

Chapter 38. UTILITIES*

ARTICLE III. ELECTRIC SERVICE*

Sec. 38-170. Definitions.

Words used in the present tense include the future, and the words in the singular number include the plural. The words in the plural number include the singular. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

***Editor's Note** – Ord. No. 2038, §1, adopted December 7, 1998, deleted Ch. 38, Art. III, which pertained to electric service and derived from Code 1968, §§21-13—21-19 and 21-57; and from the following ordinances:

<u>Ordinance</u>	<u>Date</u>	<u>Ordinance</u>	<u>Date</u>
1047	12-4-94	2012	10-6-97
1064	6-5-95	2-13	10-6-97
1081	12-4-95		

In addition, Ord. No. 2038 adopted provisions dealing with electric service which have been set out herein below as a new Art. III to Ch. 38.

Subsequently, Ord. No. 2117, §2, adopted July 7, 2003, renumbered the provisions of Art. III to read as herein set out. See the Code Comparative Table for a detailed analysis of renumbering.

KWH (kilowatt hours) – Amount of electricity used, expressed in watts, measured in hours.

KW (kilowatts) – The maximum amount of electricity used at any one point in time.

KVA (kilovolt amps) – Another way of expressing maximum electric load. Electrical equipment capacity is usually expressed in KVA.

HUD (hours use demand) – Kilowatt hours usage divided by the demand. Hours use demand is used to calculate the load factor of the customer.

Load Factor – The hours use demand divided by the number of hours in the month. Load factor is expressed as a percentage.

(Ord. No. 2038, §1, 12-7-98; Ord. No. 3117, §2, 7-7-03)

Note – Formerly §38-96.

Sec. 38-171. Residential Electrical Service; Schedule 1.

(a) Applicability. This schedule is applicable only to the service used for residential lighting, cooking, space heating, water heating, refrigeration, and incidental power when served through one meter to each individual or apartment unit.

(b) Character of Service. Power normally supplied under this rate will be 120.240 volts, single-phase. Three –phase service may be furnished, where available, if the largest motor is not less than five hp.

(c) Monthly Rate. The monthly rate for residential electric service shall be set from time to time by the Mayor and Council.

(d) Minimum Monthly Charge. A minimum monthly charge shall be set forth from time to time by the Mayor and Council.

(e) Surcharge. The charges listed in subsections (c) and (d) of this section shall be adjusted to compensate for changes in the city's cost of wholesale power. The charges shall be increased or decreased by 0.01 mill for each 0.01 mill increased or decreased over or under the city's average cost for purchase power. The adjustment shall be calculated in accordance with the formula in the purchase power cost adjustment schedule PA.

(f) Contract Period. The contract period shall be one year.

(g) Payment.

(1) The rates in this section are net and shall carry a ten percent penalty after ten days from the billing date. Service is subject to being discontinued if the account is not paid within 20 days from the billing date. After service has been discontinued, it shall remain so until the entire account, as required under existing rate schedules, has been paid, together with the currently required service charge.

(2) A customer who provides proof of being age 62 or older, has utility service in their name, and provides proof of income that is social security or similar fixed retirement benefits may be eligible to receive an additional ten days in which to pay their utility bill without penalty, thus being allowed a total of 20 days to pay their account in full without penalty.

(3) A customer who provides proof of being age 62 and older, has utility service in their name, and provides proof of income that is Social Security or similar fixed retirement benefits may be eligible to receive a discount on their minimum monthly charge as set from time to time by the Mayor and Council. Acceptance of this program is prerequisite to the payment of the utility bills as well as the derivation of the benefits offered participants in this program must meet all of the requirements of subsection (g)(1).

(h) Delivery Point. The rates in this section are based upon the supply of service to the premises through single delivery and metering point and at a single voltage. Separate supply for the same customer at other points of consumption or at a different voltage shall be separately metered and billed.

(Ord. No. 2038, §1, 12-7-98; Ord. No. 2111, §1, 4-7-03), Ord. No. 2117, §2, 7-7-03)

Note – Formerly §38-97.

Sec. 38-172. Commercial Electric Service; Schedule 1.

(a) Applicability. This schedule is applicable to all electrical service at one standard voltage required at customer's premises delivered at one point and metered at or compensated to that voltage where loads will cause the billing demand not to exceed 30 kw.

(b) Character of Service. Power normally supplied under this rate will be 120/240 volts, single-phase or 240 volts three-phase. Other voltage may be supplied if available.

