

ELECTRICAL ORDINANCE NO. 10-09

AN ORDINANCE ESTABLISHING RATES TO BE CHARGED FOR THE TYPES OF ELECTRIC SERVICE AND CLASSES OF SERVICE SPECIFIED BY THE CITY OF NEWTON WITHIN THE CITY OF NEWTON ESTABLISHING A SCHEDULE OF RATES TO BE KNOWN AS SCHEDULE 140 – RESIDENTIAL SERVICE; ESTABLISHING A SCHEDULE OF RATES TO BE KNOWN AS SCHEDULE 141 – COMMERCIAL LIGHTING SERVICE; ESTABLISHING A SCHEDULE OF RATES TO BE KNOWN AS SCHEDULE 142 – SMALL USER COMMERCIAL ELECTRIC SERVICE; ESTABLISHING A SCHEDULE OF RATES TO BE KNOWN AS SCHEDULE 143 – LARGE LIGHT AND POWER; ESTABLISHING A SCHEDULE OF RATES TO BE KNOWN AS SCHEDULE 144 – SECURITY LIGHTS; ESTABLISHING A SCHEDULE OF RATES TO BE KNOWN AS SCHEDULE 145 – MUNICIPAL WATER PUMPING RATES; ESTABLISHING A SCHEDULE TO BE KNOWN AS SCHEDULE 146 – MUNICIPAL STREET LIGHTING; AND ESTABLISHING A SCHEDULE OF RATES TO BE KNOWN AS SCHEDULE 147 – MISCELLANEOUS ELECTRIC SERVICE CHARGES, DEFINING THE TYPE OF SERVICE UNDER EACH SCHEDULE, MINIMUM BILLS, AND POWER FACTOR ADJUSTMENTS UNDER EACH SCHEDULE OF RATES, AND FURTHER PROVIDING FOR COLLECTION FEES AND CONNECTION FEES UNDER SCHEDULE 147 PROVIDING THAT SALES TAXES IMPOSED BY ANY GOVERNMENTAL AUTHORITY SHALL BE IN ADDITION TO THE RATES ESTABLISHED HEREIN, PROVIDING THAT THE ELECTRIC SERVICE HEREUNDER IS SUBJECT TO THE CITY’S RULES AND REGULATIONS FOR THE SALE OF ELECTRIC SERVICE; PROVIDING THAT SCHEDULE 140, 142, 142, 143, 144, AND 145 SHALL BE SUBJECT TO CERTAIN ADJUSTMENTS FOR INCREASED POWER COSTS AND INCREASED TAXES INCLUDING ADJUSTMENT FOR LINE AND OTHER LOSSES, PROVIDING WHEN BILLS SHALL BE DUE AND PAYABLE AND MAKING PROVISIONS CONCERNING PAYMENT; REPEALING OTHER ORDINANCES OR PARTS THEREOF WHICH MAY BE IN CONFLICT HERewith; PROVIDING THAT THE CITY OF NEWTON SHALL MAINTAIN COPIES OF ALL RATE SCHEDULES ON FILE AND AVAILABLE AT ITS PRINCIPAL OFFICE IN THE CITY; PROVIDING A SEVERABILITY CLAUSE; MAKING PROVISIONS FOR THE EFFECTIVE DATE OF THE ORDINANCE AND RATES THEREIN ESTABLISHED FROM AND AFTER THE PUBLICATION OF THE ORDINANCE OR ITS DESCRIPTIVE CAPTION IN THE NEWTON COUNTY NEWS.

ORDINANCE No. 09-11

An ordinance repealing previous electric rates and rate ordinances of the City of Newton, Texas; and enacting certain rates to be charged by the Light and Power Department for electricity delivered to certain classes of consumers.

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

SECTION “1”

That existing electric rates and rate ordinances of the City of Newton, Texas are 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 the rates 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 the consumption within the corporate limits of the City, until such rates are changed by the order of the City Council, or as hereinafter provided and it 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% 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.

Where two individual private dwellings or two apartment units or 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 minimum bill provisions will be doubled for

billing purposes or whether all the service will be furnished under Commercial Electrical Service. Where more than two family or 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 at any one of the City’s standard service voltages.
- (C) NET MONTHLY BILL – The monthly bill will be calculated as follows:
 - (1) Customer Service Charge
\$12.00 per month
 - (2) Energy Charge
\$0.0690 per KWH
- (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 “11” of this ordinance.
- (E) NOT APPLICABLE – Schedule 140, Residential Service, shall not be applicable to Commercial, temporary, breakdown, standby, supplementary or resale service.

