

ORDINANCE NO. 0-08-88

AN ORDINANCE AMENDING CHAPTER 27, SECTION 27-21, DEFINITIONS, GAINESVILLE CODE OF ORDINANCES, TO PROVIDE DEFINITIONS ; AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY OF THE GAINESVILLE CODE OF ORDINANCES BY ADDING PROVISIONS FOR THE PURCHASE OF SOLAR GENERATED ENERGY THROUGH A STANDARD OFFER CONTRACT FOR ALL CLASSES; LIMITING NET METERING DISTRIBUTED RESOURCE(S) RATES FOR GENERAL SERVICE AND LARGE POWER CLASSES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE

WHEREAS, at least ten (10) days notice has been given of the public hearings once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of the public hearings in the City Commission meeting room, first floor, City Hall, City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notices described above at which hearings in the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 27-21, Definitions, of the Gainesville Code of Ordinances is hereby amended to read as follows:

Sec. 27-21 DEFINITIONS:

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

Business partners rate discount rider shall mean that written agreement in accordance with Appendix A, Utilities (1)1.between the city and certain nonresidential electric service customers whereunder the retail rates otherwise applicable to such customers are discounted in exchange for a long term, electric service commitment by the customer. The rider shall be available to only the following retail customer rate classes: general service non-demand, general service demand, or large power.

Consumer shall mean any person or entity that receives and utilizes electric service at a specific location.

Customer shall mean the person or entity responsible for payment for all electric, natural gas, water or

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1 wastewater services used at a specific location, and further defined as that person who has applied for and
2 requested that services be made available at the specific location and has agreed to pay for all usage of such
3 services occurring at the location. The customer and the consumer may be one and the same.
4

5 Curtailable electric service rider shall mean all nonresidential electric customers who are eligible for large power
6 electric service. Customers on this rate agree that the city may curtail at least 500 kW of power demand and must
7 enter into an agreement designating the city as the customer's exclusive supplier of electricity for a minimum
8 initial term of ten years. This rider may be applied to service that is a verifiable amount of electric power demand
9 that can be reduced or interrupted upon request of the city but solely at the discretion of the customer.
10

11 Demand shall mean the greatest average amount of electric power measured in kilowatts required by a consumer
12 throughout any 30-minute interval during each billing month.
13

14 Developer shall mean any person or entity with ownership or control of a development that can contract with the
15 utility for the construction of electrical facilities.
16

17 Distributed Generation shall mean small, modular, decentralized, grid-connected or off-grid energy systems
18 located in or near the place where energy is used. For purposes of Net Metering, the generation is connected to
19 the customers' premises behind the electric revenue meter. For purposes of Feed-In-Tariff, the generation may
20 be independent of an existing utility customer account or may be at an existing customer premise and connected
21 to the grid beyond the electric revenue meter.
22

23 Feed-in-Tariff shall mean the provision by which the utility may purchase renewable electric energy from a
24 customer or entity within the utility's electric service area pursuant to the Standard Offer Contract.
25
26

27 General service shall mean:

28 (1) Nondemand. All nonresidential electric service where a demand of 50 kilowatts or greater has not been
29 established. When a customer on this rate establishes a demand of 50 kilowatts, or greater, the appropriate
30 demand rate will be applied for the current billing month plus a minimum of 11 succeeding billing months. All
31 energy supplied shall be through a single meter and a single point of delivery. Customers operating multi-family
32 dwellings with residential electric service supplied through a single meter and a singlepoint of delivery may enter
33 into an agreement for service under this schedule. During the period beginning May 15 and ending October 15
34 each year, customers with an established billing demand of 50 kilowatts or greater may enter into an agreement
35 for service under this schedule if their maximum demand established during peak periods does not exceed a
36 demand of 49 kilowatts anytime within 12 consecutive billing months. Peak periods are defined in Appendix A,
37 Utilities, Subsection (1)f.1.(ii)(B), residential service, time-of-use rate. General service demand customers who
38 wish to enter into an agreement for service under this schedule by metering demand during peak periods will pay
39 a one-time meter installation charge in accordance with the schedule set out in Appendix A.
40

41 (2) Demand. All nonresidential electric service with an established billing demand of 50 but less than 1,000
42 kilowatts per month. Customers on this rate will be changed to the nondemand rate for the current billing month at
43 such time as their demand has been below 50 kilowatts for 12 consecutive billing months following the effective
44 date of this subsection. Customers with a nonresidential electric service demand of 50 kilowatts or less may enter
45 into an agreement for service under this schedule. All energy supplied shall be through a single meter and a
46 single point of delivery.
47

48 Interruptible electric service rider shall mean all nonresidential electric customers who are eligible for either large
49 power electric service.
50

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Customers on this rate agree that the city may interrupt at least 500 kW of power demand and must enter into an agreement designating the city as the customer's exclusive supplier of electricity for a minimum initial term of ten years. This rider may be applied to service that is electric power demand at a single metering point that can be totally interrupted either automatically or manually at the discretion of the city.