(c) Monthly Rate. The monthly rates for commercial electric service shall be set from time to time by the Mayor and Council.

(d) Minimum Monthly Bill. A minimum monthly bill shall be set from time to time by the Mayor and Council.

(e) Surcharge. The charges in subsections (c) and (d) of this section shall be adjusted to compensate for changes in the city's cost of wholesale power. The charges shall be increased or decreased by 0.01 mill for each 0.01 mill increased or decreased over or under the city's average cost for purchased power. The adjustment shall be calculated in accordance with the formula in the purchase power cost adjustment schedule 1.

(f) Unmetered Service. Where the installation of metering equipment is impractical or uneconomical, monthly KWH may be estimated and billed at the monthly rates in this section, provided that such un-metered service is limited to those installations using less than 1,000 KWH monthly and with an anticipated 30-minute demand less than five kw.

(g) Term of Contract. The term of contract shall be not less than one year.

(h) Billing Demand. The billing demand shall be the maximum 30 minute measured demand in the month, but not less than 70 percent of the highest demand establishing during any of the preceding 12 months, nor less than contract minimum.

(i) Payment. The rates in this section are net and shall carry a ten percent penalty after ten days from the billing date. Service is subject to being discontinued if the account is not paid within 20 days from the billing date. After service has been discontinued, it shall remain so until the entire account as required under existing rate schedules has been paid, together with the currently required service charge.

(j) Delivery Point. The rates in this section are based upon the supply of service to the premises through a single delivery and metering point and at a single voltage. Separate supply for the same customer at other points of consumption or at a different voltage shall be separately metered and billed.

(k) Excess Capacity Charge. The excess capacity charge shall be \$0.30 per KVA of loads, which require excessive capacity because of large monetary requirements or to provide unusually close voltage regulation (transformer type welder, x-ray machines, etc.). Transformer type welders shall be rated 60 percent of the KVA input. Nameplate ratings shall be used in all other cases. (Ord. No. 2038, §1, 12-7-98); Ord. No. 2111, §1, 4-7-03), Ord. No. 2117, §2, 7-7-03)

Note – Formerly §38-98.

Sec. 38-173. Commercial Electric Service; Schedule 2.

(a) Applicability. This schedule is applicable to all electrical service at one standard voltage required at customer's premises delivered at one point and metered at or compensated to that voltage where loads will cause the billing demand to exceed 30 kw.

(b) Character of Service. Power normally supplied under this rate will be 120/240 volts, single-phase or 240 volts three-phase. Other voltage may be supplied if available.

(c) Monthly Rate. The monthly rates for commercial electric service shall be set forth from time to time by the Mayor and Council.

(d) Minimum Monthly Bill. A minimum monthly bill shall be set from time to time by the Mayor and Council.

(e) Surcharge. The charges in subsections (c) and (d) of this section shall be adjusted to compensate for changes in the city's cost of wholesale power. The charges shall be increased or decreased by 0.01 mill for each 0.01 mill increased or decreased over or under the city's average cost for purchased power. The adjustment shall be calculated in accordance with the formula in the purchase power cost adjustment schedule 2.

(f) Determination of Billing Demand. The billing demand shall be based on the highest 30-minute KW measurements during the current month and the proceeding 11 months.

(1) For the billing months of June through September, the billing demand shall be the greatest of:

- a. The current actual demand; or
- b. 90 percent of the highest actual demand occurring in the previous applicable summer month; or
- c. 50 percent of the highest actual demand occurring in any previous applicable winter month (October – May).

(2) For billing months of October through May, the billing demand shall be the greater of:

- a. 90 percent of the highest summer month (June – September); or
- b. 50 percent of the highest winter month, including the current month.

(3) In no case shall the billing demand be less than five kw.

Where there is an indication of a power factor of less than 95 percent lagging, the city may, at its own option, install metering equipment to measure reactive demand. The reactive demand shall be the highest 30-minute KVAR measured during the month. The excess reactive demand shall be KVAR, which is in excess of one-third the measured actual KW in the current month. The city will bill excess KVAR at the rate of \$0.27 per excess KVAR.

(g) Unmetered Service. Where the installation of metering equipment is impractical or uneconomical, monthly KWH may be estimated and billed at the monthly rates in this section, provided that such un-metered service is limited to those installations using less than 1,000 KWH monthly and with an anticipated maximum 30-minute demand less than five kw.

(h) Term of Contract. The term of contract shall be not less than one year.

