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ORDINANCE NO. 100537

AN ORDINANCE AMENDING CHAPTER 27 UTILITIES, GAINESVILLE CODE OF ORDINANCES; AMENDING SECTION 27-21 BY ADDING THE DEFINITION OF EXTRAORDINARY FUEL RELATED EXPENSES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

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

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

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

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

18 **Sec. 27-21 Definitions:**

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

21
22 AC Power shall mean electrical power of the type distributed by the electric utility distribution
23 system and delivered for consumption to the customer's meter. AC power is created by
24 systems that utilize time-varying electrical current ("alternating current").

25
26 Business partners rate discount rider shall mean that written agreement in accordance with
27 Appendix A, Utilities (1)1. between the city and certain nonresidential electric service
28 customers whereunder the retail rates otherwise applicable to such customers are discounted
29 in exchange for a long term, electric service commitment by the customer. The rider shall be
30 available to only the following retail customer rate classes: general service non-demand,
31 general service demand, or large power.

32
33 Consumer shall mean any person or entity that receives and utilizes electric service at a
34 specific location.

35
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1 Customer shall mean the person or entity responsible for payment for all electric, natural gas,
2 water or wastewater services used at a specific location, and further defined as that person
3 who has applied for and requested that services be made available at the specific location and
4 has agreed to pay for all usage of such services occurring at the location. The customer and
5 the consumer may be one and the same.

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

13
14 DC Power shall mean electrical power of the type stored in batteries. DC power is generated
15 by systems that utilize electrical current that does not vary over time ("direct current"). One
16 important example of such a system is a photovoltaic solar array which converts sunlight into
17 DC power. DC power must be converted to AC power before it can be distributed by the utility
18 electrical distribution system.

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

22
23 Developer shall mean any person or entity with ownership or control of a development that
24 can contract with the utility for the construction of electrical facilities.

25
26 Distributed Generation shall mean small, modular, decentralized, grid-connected or off-grid
27 energy systems located in or near the place where energy is used. For purposes of Net
28 Metering, the generation is connected to the customers' premises behind the electric revenue
29 meter. For purposes of Feed-In-Tariff, the generation may be independent of an existing utility
30 customer account or may be at an existing customer premise and connected to the grid
31 beyond the electric revenue meter. A solar photovoltaic distributed resource will be referred to
32 as SPDR in Appendix A. The nameplate capacity of SPDRs is stated in direct current (DC)
33 and is referred to as such in the solar industry, therefore all references to solar capacity are
34 intended to be interpreted as DC values.

35
36 | Extraordinary Fuel Related Expenses shall mean the cost of Lime and Urea consumed

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1 during the combustion process for the production of power as well as any other fuel
2 related costs posted to account 501 Fuel as defined under Federal Energy Regulatory
3 Commission (FERC) rules of accounting.
4

5 Feed-in-Tariff shall mean the provision by which the utility may purchase renewable electric
6 energy and the associated renewable energy credits or other environmental attributes from a
7 customer or entity within the utility's electric service area pursuant to the Standard Offer
8 Contract.
9

10 General service shall mean:

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

26 (2) Demand. All nonresidential electric service with an established billing demand of 50 but
27 less than 1,000 kilowatts per month. Customers on this rate will be changed to the non-
28 demand rate for the current billing month at such time as their demand has been below 50
29 kilowatts for 12 consecutive billing months following the effective date of this subsection.
30 Customers with a nonresidential electric service demand of 50 kilowatts or less may enter into
31 an agreement for service under this schedule. All energy supplied shall be through a single
32 meter and a single point of delivery.
33

34 Interruptible electric service rider shall mean all nonresidential electric customers who are
35 eligible for either large power electric service.

36 Customers on this rate agree that the city may interrupt at least 500 kW of power demand and
37 must enter into an agreement designating the city as the customer's exclusive supplier of

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1 electricity for a minimum initial term of ten years. This rider may be applied to service that is
2 electric power demand at a single metering point that can be totally interrupted either
3 automatically or manually at the discretion of the city.

4
5 Large power service shall mean all nonresidential electric service with a 12-month rolling
6 average demand of 1,000 kilowatts per month or over. Customers on this rate will be changed
7 to the applicable general service rate for the current billing month at such time as their 12-
8 month rolling average demand falls below 1,000 kilowatts.. All energy supplied shall be
9 through a single meter and a single point of delivery.

