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ORDINANCE NO. 120167

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES, SUBSECTION (5), NATURAL GAS OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING RESIDENTIAL SERVICE RATES; DELETING INTERRUPTIBLE SERVICE RATES; AMENDING LARGE VOLUME INTERRUPTIBLE SERVICE RATES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE 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. Appendix A, Section Utilities, Subsection (5), Natural Gas of the Gainesville Code of Ordinances is hereby amended to read as set forth below. The remaining section, except as provided below, remains unchanged and in full force and effect.

APPENDIX A – SCHEDULE OF FEES, RATES AND CHARGES

(5) *Natural gas:*

a. Appliance service and repair charges (§27-279):

- | | |
|--|---------|
| 1. Trip charge | \$25.00 |
| 2. Labor charge, per one-half hour | \$18.50 |

1 Minimum charge of one-half hour; total charge in one-half hour increments.

2 3. In addition, for other than normal working hours (8:00 a.m. to 5:00 p.m.,

3 M-F, excluding city holidays), per one-half hour \$18.50

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5 b. Residential service rates (§27-272):

6 1. Base rate. The rates to be charged and collected for natural gas sales

7 on a firm basis furnished by the City to consumers for residential service

8 are hereby fixed as follows:

9 (i) Customer charge, per month, per bill rendered \$9.52

10 (ii) Energy charge, per therm \$0.4830.4737

11 (iii) Manufactured gas plant cost recovery factor, per therm \$0.0505

12 2. Minimum Monthly Bill. The minimum monthly bill shall be equal to the customer charge.

13 3. Purchased gas adjustment. (see Section 27-273)

14

15 c. General service rates (§27-272):

16 1. Base rate. The rates to be charged and collected for natural gas sales

17 on a firm basis furnished by the City to consumers for general service

18 are hereby fixed as follows:

19 (i) Customer charge, per month, per bill rendered..... \$35.00

20 (ii) Energy Charge, per therm..... \$0.3430

21 (iii) Manufactured gas plant cost recovery factor, per therm..... \$0.0505

22 2. Minimum Monthly Bill. The minimum monthly bill shall be equal to the customer charge.

23 3. Purchased gas adjustment. (see Section 27-273)

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25 d. ~~Interruptible service rates (§27-272):~~

26 ~~1. Base rate. The rates to be charged and collected for natural gas sales~~

27 ~~on an interruptible basis furnished by the City to consumers for~~

1 ~~_____ interruptible service are hereby fixed as follows:~~

2 ~~_____ (i) Customer charge, per month, per bill rendered.....\$375.00~~

3 ~~_____ (ii) Energy charge, per therm.....\$0.3150~~

4 ~~_____ (iii) Manufactured gas plant cost recovery factor, per therm.....\$0.0505~~

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6 ~~_____ 2. Minimum Monthly Bill. The minimum monthly bill shall be equal to the customer charge plus a~~
7 ~~minimum billing volume of natural gas as specified in the interruptible service contract.~~

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9 ~~_____ 3. Purchased gas adjustment. (see Section 27-273)~~

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11 ~~_____ 4. Make-up gas. If, in any month, the consumer does not take the minimum monthly quantity and as a~~
12 ~~consequence is required to pay the sum of the non-fuel energy charge and the manufactured gas plant cost~~
13 ~~recovery factor for natural gas not taken, then and in that event, the consumer shall be entitled to receive from~~
14 ~~the City without payment of a further non-fuel energy charge and manufactured gas plant cost recovery factor, at~~
15 ~~any time within the subsequent eleven (11) months, a quantity of make-up gas equal to the quantity paid for but~~
16 ~~not taken; provided, however, that consumer shall be entitled to receive make-up gas in a subsequent month~~
17 ~~only if and to the extent that the consumer has actually taken natural gas (excluding any natural gas taken in~~
18 ~~violation of an interruption or curtailment order) in excess of the minimum monthly quantity during such~~
19 ~~subsequent month. The minimum monthly quantity shall in each subsequent month be the first natural gas~~
20 ~~taken. Consumer shall pay the Purchased Gas Adjustment charge applicable to such make-up gas at the time it~~
21 ~~is taken.~~

