

ORDINANCE NO. 070374  
0-07-65

AN ORDINANCE AMENDING CHAPTER 27, SECTION 27-21, DEFINITIONS, OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING THE DEFINITION OF LARGE POWER; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

**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 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:

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

1 general service non-demand, general service demand, or large power.

2  
3 Consumer shall mean any person or entity that receives and utilizes electric service at  
4 a specific location.

5  
6 Customer shall mean the person or entity responsible for payment for all electric,  
7 natural gas, water or wastewater services used at a specific location, and further  
8 defined as that person who has applied for and requested that services be made  
9 available at the specific location and has agreed to pay for all usage of such services  
10 occurring at the location. The customer and the consumer may be one and the same.

11  
12 Curtailable electric service rider shall mean all nonresidential electric customers who  
13 are eligible for large power electric service. Customers on this rate agree that the city  
14 may curtail at least 500 kW of power demand and must enter into an agreement  
15 designating the city as the customer's exclusive supplier of electricity for a minimum  
16 initial term of ten years. This rider may be applied to service that is a verifiable amount  
17 of electric power demand that can be reduced or interrupted upon request of the city  
18 but solely at the discretion of the customer.

19  
20 Demand shall mean the greatest average amount of electric power measured in  
21 kilowatts required by a consumer throughout any 30-minute interval during each billing  
22 month.

23  
24 Developer shall mean any person or entity with ownership or control of a development  
25 that can contract with the utility for the construction of electrical facilities.

26  
27 General service shall mean:

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

44 (2) Demand. All nonresidential electric service with an established billing demand of

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

7  
8 Interruptible electric service rider shall mean all nonresidential electric customers who  
9 are eligible for either large power electric service.

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

15  
16 Large power service shall mean all nonresidential electric service with ~~an established a~~  
17 12-month rolling average demand of 1,000 kilowatts per month or over. Customers on  
18 this rate will be changed to the applicable general service rate for the current billing  
19 month at such time as their 12-month rolling average demand ~~has been~~falls  
20 below 1,000 kilowatts, ~~for 12 consecutive billing months~~. All energy supplied shall be through  
21 a single meter and a single point of delivery.

22  
23 Meter tampering shall mean when any person shall willfully alter, injure, or knowingly  
24 suffer to be injured any electric meter or meter seal or other apparatus or device  
25 belonging to the city in such a manner as to cause loss or damage or to prevent any  
26 such meter installed for registering electricity, from registering the quantity which  
27 otherwise would pass through the same; or to alter the index or break the seal of any  
28 such meter; or in any way to hinder or interfere with the proper action or just registration  
29 of any such meter or device or make or cause to be made any connection of any wire  
30 or appurtenance in such a manner as to use, without the consent of the city, any  
31 electricity without such electric service being reported for payment or such electricity  
32 passing through a meter provided by the city and used for measuring and registering  
33 the quantity of electricity passing through the same.

34  
35 Metering point, as distinguished from point of delivery, shall mean the point at which the  
36 instrument is installed to meter the flow of electric energy from the city to the consumer.  
37 The city shall have the option to meter any service on either the primary or secondary  
38 side of the transformer.

39  
40 Month shall mean an interval between successive meter reading dates, which interval  
41 may be 30 days, more or less.

42  
43 Point of delivery shall mean the point where the city's wires or apparatus are connected  
44 with those of the consumer.

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1  
2 Residential service shall mean service to a single living unit located in a single-family or  
3 multiple-family dwelling or a living unit consisting of a sorority, fraternity, cooperative  
4 housing unit of a college or university or other nonprofit group living unit. A living unit  
5 shall be a place where people reside on a nontransient basis containing a room or  
6 rooms comprising the essential elements of a single housekeeping unit. Each separate  
7 facility for the preparation, storage and keeping of food for consumption within the  
8 premises shall cause a housekeeping unit to be construed as a single living unit. All  
9 energy supplied shall be through a single meter at a single point of delivery. This  
10 definition is intended to define a rate class. This definition is not to be construed as a  
11 definition of service conductors or related service entrance equipment.  
12

13 Related civil infrastructure shall mean all components required to construct an  
14 underground duct system in addition to the conduit and concrete equipment  
15 foundations. These components include but are not limited to cable pull boxes,  
16 manholes, vaults, transition boxes, pedestals and miscellaneous parts (i.e. couplings,  
17 bellends, pulling eyes and similar hardware).  
18

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

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

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

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

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

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

43 (2) Revenues foregone by the city under this rider, together with the fiscal cost of all  
44 other financial incentives to be offered by the city to the applicant coincidentally with this

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1 rider, shall not outweigh the long term quantitative and qualitative benefits to the city's  
2 taxpayers and utility rate payers.

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

- 6 Land Use and Zoning
- 7 Consistency with existing policies and plans
- 8 Ability to obtain requisite approvals if any
- 9 Effect upon recreation
- 10 Sites within target re-development areas
- 11 Environmental Impacts
- 12 Water and air emissions
- 13 Characteristics of solid waste generated and related control methods
- 14 Stormwater
- 15 History of environmental compliance
- 16 Energy efficiency
- 17 Economic Development Objectives
- 18 Improving underemployment
- 19 Industrial diversification
- 20 Job creation/retention
- 21 Workforce enhancement
- 22 Quality of jobs
- 23 Employee fringe benefits
- 24 Impact on existing business
- 25 Transportation Infrastructure
- 26 Level of service
- 27 Public transportation access

28  
29 Service shall include, in addition to all electric energy required by consumer, the  
30 readiness and ability on the part of the city to furnish electric energy to the consumer;  
31 thus, the maintenance by the city at the point of delivery of approximately the agreed  
32 voltage and frequency shall constitute the rendering of service irrespective of whether  
33 consumer makes any use thereof.

34  
35 Service leads shall mean the portion of the consumer's installation to which the city  
36 connects its service wires.

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38 Service wires shall mean the wires of the city to which are connected the service leads  
39 of the consumer.

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

**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 portion of this ordinance is declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance.

**Section 5.** This ordinance shall take effect immediately upon its adoption; provided however, the rates and charges as provided for herein shall be applicable, to all monthly bills which are for the first time rendered and postmarked after 12:01 A.M.,

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1 October 1, 2007.

2 PASSED and ADOPTED this 24th day September, 2007.

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Pegeen Hanrahan  
Mayor

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11

12 ATTEST:

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15



16 Kurt M. Lannon, Jr.  
17 Clerk of the Commission

18  
19

Approved as to form and legality

20  
21  
22



23 Marion J. Radson  
24 City Attorney SEP 25 2007

25  
26

27 This ordinance passed on first reading this 10th day of September, 2007.

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29 This ordinance passed on second reading this 24th day of September, 2007.

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