SECTION “4”

SCHEDULE 141 – COMMERCIAL LIGHTING 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 up to 20 HP capacity or less, at not less than 80% power factor lagging, in commercial or non-residential establishments where all Service is supplied at one premise through one point of delivery and measured through one meter.
- (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 Service Charge
\$22.00 Minimum monthly charge
 - (2) Energy Charge
\$0.0700 per 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 "11".
- (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 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.

SECTION "5"

SCHEDULE 143 – LARGE LIGHT AND POWER:

- (A) APPLICATION – This schedule shall be applicable as follows:
For general lighting and motor loads of 20 HP capacities 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
\$65.00 Minimum charge
 - (2) Billing Load Charge
\$6.75 for each KW demand used
 - (3) Energy Charge
\$0.04414 for all KWH used
 - (4) 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 "11".

- (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 of total service supplied by City is such that 80% of measured maximum KVA used during any 15-minute interval exceeds corresponding measured KW, City will use 80% of such metered maximum KVA as the number of KW for all purposes that measured maximum KW is specified herein. However, where customer's power factor is regularly 80% or higher, City may at its option omit KVA metering equipment or remove same if previously installed.
- (D) **Phase and Voltage of Service**
Service will be rendered at the City's standard phase and voltage available at the point of service.
- (E) **Use 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 and energy purchased under this rate, except, as may be specifically authorized by the appropriate regulatory authority.

SECTION "6"

SCHEDULE 144 – 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: \$7.25 per 175 watt light, per month, \$10.36 per 400S (sodium light) and \$11.00 per 400M (metal halite) light per month, or fraction thereof. This type of service is not metered and this charge includes only normal wear and tear maintenance.
- (D) **POWER COST ADJUSTMENT** – The power cost adjustment will be calculated based upon the security lights consuming 70 KWH; 110 KWH for 400 Sodium light; 180 KWH

for 400 metal halide light, per month of energy calculated in accordance with Section "11". The current power cost adjustment factor is .0196. 70kwh = \$1.38, 110kwh= 2.16 and 180kwh = 3.53. When the power cost adjustments are changed the price above change. Example current with PCR: 175 watt security light 8.63, 400 sodium 12.52, 400 metal halide 14.53.

- (F) MINIMUM BILL - \$7.25 per light per month.

SECTION "7"

- (A) SCHEDULE 146 – MUNICIPAL STREET LIGHTING 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 4,455 hours per year, will be single phase, 60 cycle, 120 volts.
- (C) RATES – The net monthly bill shall be computed as follows:
175 watt mercury vapor street light - \$6.00 / month
400 watt mercury vapor street light - \$11.00 / month

SECTION "8"

SCHEDULE 147 – MISCELLANEOUS ELECTRIC SERVICE CHARGES:

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

CONNECTION FEE – The following charges will be made as a connection fee:

- (A) A fee of \$30.00 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 \$10.00 but not less than the sum of the minimum charges that would be applicable for the months that a home, camper, etc. was disconnected at the request of the customer.
- (C) A fee of \$10.00 for new service applications or changes in existing service applications.

NSF CHECKS – A charge of \$25.00 will be made for each “Non-Sufficient Funds” check received from customer.

TEMPORARY SERVICE CHARGE – a charge of \$50.00 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 – A fee of \$3.00 will be charged for preparing and mailing the following notice in the event any customer actually is delinquent.

SECTION “9”

SALES TAXES:

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

SECTION “10”

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 already 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 “11”

POWER COST AND TAX ADJUSTMENT:

Schedules 140, 141, 142, 143, 144 and 145 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, the fuel cost adjustment shall be figure as the total bill, shall be adjusted yearly by average the same amount per KWH and added to the power cost adjustment. Line loss of .005 will be added to the power cost recovery factor to cover line losses and shall be included in the power cost adjustment per KWH. The current power cost adjustment set for 2010-2011 is fixed at .0196. in the City’s

SECTION "12"

PAYMENT OF BILLS:

Bills shall be due on the 12th of the month after which a 5% penalty is added, and a disconnect notice is mailed to the last known address. If satisfactory arrangements are not made by the 22nd of the month, the meter will be disconnected. If the 12th due date or the additional ten (10) 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 "13"

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

SECTION "14"

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 apply.

SECTION "15"

If any provisions, section, subsection, sentence, 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 not be affected thereby, 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 regulation, and to this end, all provisions of this ordinance are declared to be severable.

SECTION "16"

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 July 1,, 2009.

PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF

THE CITY OF NEWTON, THIS THE _____ DAY OF June, 2010,

AND ALL COUNCIL MEMBERS PRESENT VOTING "AYE".

ATTEST:

APPROVED:

Molly Will, City Secretary

Mark Bean, Mayor