10
11 Meter tampering shall mean when any person shall willfully alter, injure, or knowingly suffer to
12 be injured any electric meter or meter seal or other apparatus or device belonging to the city in
13 such a manner as to cause loss or damage or to prevent any such meter installed for
14 registering electricity, from registering the quantity which otherwise would pass through the
15 same; or to alter the index or break the seal of any such meter; or in any way to hinder or
16 interfere with the proper action or just registration of any such meter or device or make or
17 cause to be made any connection of any wire or appurtenance in such a manner as to use,
18 without the consent of the city, any electricity without such electric service being reported for
19 payment or such electricity passing through a meter provided by the city and used for
20 measuring and registering the quantity of electricity passing through the same.

21
22 Metering point, as distinguished from point of delivery, shall mean the point at which the
23 instrument is installed to meter the flow of electric energy from the city to the consumer. The
24 city shall have the option to meter any service on either the primary or secondary side of the
25 transformer.

26
27 Month shall mean an interval between successive meter reading dates, which interval may be
28 30 days, more or less.

29
30 Net Metering shall mean where a retail customer has installed a photovoltaic or other
31 approved distributed generation system on the customer's side of the electric revenue meter
32 and payment for the excess kilowatt hours delivered to the utility shall be credited against the
33 customer's billing account. The excess kilowatt hours produced by the distributed generation
34 system and delivered to the utility shall be credited at the prevailing rate in Appendix A,
35 Section Utilities (1) Electricity, i. 1. (A).

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

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1 those of the consumer.

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

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

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

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

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

35 (c) Attracted load shall be new service of at least 100 kW that locates within the city's utility
36 service area after having demonstrably considered sites within other feasible locations, not

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1 within the city's utility service area. Such new service, customer and facilities must be
2 determined by the city commission to be in the best interest of the city.

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

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

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

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

14 Land Use and Zoning

15 Consistency with existing policies and plans

16 Ability to obtain requisite approvals if any

17 Effect upon recreation

18 Sites within target re-development areas

19 Environmental Impacts

20 Water and air emissions

21 Characteristics of solid waste generated and related control methods

22 Stormwater

23 History of environmental compliance

24 Energy efficiency

25 Economic Development Objectives

26 Improving underemployment

27 Industrial diversification

28 Job creation/retention

29 Workforce enhancement

30 Quality of jobs

31 Employee fringe benefits

32 Impact on existing business

33 Transportation Infrastructure

34 Level of service

35 Public transportation access

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

6
7 Service leads shall mean the portion of the consumer's installation to which the city connects
8 its service wires.

9
10 Service wires shall mean the wires of the city to which are connected the service leads of the
11 consumer.

12
13 Standard Offer Contract shall mean the terms and conditions promulgated by the general
14 manager for utilities for customers and non-customers qualifying under the provisions of
15 Appendix A, Section Utilities (1) Electricity, i. 1. (B).

16
17 **Section 2.** All ordinances in conflict herewith are to the extent of such conflict hereby repealed.

18
19 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1, 2, 3 and 6 of this
20 Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and
21 that the Sections and Paragraphs of this Ordinance may be renumbered or re-lettered in order to accomplish
22 such intentions.

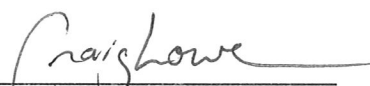
23
24 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the
25 application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect
26 the other provisions or applications of the ordinance which can be given effect without the invalid or
27 unconstitutional provisions or application, and to this end the provisions of this ordinance are declared
28 severable.

29
30 **Section 5.** This ordinance shall take effect immediately upon its adoption.

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PASSED and ADOPTED this 20th day of January, 2011.

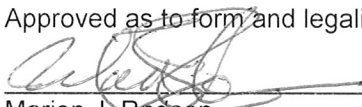


Craig Lowe
Mayor

ATTEST:



Kurt M. Lannon, Jr.
Clerk of the Commission

Approved as to form and legality


Marion J. Ranson
City Attorney

JAN 20 2011

This ordinance passed on first reading this 6th day of January, 2011.

This ordinance passed on second reading this 20th day of January, 2011.

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