(i) Billing Demand. The billing demand shall be the maximum 30-minute measured demand in the month, but not less than 70 percent of the highest demand established during any of the preceding 12 months, nor less than contract minimum.

(j) Payment. The rates in this section are net and shall carry a ten percent penalty after ten days from the billing date. Service is subject to being discontinued if the account is not paid within 20 days from the billing date. After service has been discontinued, it shall remain so until the entire account as required under existing rate schedules has been paid, together with the currently required service charge.

(k) Delivery Point. The rates in this section are based upon the supply of service to the premises through a single delivery and metering point and at a single voltage.

(l) Excess Capacity Charge. The excess capacity charge shall be \$0.30 per KVA of loads, which require excessive capacity because of large monetary requirements or to provide unusually close voltage regulation (transformer type welder, X-ray machines, etc.). Transformer type welders shall be rated 60 percent of the KVA input. Nameplate ratings shall be used in all other cases.

(Ord. No. 2038, §1, 12-7-98; Ord. No. 2111, §1, 4-7-03; Ord. No. 2117, §2, 7-7-03)

NOTE – Formerly §38-99.

Sec. 38-174. Industrial Electric Service; Schedule 1.

(a) Availability. This service shall be available throughout the city and outside service areas from existing lines of adequate capacity.

(b) Applicability. This schedule shall apply to all electric service with a connected load of 900 KW or greater and one standard voltage required on customer's premises, delivered at one point and metered at or compensated to that voltage. The customer must demonstrate an annual billing load factor of at least 55 percent.

(c) Type of Service. The type of service shall be single or three-phase, 60 hertz, at standard voltage.

(d) Monthly Rate. The monthly rate for large industrial electric service shall be set from time to time by the Mayor and Council.

(e) Minimum Monthly Bill. A minimum monthly bill shall be set from time to time by the Mayor and Council.

(f) Fuel Cost Recovery. All bills rendered subject to the fuel cost recovery schedule shall be increased by the currently required amount.

(g) Delivery Point. The rates in this section are based upon the supply of service to the premises through a single delivery and metering point and at a single voltage. Separate supply for the same customer at other points of consumption or at a different voltage shall be separately metered and billed.

(h) Determination of Billing Demand. The billing demand shall be based on the highest 30 minute KW measurements during the current month and the preceding eleven months.

(1) For the billing months of June through September, the billing demand shall be the greatest of:

- a. The current actual demand; or
- b. 95 percent of the highest actual demand occurring in any previously applicable summer month; or
- c. 60 percent of the highest actual demand occurring in any previous applicable winter month (October through May)

(2) For the billing months of October through May, the billing demand shall be the greatest of:

- a. 95 percent of the highest summer month (June through September); or
- b. 60 percent of the highest winter month, including the current month.

(3) In no case shall the billing demand be less than the greater of:

- a. The contract minimum,
- b. 50 percent of the total contract capacity,
- c. Five kw.

Where there is an indication of a power factor of less than 95 percent lagging the city may at its option install metering equipment to measure reactive demand. The reactive demand shall be the highest 30 minute KVAR measured during the month. The excess reactive demand shall be KVAR, which is in excess of one-third the measured actual KW in the current month. The city will bill excess KVAR at the rate of \$0.27 per excess KVAR.

(i) Payment. The rates in this section are net and shall carry a ten percent penalty after ten days from the billing date. Service is subject to being discontinued if the account is not paid within 20 days from the billing date. After service has been discontinued, it shall remain so until the entire account as required under existing rate schedules, has been paid, together with the currently required service charge.

(j) Deposit Requirements. An advance deposit in the amount of two times the estimated monthly bill for electric service shall be required of each industrial electric customer to secure payment of his bill. Such estimate shall be made by the City Manager or his/her designee.

(k) Term of Contract. The term of contract shall be a minimum of ten years.
(Ord. No. 2038, §1, 12-7-98; Ord. No. 2117, §2, 7-7-03)

Note – Formerly §38-100.

Sec. 38-175. Industrial Electric Service, Schedule 2.

(a) Availability. This rate schedule is available to any electric service customer of the City of Elberton (the city) at the point of delivery and meeting the requirements of the applicability section herein. This service is available only at the delivery point of a specific, qualifying retail customer served by the city and is not available for resale to another retail customer of the city or to any other supplier. Service is contingent upon the application of the terms and conditions herein to the affected retail customer and a long term contract for service with the city. This rate may be discontinued if, in the opinion of the city, the customer violates the terms and conditions herein.