Large power service shall mean all nonresidential electric service with a 12-month rolling average demand of 1,000 kilowatts per month or over. Customers on this rate will be changed to the applicable general service rate for the current billing month at such time as their 12-month rolling average demand falls below 1,000 kilowatts.. All energy supplied shall be through a single meter and a single point of delivery.

Meter tampering shall mean when any person shall willfully alter, injure, or knowingly suffer to be injured any electric meter or meter seal or other apparatus or device belonging to the city in such a manner as to cause loss or damage or to prevent any such meter installed for registering electricity, from registering the quantity which otherwise would pass through the same; or to alter the index or break the seal of any such meter; or in any way to hinder or interfere with the proper action or just registration of any such meter or device or make or cause to be made any connection of any wire or appurtenance in such a manner as to use, without the consent of the city, any electricity without such electric service being reported for payment or such electricity passing through a meter provided by the city and used for measuring and registering the quantity of electricity passing through the same.

Metering point, as distinguished from point of delivery, shall mean the point at which the instrument is installed to meter the flow of electric energy from the city to the consumer. The city shall have the option to meter any service on either the primary or secondary side of the transformer.

Month shall mean an interval between successive meter reading dates, which interval may be 30 days, more or less.

Net Metering shall mean where a retail customer has installed a photovoltaic or other approved distributed generation system on the customer's side of the electric revenue meter, the kilowatt hours output by the distributed generation system shall be credited against the kilowatt hours used by the customer. The net of the kilowatt hours used by the customer less the kilowatt hours produced by the distributed generation system shall be the number of hours that the customer is billed at the applicable retail rate.

Point of delivery shall mean the point where the city's wires or apparatus are connected with those of the consumer.

Residential service shall mean service to a single living unit located in a single-family or multiple-family dwelling or a living unit consisting of a sorority, fraternity, cooperative housing unit of a college or university or other nonprofit group living unit. A living unit shall be a place where people reside on a nontransient basis containing a room or rooms comprising the essential elements of a single housekeeping unit. Each separate facility for the preparation, storage and keeping of food for consumption within the premises shall cause a housekeeping unit to be construed as a single living unit. All energy supplied shall be through a single meter at a single point of delivery. This definition is intended to define a rate class. This definition is not to be construed as a definition of service conductors or related service entrance equipment.

Related civil infrastructure shall mean all components required to construct an underground duct system in addition to the conduit and concrete equipment foundations. These components include but are not limited to cable pull boxes, manholes, vaults, transition boxes, pedestals and miscellaneous parts (i.e. couplings, bellends, pulling eyes and similar hardware).

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Retained, expanded or attracted load service rider shall mean at the sole discretion of the city, this rider may be made applicable to nonresidential electric service provided under either of the following retail rate schedules: general service demand, or large power. This rider may only be applied to service that is either retained, expanded or attracted load, as described below:

(a) Retained load shall be continued service to a previously existing, creditworthy customer facing definite cessation of local operations or a customer having a documented alternative source of electric supply either from relocation, self-generation or a third-party supplier. Retention of such load and/or customer must be determined by the city commission to be in the best interest of the city.

(b) Expanded load shall be a minimum of 100 kW of additional verifiable service, within the same site, provided to a previously existing customer. The additional load cannot result from load shifted from another site or facility within the city's utility service area. Such expansion of load and/or facilities must be determined by the city commission to be in the best interest of the city.

(c) Attracted load shall be new service of at least 100 kW that locates within the city's utility service area after having demonstrably considered sites within other feasible locations, not within the city's utility service area. Such new service, customer and facilities must be determined by the city commission to be in the best interest of the city.

(d) The determination that approval of this retained, expanded or attracted load service rider is in the best interest of the city, shall be based upon the following minimal criteria:

(1) Application of the rider is demonstratively necessary to either retain, expand, or attract electrical load;

(2) Revenues foregone by the city under this rider, together with the fiscal cost of all other financial incentives to be offered by the city to the applicant coincidentally with this rider, shall not outweigh the long term quantitative and qualitative benefits to the city's taxpayers and utility rate payers.

(3) The business activity associate with the retained, expanded, or attracted load shall be consistent with, but not limited to, the city's goals, objectives and policies regarding the following:

Land Use and Zoning

Consistency with existing policies and plans

Ability to obtain requisite approvals if any

Effect upon recreation

Sites within target re-development areas

Environmental Impacts

Water and air emissions

Characteristics of solid waste generated and related control methods

Stormwater

History of environmental compliance

Energy efficiency

Economic Development Objectives

Improving underemployment

Industrial diversification

Job creation/retention

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1 Workforce enhancement
2 Quality of jobs
3 Employee fringe benefits
4 Impact on existing business
5 Transportation Infrastructure
6 Level of service
7 Public transportation access
8

9 Service shall include, in addition to all electric energy required by consumer, the readiness and ability on the part
10 of the city to furnish electric energy to the consumer; thus, the maintenance by the city at the point of delivery of
11 approximately the agreed voltage and frequency shall constitute the rendering of service irrespective of whether
12 consumer makes any use thereof.
13

14 Service leads shall mean the portion of the consumer's installation to which the city connects its service wires.
15

16 Service wires shall mean the wires of the city to which are connected the service leads of the consumer.
17
18

19 Standard Offer Contract shall mean the terms and conditions promulgated by the general manager for utilities for
20 customers and non-customers qualifying under the provisions of Appendix A, Section Utilities (1) Electricity, i. 1.
21 (B).
22

23 **Section 2.** Appendix A, Section Utilities (1) Electricity of the Gainesville Code of Ordinances is hereby
24 amended to read as follows:

25 UTILITIES

26
27 (1) Electricity

28
29 i. Distributed Resources ~~Credit Rates~~ (§ 27-27):

30 1. General Provision.

