

Legislative #

130576

ORDINANCE NO. 130576

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to the electric utility, by amending section 27-21 by creating a new definition for “economic development incentive rate rider program,” by creating a new section 27-38 titled “economic development incentive rate rider program”; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

WHEREAS, the public hearings were held pursuant to the published notices described above, at which all interested parties 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 of the Code of Ordinances is amended to add a definition as set forth below. Except as amended herein, the remainder of Section 27-21 remains in full force and effect.

Sec. 27-21. Definitions.

Economic development incentive (EDI) rate rider program shall mean the rate rider program available to qualifying nonresidential electric customers for metered demand associated with new permanent service to a single point of delivery or for qualifying nonresidential electric customers with increased metered demand associated with an existing single point of delivery.

1 Section 2. A new Section 27-38, titled "Economic development incentive rate rider
2 program" is created and added to the Code of Ordinances, to read as set forth below. (Note to
3 Codifier: Sections 27-39 through 27-70 should remain reserved for future use.)

4 **Sec. 27-38. Economic development incentive rate rider program.**

5 (a) Intent. It is the intent of the city to make an economic development incentive (EDI) rate
6 rider program available to qualifying nonresidential electric customers.

7 (b) Program application. Customers must submit an application to participate in the program
8 on the form provided by the city. The application shall be reviewed by the General
9 Manager for Utilities or his/her designee. Upon approval of the EDI rate rider program
10 application and once the qualifying metered demand is met, the discount shall commence
11 upon the next billing cycle.

12 (c) Program qualifications for a new nonresidential customer. The EDI rate rider program is
13 available to new customer applicants for initial permanent service with minimum electric
14 metered demand of 100,000 kWh per month at a single point of delivery.

15 (d) Program qualifications for an existing nonresidential customer. The EDI rate rider
16 program is available to existing customer applicants with a twenty percent (20%) net
17 incremental metered demand increase above the customer's baseline usage prior to
18 application for participation in the EDI rate rider program. The city shall establish
19 baseline usage for each existing customer applicant based on the average billed kWh for
20 the previous twelve (12) month period at a single point of delivery. The metered
21 demand, including the baseline usage and the net incremental metered demand increase
22 above the customer's baseline usage, shall be a minimum of 100,000 kWh per month at a
23 single point of delivery.

1 (e) Load shifting. The EDI rate rider program is not available for load shifted from one single
2 delivery point in the city’s system to another single delivery point in the city’s system.

3 (f) Program discount. A discount based on the below-described percentages shall be applied
4 to the customer charge, demand (kW) charge, and energy (kWh) charge according to the
5 following schedule:

<i>Customer Type</i>	<i>Discount</i>
<u>New electric customer</u>	<u>20%</u>
<u>Existing electric customer</u>	<u>15%</u>

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7 The rate rider discount shall not apply to fuel adjustment charges, Gross Receipts Tax,
8 Municipal Public Service Tax, Municipal Surcharge, Alachua County Public Service
9 Tax, late fees, environmental fees, franchise fees, or any other applicable taxes, fees,
10 rates or charges. All other terms and conditions under the otherwise applicable rate
11 schedules shall apply, except as otherwise modified by this EDI rate rider program.

12 (g) Program duration. Participation in the EDI rate rider program shall terminate at the end
13 of the fifth year of participation. The EDI rate rider program is not available for renewal
14 and/or extension beyond the five (5) year term per location.

15 (h) Termination by city. The city may terminate the discount for failure to meet the
16 qualifications of the EDI rate rider program. In the event that an EDI rate rider program
17 participant fails to purchase the qualifying electric metered demand in any given billing
18 cycle of at least 28 days, the city shall provide customer with notice of program
19 termination. After the first notice of program termination, customer may apply for
20 participation in the EDI rate rider program provided that customer has subsequently met
21 the qualifying electric metered demand for three (3) consecutive billing cycles. Upon the
22 city’s approval, the EDI rate rider program discount shall resume for the remainder of the

1 original five (5) year term. Upon any second notice of program termination, the EDI rate
2 rider program discount shall not be reinstated and shall be discontinued effective
3 immediately.

4 (i) Termination by customer. Customer may elect to voluntarily terminate participation in
5 the EDI rate rider program by providing the city with written notice of such termination.
6 Upon the city's receipt of such notice, the customer is no longer entitled to any discounts
7 provided pursuant to the EDI rate rider program.

8 (i) District cooling provisions. If a customer that is currently connected to the city's district
9 cooling network would have met the requirements for participation in the EDI rate rider
10 program, but for such customer's connection to the city's district cooling network, the
11 customer shall be eligible for participation in the EDI rate rider program. The electric
12 account for the city's district cooling network associated with the qualifying electric
13 metered demand will receive the same applicable EDI rate rider program discount. For
14 purposes of calculating eligibility, the customer's total metered demand will be
15 determined by adding such customer's monthly electric kWh metered demand to their
16 monthly chilled water ton per hour multiplied by 0.9 kW per ton.

17 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1
18 and 2 of this ordinance shall become and be made a part of the Code of Ordinances of the City of
19 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered
20 or relettered in order to accomplish such intentions.

21 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
22 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
23 finding shall not affect the other provisions or applications of the ordinance which can be given

1 effect without the invalid or unconstitutional provisions or application, and to this end the
2 provisions of this ordinance are declared severable.

3 **Section 5.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
4 such conflict hereby repealed.

5 **Section 6.** This ordinance shall become effective immediately upon final adoption.

6 **PASSED AND ADOPTED** this ____ day of _____, 2014.

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EDWARD B. BRADY
MAYOR

15 Attest:

Approved as to form and legality:

16
17 _____
18 KURT M. LANNON
19 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

20
21

22
23 This ordinance passed on first reading this ____ day of _____, 2014.
24 This ordinance passed on second reading this ____ day of _____, 2014.