(b) Applicability. This rate schedule applies to any large industrial customer receiving city electric service at a single metering point and having a demand of at least 3,000 KW during any one billing month. Service under this rate schedule may be terminated and transferred to the applicable rate schedule if, in the opinion of the city, the character of service does not meet the criteria herein.

(c) Type of Service. Service under this schedule is firm and shall consist of three phase, 60 hertz alternating current at a standard voltage delivered to one metering point and compensated to that voltage.

(d) Metering. The method of service will utilize a dedicated, hourly-recording meter. All metering costs associated with this service may be assessed to the customer by the city.

(e) Monthly Rate. The rates shall be changed by the Mayor and Council from time to time.

(1) Demand Charge. The monthly rates for optional industrial electric demand service shall be set from time to time by the Mayor and Council.

(2) Energy Charge:

First 200 hours use of demand, per KWH	\$0.0549
201-400 hours use of demand, per KWH	\$0.0301
Over 400 hours use of demand, per KWH	\$0.0180

(f) Power Cost Adjustment. The amount calculated above may be increased by the amount of the city's current power cost adjustment, or its replacement, for the applicable billing month.

(g) Excess Reactive Demand. The city may at its option install metering equipment to measure reactive demand, defined as the highest 60 minute KVAR measured during the month. The excess reactive demand is defined as the KVAR in excess of one-half of the billing demand in the current month. In the city's opinion, if excess reactive demand occurs as a result of service to the retail customer, a charge not to exceed \$0.27 per excess KVAR may be assessed.

(h) Facility Charge. A monthly charge to recover costs of facilities required to serve the retail customer may be assessed by the city.

(i) Determination of billing demand. Billing demand shall be equal to the highest 60 minute KW demand measurement during the current month. The minimum Billing Demand for any given month is 3,000 kw.

If necessary data is not available, the city may estimate the billing demand for billing purposes and will render revised bills for payment or credit applicable to the affected billing month(s) if the actual billing demand differs from the estimate. The city may modify the determination of the billing demand in the future to recognize any changes in power cost causation.

(j) Monthly Bill. The monthly bill shall be the sum of the following charges where applicable: Demand energy, power cost adjustment, facility charge, and reactive demand.

(k) Minimum Monthly Bill. The total amount of any monthly bill shall be the sum of the following: The greater of the actual demand charge, or the minimum demand charge of \$15,000.00 plus energy and power cost adjustment, facility charge and reactive demand, if applicable.

(l) Payment. The rates in this section are net and shall carry a ten percent penalty after ten days from the billing date. Service is subject to being discontinued if the account is not paid within 20 days from the billing date. After service has been discontinued, it shall remain so until the entire account, as required under existing rate schedules, has been paid, together with the currently required service charge.

(m) Deposit Requirements. An advanced deposit may be set or negotiated by the City Manger or his/her designee.

(n) Term of Contract. The term of contract shall be not less than one year.
(Ord. No. 2038, §1, 12-7-98; Ord. No. 2117, §2, 7-7-03)

Note – Formerly 38-101.

Sec. 38-176. Reserved

Note – Formerly §38-103.

Sec. 38-178. Industrial Electric Service – Schedule 3.

(a) Availability. This service shall be available throughout the city and outside service areas from existing lines of adequate capacity.

(b) Applicability. This schedule shall apply to all electric service with a connected load of 500 kw or greater, up to 5,000 kw, and one standard voltage required on the customer's premises, delivered at one point and metered at or compensated to that voltage. The customer must demonstrate an annual billing load factor of at least 55 percent.

(c) Type of Service. The service shall be single or three-phase, 60 hertz, at standard voltage.

(d) Metering. The method of service will utilize a dedicated demand and energy meter. However, in certain cases this rate may be used in conjunction with an existing meter. At the discretion of the city, metering costs associated with this service may be assessed to the customer initially as a single charge. The data required for billing this rate schedule must come from meters provided by the city.

(e) Monthly Rate. The customer shall pay the city's rates as negotiated from time to time by the City Manager with concurrence of the Audit and Finance Committee of the City of Elberton.

(f) Monthly Bill. The monthly bill shall be the sum of the following charges where applicable: customer, demand, energy, power cost adjustment facility, reactive demand, and applicable taxes and fees except where superseded by the minimum monthly bill clause.

(g) Minimum Monthly Bill. The total amount of any monthly bill shall not be less than the sum of the customer charge, applicable charges for demand, facilities, and applicable taxes and fees.

(h) Determination of Billing Demand. The billing demand shall be based on the highest 30 minute kw measurements during the current month and the preceding 11 months.

