

LEGISTAR #

120170

9/10/12

ORDINANCE NO. 120170

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING CHAPTER 27, SECTION 27-271, OF THE GAINESVILLE CODE OF ORDINANCES BY DELETING INTERRUPTIBLE SERVICE DEFINITION; AMENDING LARGE VOLUME INTERRUPTIBLE SERVICE DEFINITION; 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. Section 27-271 Definitions, of the Gainesville Code of Ordinances is hereby amended to read as set forth below.

The following words and phrases when used in this article shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

Billing period. An interval between successive meter reading dates, which interval may be 30 days, more or less.

Consumer. Any natural or liquid propane gas customer whose application for service has been accepted by the city and classified either "residential service", "general service", "interruptible service", "contract interruptible service", "large volume interruptible service" or "liquid propane gas service".

1 *Contract interruptible service.* Interruptible service for commercial purposes to a
2 consumer who meets the following conditions:

- 3 (1) Consumer must demonstrate in the manner prescribed in section 27-272(d) that
4 the adjusted current cost of the alternative fuel used by the consumer is less than
5 the non-fuel energy charge for interruptible service.
6 (2) Consumer has executed an interruptible service agreement for service under this
7 rate classification with a minimum term of one year.
8

9 *General service.* Service to a consumer supplied on a firm, non-interruptible basis for any
10 purpose other than residential purposes set forth in section 27-271(m).

11 *House piping.* All piping and fittings installed beyond the meter and/or regulator setting.

12 ~~*Interruptible service.* Service for commercial and/or industrial purposes to a consumer~~
13 ~~who meets the following conditions:~~

- 14 (1)
15 ~~Natural gas requirements are established in accordance with reasonable and~~
16 ~~accepted practice and shall be or exceed 2,000 cubic feet per hour per boiler unit~~
17 ~~and 1,000 cubic feet per hour per other individual operating unit.~~
18 (2)
19 ~~Natural gas requirements are for the use of a single business or establishment.~~
20 (3)
21 ~~Natural gas purchased is for consumer's own use and may not, under any~~
22 ~~circumstances, be sold.~~
23 (4)
24 ~~Natural gas can be supplied from one central meter and regulator station.~~
25 (5)
26 ~~The consumer's natural gas distribution system extends only on the consumer's~~
27 ~~property.~~
28 (6)
29 ~~Detailed load requirements and descriptions of boiler or unit, together with~~
30 ~~complete details and diagrams of equipment and operation of the dual-fuel~~
31 ~~system proposed for installation, shall be submitted, prior to installation, to the~~
32 ~~city's utilities department.~~
33 (7)

Any and all equipment can and will be curtailed or interrupted at the sole discretion of the general manager for utilities or his/her designee according to the city's curtailment policy.

(8)

The consumer has executed an interruptible service contract with the city.

Large volume interruptible service. Interruptible service for industrial purposes to a consumer who meets the following conditions:

- (1) Consumer shall have within the preceding 12-month period purchased a minimum of ~~9,480,000~~300,000 therms from the city under this rate classification or other natural gas rate classifications of the city.
- (2) Consumer ~~has executed an interruptible service agreement for service under this rate classification with a minimum term of one year and a~~ will be billed for a minimum monthly ~~contract-billing~~ quantity (minimum monthly quantity) for service hereunder of ~~790,000~~30,000 therms.
- (3) Service under this rate classification is subject to annual volume review by the city or anytime at the consumer's request. If reclassification to another rate classification is appropriate, such classification will be prospective.

Mains. Pipes installed to transport natural gas within a service area to points of connection with the service lines.

Meter and/or regulator setting. All piping and fittings between the service line and the outlet of the meter.

Meter tampering. A natural gas meter is tampered with when any person shall willfully alter, injure, or knowingly suffer to be injured any natural gas 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 the quantity which otherwise would pass through 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 in such a manner as to use, without the consent of the city, any natural gas without such service being reported for payment or such natural gas passing through a meter provided by the city and registering the quantity of natural gas passing through the same.

Off-system sales. All firm and interruptible gas sales not classified as retail sales.

Purchased gas adjustment. A monthly fuel charge per therm consisting of the estimated fuel costs for the month, the true-up correction factor, and taxes and fees.

1 *Residential service.* Service to a consumer supplied on a firm, non-interruptible basis for
2 residential purposes of domestic heating, cooking, air-conditioning and housekeeping in a single-
3 family dwelling, a multiple-family dwelling, or in separately metered apartment units. Also, for gas
4 used in commonly owned facilities of condominium associations, cooperative apartments, and
5 homeowner associations, subject to the following criteria:

- 6 (1) One hundred percent of the energy is used exclusively for the co-owners' benefit.
- 7 (2) None of the energy is used in any endeavor which sells or rents a commodity or
8 provides service for a fee.
- 9 (3) Each point of delivery will be separately metered and billed.
- 10 (4) A responsible legal entity is established as the consumer to whom the city can
11 render its bills for said service.

12
13 *Retail.* Residential, general, interruptible, contract interruptible, and large volume
14 interruptible service.

15 *Service line.* All piping between the main tap up to and including the first valve or fitting of
16 the meter and/or regulator setting.

17 *Standard delivery pressure.* The pressure measured at the outlet of the meter and/or
18 regulator setting which shall not be less than three inches nor more than 12 inches water
19 column.

20 *Technical terms:*

- 21 (1) *Atmospheric pressure.* Fourteen and seventy-three hundredths pounds per
22 square inch, irrespective of the actual elevation or location of the point of
23 measurement above sea level or variations in actual atmospheric pressure from
24 time to time.
- 25 (2) *British thermal unit (Btu).* The quantity of heat required to raise the temperature
26 of one pound (avoirdupois) of pure water from 58.5 degrees Fahrenheit to 59.5
27 degrees Fahrenheit at a constant pressure of 14.73 pounds per square inch
28 absolute.
- 29 (3) *Cubic foot.* For purposes of measurement when natural gas is metered, the
30 volume of natural gas which, at a temperature of 60 degrees Fahrenheit and at
31 an absolute pressure of 14.73 pounds per square inch, occupies one cubic foot.
- 32 (4) *Therm.* One hundred thousand British thermal units.

33
34 *Total heating value.* The number of British thermal units per cubic foot of natural gas. For
35 the purposes of determining the number of therms delivered to the consumer, the city's utilities

1 department will utilize the average heating value, reported by the transporter or supplier, of the
2 natural gas received from the transporter or supplier.

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

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

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

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

17
18
19 _____
20 CRAIG LOWE
21 MAYOR

22 ATTEST:

23
24 _____
25 KURT LANNON
26 CLERK OF THE COMMISSION

27
28 Approved as to form and legality

29
30 _____
31 MARION J. RADSON
32 CITY ATTORNEY
33
34

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

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