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23 ~~_____ 5. Availability. This service is available to consumers in the natural gas service area both within and~~
24 ~~outside the corporate limits of the City who have executed an Interruptible Gas Service Contract with the City~~
25 ~~and only to the extent that supplies are available for this service under the City's service contracts with its~~
26 ~~suppliers.~~

27 ed. Contract interruptible service rates (§27-272):

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1. Base rate. The rates to be charged and collected for natural gas sales on an interruptible basis furnished by the City to consumers for contract interruptible service are hereby fixed as follows:

(i) Customer charge, per month, per bill rendered \$375.00

(ii) Energy charge, per therm. A contract rate which is not less than the adjusted current cost of alternative fuel and which is not greater than the sum of the non-fuel energy charge and the manufactured gas plant cost recovery factor for interruptible service. In no event shall the contract rate be less than \$0.00 per therm. The non-fuel energy charge for a consumer not complying with the provisions of section 5(ii) below shall be equal to the sum of the current non-fuel energy charge and the manufactured gas plant cost recovery factor for interruptible service.

2. Minimum Monthly Bill. The minimum monthly bill shall be equal to the customer charge plus a minimum billing volume of natural gas as specified in the contract interruptible service contract.

3. Purchased gas adjustment. (see Section 27-273)

4. Make-up gas. If, in any month, the consumer does not take the minimum monthly quantity and as a consequence is required to pay the sum of the non-fuel energy charge and the manufactured gas plant cost recovery factor for natural gas not taken, then and in that event, the consumer shall be entitled to receive from the City without payment of a further non-fuel energy charge and manufactured gas plant cost recovery factor, at any time within the subsequent eleven (11) months, a quantity of make-up gas equal to the quantity paid for but not taken; provided, however, that consumer shall be entitled to receive make-up gas in a subsequent month only if and to the extent that the consumer has actually taken natural gas (excluding any natural gas taken in violation of an interruption or curtailment order) in excess of the minimum monthly quantity during such subsequent month. The minimum monthly quantity shall in each subsequent month be the first natural gas

1 taken. Consumer shall pay the Purchased Gas Adjustment charge applicable to such make-up gas at the time it
2 is taken.

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4 5. Availability. This service is available to consumers in the natural gas service area both within and
5 outside the corporate limits of the City:

- 6 (i) who have executed an Contract Interruptible Gas Service Contract with the City; and,
- 7 (ii) who have completed and submitted a Contract Interruptible Service Affidavit and
8 Agreement form specifying their adjusted current cost of alternative fuel. Such forms shall
9 be submitted monthly, on the first day of each month, and anytime there is a change to
10 information contained in a form previously submitted; and,
- 11 (iii) only to the extent that supplies are available for this service under the City's service
12 contracts with its suppliers.

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14 The city reserves the right, upon twenty-four (24) hours notice to the consumer and in the sole discretion of the
15 general manager for utilities or his/her designee, to discontinue service under this rate classification or to
16 discontinue the contract rate and to offer the consumer an increased contract rate, not to exceed the current
17 non-fuel energy charge for interruptible service.

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19 ~~f. Large volume interruptible service rates (§27-272):~~

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21 ~~1. Base rate. The rates to be charged and collected for natural gas sales on an interruptible basis~~
22 ~~furnished by the City to consumers for large volume interruptible service are hereby fixed as follows:~~

23	(i) Customer charge, per month, per bill rendered	\$375.00
24	(ii) Energy charge, per therm	\$0.1573
25	(iii) Manufactured gas plant cost recovery factor, per therm	\$0.0505

1 ~~2. Minimum Monthly Bill. The minimum monthly bill shall be equal to the customer charge plus the~~
2 ~~minimum monthly quantity of 790,000 therms times the rate per therm, excluding the Purchased Gas~~
3 ~~Adjustment, and shall apply to each billing or portion thereof.~~

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5 ~~3. Purchased gas adjustment. (see Section 27-273)~~

