - 3. All KWH used per month- .04414/KWH**
 - 4. Power Cost Adjustment- The power cost adjustment will be calculated based upon the monthly bill times the adjustment per KWH for the current month calculated in accordance with section "13".**
 - 5. Minimum Charge- Minimum net monthly charge will be the customer charge plus the Billing Load Charge.**
- (C) Determination of Load- The Billing Load will be the average number of KW used by the customer during any 15 minute interval of the current month. The customer is not entitled to receive, nor the City obligated to deliver any more than Contract Power. When customer's power factor or total service supplied by City is such that 80 percent of measured maximum KVA used during any 15 minute interval exceeds corresponding measured KW, City will use 80 percent of such metered maximum KW is specified herein. However, where customer's power factor is regularly 80 percent or higher, City may, at its option, omit KVA metering equipment or remove same if previously installed.**
- (D) Phase and Voltage of Service- Electric service furnished under this rate shall not be used by the customer as an auxiliary or supplementary service to engines or other prime movers, or to any other source of power. Customers shall not sub-meter and resell any energy purchased under this rate, except as may be specifically authorized by the appropriate regulatory authority.**

Section "6"

Schedule 143- Security Lights:

- (A) Application- Residential or Commercial customers for use of lighting private property areas, using city installed and approved lights on existing poles belonging to the City of Newton or on one additional pole located at a distance of not to exceed 200 feet from an appropriate distribution pole of the City of Newton.**
- (B) Type of Service: Single phase, 60 cycle, 120 volts**
- (C) Rate- The net monthly billing shall be computed as follows:
3.68 per light per month, or fraction thereof. This type of service is not metered and this charge includes only normal wear and tear and maintenance.**
- (D) Power Cost Adjustment- The power cost adjustment will be calculated based upon the security lights consuming 60 KWH per month or energy calculated in accordance with Section "13".**

(E) Minimum Bill- 8.36 per light per month.

Section “7”

Schedule 144- Municipal Water Pumping Rate:

- (A) Application-** This schedule applies to the municipal water department where the connected motor load is less than 25 HP for use for water and gathering pumps in the operation of the municipal water distribution system and electric service for incidental lighting when service is supplied at same point of delivery and measured through one meter.
- (B) Type of Service-** Single or three phase, 60 cycles and at any one of the City’s standard service voltages.
- (C) Rate-** The net monthly billing shall be computed as follows:
Demand Charge- 2.24 per KW
Energy Charge- .015 per KWH
- (D) Power Factor Adjustment-** The power factor of demands up to 100 KW shall be 80 percent or higher. Measured demands of 100 kw or more will be adjusted as follows: For power factors or more than 90 percent, lagging, the measured demand will be multiplied by the ratio of 90 to the actual power factor.
- (E) Billing Demand-** Fifteen (15) minute measured KW demand, subject to power factor adjustment, but not less than 15 KW.
- (F) Minimum Bill-** 1.61 per HP, or fraction thereof, for the first 5 HP or connected motor load, plus 0.80 per HP or fraction thereof, for each additional HP, but in no case less than 30.00.
- (G) Not Applicable-** Schedule 144, Municipal Water Pumping Rate, shall not be applicable to resale service or service shared with others or other departments.

Section “9”

Schedule 146- Municipal Street Lighting:

- (A) Applicability-** This rate schedule is applicable under the regular terms and conditions of the City to Street and Highway Lighting Service.
- (B) Type of Service-** Lights will burn from dusk to dawn for approximately 4455 hours per year, will be singles phase, 60 cycles, 120 volts. Street light will be charged per month as follows: 175 watt mercury vapor 4.28 / 400 watt mercury vapor 9.11.

Section "10"

Schedule 147- Miscellaneous Electric Service Charges:

The following charges will apply to the miscellaneous services listed below.

Collection Fee- A charge of 7.50 will be made when the City sends an employee to collect a delinquent bill.

Connection Fee- The following charges will be made as a connection fee:

- (A) A fee of 7.50 to restore service which has been suspended as a result of any electric service bill in arrears, failure of customer to comply with the terms and conditions applicable to electric service prevention of fraud or abuse, or discovery that meter has been tampered with or damaged.
- (B) A fee of 7.50 for new service applications or changes in existing service applications.

NSF Checks- A charge of 10.00 will be made for each "non-sufficient funds" check received from customer.

TEMPORARY SERVICE CHARGE- A charge of 15.00 for temporary service for residential connections and the estimated net cost to the City for temporary service for commercial connections will be made where distribution lines are readily available and the installation of additional poles or lines is not necessary to provide service to the customer.

Disconnect Notice- In the event any customer is delinquent the following notice will be mailed.

According to our records, your bill for electric service is unpaid. Your electric service is subject to disconnect after the 28th day of ____ (month). If you have any questions concerning this account, contact us immediately at 409-379-5061, Newton, Texas to avoid the inconvenience and expense of a disconnect. We must hear from you before the 22nd day of ____ (month) or your service will be disconnected. Before it can be restored, all bills and a 7.50 service charge must be paid. Your cooperation in clearing this bill for \$___ is appreciated.

Section "11"

Sales Taxes:

Sales taxes imposed by any governmental authority shall be in addition to the rates hereinabove established.

Section “12”

Rules and Regulations:

Electric service hereunder is subject to the City’s rules and regulations for the sale of electric service. Where service is not readily available, customer shall enter into contractual agreement with the City for extension of service or for service not then being supplied at the location.

Section “13”

Power Cost and Tax Adjustment:

Schedules 140, 141, 142, and 143 are hereinabove established shall be subject to the following adjustments:

In case the rate under which the City purchases power at wholesale is adjusted in accordance with the fuel cost adjustment provision in the City’s Wholesale Power Contract, the foregoing energy charges shall be adjusted each month by the same amount per KWH plus 15.5 percent to cover the line losses as the power cost adjustment per KWH in the City’s Wholesale Power Bill for the next proceeding month, or the revision or abolition of any existing tax (except income tax) levied or assessed against the city of Newton as the ordinances enacted, or the repeal of any such law or ordinance.

Section “14”

Payment of Bills:

Bills shall be due on the 12th of the month after which a 5 percent penalty is added and if not paid by the 22nd of the month, a disconnect notice shall be mailed to the last known address on this date. If satisfactory arrangements are not made by the 22nd of the month, the meter may be disconnected. If the 12th due date or the additional ten day grace period allowed before cut-off falls on a holiday or weekend, said day shall be the next regular business day of the month.

Section “15”

All ordinances or parts or ordinances in conflict herewith are repealed to the extent of the conflict only.

Section "16"

The City shall maintain on file at its principal office in this City, in printed form, copies of all established schedules of rates charged for electricity, and the same shall be made available to any citizen of the City who shall be made available to any citizen of the City who shall apply therefore.

Section "17"

If any provisions, sections, subsections, sentences, clause or phrase of this ordinance is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this ordinance shall both be affected hereby, it being the intention of the City Council of this City in adopting this ordinance that no portion thereof or provision or regulation contained therein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulations, and to this end, all provisions of this ordinance are declared to be severable.

Section "18"

The rate and charges prescribed in this ordinance shall apply to all electricity used by each customer to whom such rates are applicable as provided hereinafter _____, 1990.

PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NEWTON, THIS THE 12TH DAY OF JUNE, 1990. AND ALL COUNCIL MEMBERS PRESENT VOTING "AYE".

Approved:

Charles M. Glover, Mayor

Attest:

**Mertice Jacks
City Secretary, Newton**