31 (A) Net Metering: Applicable only to electric customers of the utility

32 ~~(i) Distributed Resource(s) on solar photovoltaic systems of less than or equal to 10 kW, kWh to~~
33 ~~be credited at the following rates per kWh:~~

34
35 ~~(i). Residential: To be credited at \$0.062 per kWh plus the prevailing retail fuel~~
36 ~~adjustment (See § 27-28).~~

37 ~~(ii) Non-Residential: The rates applicable hereunder shall only be available to any~~
38 ~~non-residential customer that installed a photovoltaic system under this net metering~~
39 ~~provision prior to March 1, 2009 and shall be available for the life of said system:~~

40 General Service Non-Demand(\$/kWh) — \$0.077

41 General Service Demand (\$/kWh) — \$0.032

42 Large Power (\$/kWh) \$0.031

43 plus the prevailing retail fuel adjustment (See section 27-28) .

44 Net metering shall not be offered to non-residential classes for systems installed
45 on or after March 1, 2009.

46 (iii) Non-solar Distributed Resource(s) greater than 10kW, kWh payment to be
47 credited at avoided cost as negotiated by contract.

48 (B) Standard Offer Contract (Solar Feed In Tariff): Applicable to all classes of electric customers

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and non-customers located within the utility electric distribution service area.

(i) Energy generated from qualified solar photovoltaic generated distributed resources shall be purchased through a Standard Offer Contract at non-negotiated rates set forth in the Standard Offer Contract.

(ii) To become and remain "qualified", solar photovoltaic distributed resources must adhere to all conditions and terms of applicable utility interconnection agreements promulgated by the general manager or his/her designee and applicable federal, state and local safety, building and other applicable codes.

(iii) Each contract will be in effect for a maximum term of the balance of the calendar year in which the contract is executed plus 20 calendar years for each photovoltaic generation system unless sooner terminated under the terms of the Standard Offer Contract.;

(iv) The general manager or his/her designee may cease to offer new contracts after a total of 4 MW of solar photovoltaic distributed generation has been connected to the utility system per year, or as safety and reliability of the utility system require, subject to City Commission policy review.

(v) All Renewable Energy Credits (RECs) or any other environmental attributes that accrue as a result of operation of this solar photovoltaic system qualifying for the Feed-In-Tariff shall be the property of the utility.

(vi) The solar feed-in-tariff rate is established in accordance with the following schedule:

<u>Contract Entered into Under This Policy During Calendar Year</u>	<u>Fixed Rate per kWh Applied Uniformly From the Date of Installation Through December 31,</u>	<u>Fixed Rate \$/kWh Over Life of Contract</u>	
		<u>Building or Pavement Mounted (any size) or Ground Mounted < 25 kW</u>	<u>Free Standing (Non- Building or Non-Pavement Mounted)</u>
<u>2009</u>	<u>2030</u>	<u>\$0.32</u>	<u>\$0.26</u>
<u>2010</u>	<u>2031</u>	<u>\$0.32</u>	<u>\$0.26</u>
<u>2011</u>	<u>2032</u>	<u>\$0.30</u>	<u>\$0.25</u>
<u>2012</u>	<u>2033</u>	<u>\$0.26</u>	<u>\$0.23</u>
<u>2013</u>	<u>2034</u>	<u>\$0.27</u>	<u>\$0.22</u>
<u>2014</u>	<u>2035</u>	<u>\$0.26</u>	<u>\$0.21</u>
<u>2015</u>	<u>2036</u>	<u>\$0.25</u>	<u>\$0.20</u>
<u>2016</u>	<u>2037</u>	<u>\$0.23</u>	<u>\$0.19</u>

Section 2. All ordinances in conflict herewith are to the extent of such conflict hereby repealed.

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Section 3. It is the intention of the City Commission that the provisions of Section 1 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or re-lettered in order to accomplish such intentions.

Section 4. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall take effect at 12:01 A.M., March 1, 2009.

PASSED and ADOPTED this _____ day _____, 2009.

Pegeen Hanrahan
Mayor

ATTEST:

Kurt M. Lannon, Jr.
Clerk of the Commission

Approved as to form and legality

Marion J. Radson
City Attorney

This ordinance passed on first reading this _____ day of _____, 2009.

This ordinance passed on second reading this _____ day of _____, 2009.

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