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7 ~~4. Make-up gas. If, in any month, the consumer does not take the minimum monthly quantity and as a~~
8 ~~consequence is required to pay the sum of the non-fuel energy charge and the manufactured gas plant cost~~
9 ~~recovery factor for natural gas not taken, then and in that event, the consumer shall be entitled to receive from~~
10 ~~the City without payment of a further non-fuel energy charge and manufactured gas plant cost recovery factor, at~~
11 ~~any time within the subsequent eleven (11) months, a quantity of make-up gas equal to the quantity paid for but~~
12 ~~not taken; provided, however, that consumer shall be entitled to receive make-up gas in a subsequent month~~
13 ~~only if and to the extent that the consumer has actually taken natural gas (excluding any natural gas taken in~~
14 ~~violation of an interruption or curtailment order) in excess of the minimum monthly quantity during such~~
15 ~~subsequent month. The minimum monthly quantity shall in each subsequent month be the first natural gas~~
16 ~~taken. Consumer shall pay the Purchased Gas Adjustment charge applicable to such make-up gas at the time it~~
17 ~~is taken.~~

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19 ~~5. Availability. This service is available to consumers in the natural gas service area both within and~~
20 ~~outside the corporate limits of the City who have executed a Large Volume Interruptible Gas Service Contract~~
21 ~~with the City and only to the extent that supplies are available for this service under the City's service contracts~~
22 ~~with its suppliers.~~

23
24 e. Large Volume Interruptible service rates (§27-272)

25 1. Base rate. The rates to be charged and collected for natural gas sales

26 on an interruptible basis furnished by the City to consumers for large volume interruptible service

27 are hereby fixed as follows:

1	<u>(i) Customer charge, per month, per bill rendered.....</u>	<u>\$375.00</u>
2	<u>(ii) Energy Charge, per therm.....</u>	<u>\$0.20394</u>
3	<u>(iii) Manufactured gas plant cost recovery factor, per therm.....</u>	<u>\$0.0505</u>
4	<u>2. Minimum Monthly Bill. The minimum monthly bill shall be equal to the customer charge plus the</u>	
5	<u>energy charge and manufactured gas plant cost recovery factor times 30,000 therms.</u>	
6	<u>3. Purchased gas adjustment. (see Section 27-273)</u>	
7	<u>4. Availability. This service is available to consumers in the natural gas service, both within and</u>	
8	<u>outside the corporate limits of the City who meet the requirements as defined in §27-272.</u>	

10 gf. Liquid propane gas service rates (§27-288.1):

12 1. Base rate. The rates to be charged and collected for liquid propane gas sales furnished by the City
 13 to consumers are hereby fixed as follows:

14	(i) Customer charge, per month, per bill rendered	\$9.52
15	(ii) Energy charge (Non-fuel), per gallon. A contract rate which shall equal the	
16	sum of the current non-fuel energy charge for residential natural gas	
17	customers and one of the following fixed charges as determined by the	
18	general manager for utilities or his/her designee:	
19	A. Three-year recovery, per gallon.....	\$ 0.15
20	B. Five-year recovery, per gallon.....	\$ 0.10
21	C. Seven-year recovery, per gallon.....	\$ 0.075
22	D. More than seven-year recovery, per gallon.....	\$ 0.03

23 2. Minimum Monthly Bill. The minimum monthly bill shall be equal to the customer charge.

24 3. Liquid propane purchased gas adjustment. (see Section 27-288.2)

26	<u>hg. Curtailment penalty, per therm (§ 27-277(b)(3))</u>	<u>\$1.75</u>
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1 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of this
2 Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida,
3 and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to
4 accomplish such intentions.

5 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the
6 application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not
7 affect the other provisions or applications of the ordinance which can be given effect without the invalid or
8 unconstitutional provisions or application, and to this end the provisions of this ordinance are declared
9 severable.

10 **Section 4.** This ordinance shall take effect immediately upon its adoption; provided however,
11 the rates and charges as provided for herein shall be applicable to all monthly bills which are for the first
12 time rendered and postmarked after 12:01 A.M., October 1, 2012.

13 **PASSED and ADOPTED** this _____ day September, 2012.

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CRAIG LOWE
MAYOR

ATTEST:

KURT LANNON
CLERK OF THE COMMISSION

Approved as to form and legality

MARION J. RADSON
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2012.

This ordinance passed on second reading this ____ day of _____, 2012.