(1) For the billing months of June through September, the billing demand shall be the greatest of:

- a. The current actual demand; or
- b. Ninety-five percent of the highest actual demand occurring in any previously applicable summer months; or
- c. Sixty percent of the highest actual demand occurring in any previous applicable winter month (October through May)

(2) For the billing month of October through May, the billing demand shall be the greatest of:

- a. Ninety-five percent of the highest summer month (June through September); or
- b. Sixty percent of the highest winter month, including the current month.

(3) In no case shall the billing demand be less than the greater of:

- a. The contract minimum;

- b. Fifty percent of the total contract capacity;
- c. Five kw.

(i) Excess Reactive Demand. Where there is an indication of a power factor of less than 95 percent lagging the city may at its option install metering equipment to measure reactive demand. The reactive demand shall be the highest 30 minute KVAR measured during the month. The excess reactive demand shall be KVAR, which is in excess of one-third the measured actual kw in the current month. The city will bill excess KVAR at the rate negotiated by the City Manager with concurrence of the Audit and Finance Committee of the City of Elberton.

(j) Energy Cost Adjustment. All bills rendered subject to the energy cost adjustment schedule shall be adjusted by the currently required amount.

(k) Facility Charge. A monthly charge to recover the costs of facilities required to serve the retail customer may be assessed by the city.

(l) Payment. The rates in this section are net and shall carry a ten percent penalty after ten days from the billing date. Service is subject to being discontinued if the account is not paid within 20 days from the billing date. After service has been discontinued, it shall remain so until the entire account, as required under existing rate schedules, has been paid, together with the currently required service charge.

(m) Deposit Requirements. An advanced deposit may be set or negotiated by the City Manager or his/her designee.

(n) Term of Contract. The term of contract shall be not less than one year.

(o) Written Agreement. The customer shall be required to enter into a written agreement with the city to subscribe to this rate or schedule.

(p) Effective Date of Service. This rate or schedule shall apply to customers contracting service after September 1, 2000.

(Ord. No. 2074, §1, 10-2-00; Ord. No. 2117, §2, 7-7-03)

Note – Formerly §38-104.

Sec. 38-179. Industrial Electric Service – Schedule 4.

(a) Availability. This service shall be available throughout the city and outside service areas from existing lines of adequate capacity.

(b) Applicability. This schedule shall apply to all electric service with a connected load of 5,000 kw or greater and one standard voltage required on the customer's premises, delivered at one point and metered at or compensated to that voltage. The customer must demonstrate an annual billing load factor of at least 55 percent.

(c) Type of Service: The service shall be single or three-phase, 60 hertz, at standard voltage.

(d) Metering. The method of service will utilize a dedicated demand and energy meter. However, in certain cases this rate may be used in conjunction with an existing meter. At the discretion of the city, metering costs associated with this service may be assessed to the customer initially as a single charge. The data required for billing this rate schedule must come from meters provided by the city.

(e) Monthly Rate. The customer shall pay the city's rates as negotiated from time to time by the City Manager with concurrence of the Audit and Finance Committee of the City of Elberton.

(f) Monthly Bill. The monthly bill shall be the sum of the following charges where applicable: Customer, demand, energy, power cost adjustment facility, reactive demand, and applicable taxes and fees except where superseded by the minimum monthly bill clause.

(g) Minimum Monthly Bill. The total amount of any monthly bill shall not be less than the sum of the customer charge, applicable charges for demand, facilities, and applicable taxes and fees.

(h) Determination of Billing Demand. The billing demand shall be based on the highest 30 minute kw measurements during the current month and the preceding 11 months.

(1) For the billing months of June through September, the billing demand shall be the greatest of:

- a. The current actual demand; or
- b. Ninety-five percent of the highest actual demand occurring in any previously applicable summer month; or
- c. Sixty percent of the highest actual demand occurring in any previous applicable winter month (October through May)

(2) For the billing months of October through May, the billing demand shall be greatest of:

- a. Ninety-five percent of the highest summer month (June through September) or
- b. Sixty percent of the highest winter month, including the current month.

(3) In no case shall the billing demand be less than the greater of:

- a. The contract minimum;
- b. Fifty percent of the total contract capacity;
- c. Five kw.

(i) Excess Reactive Demand. Where there is an indication of a power factor of less than 95 percent lagging the city may at its option install metering equipment to measure reactive demand. The reactive demand shall be the highest 30 minute KVAR measured during the month. The excess reactive demand shall be KVAR, which is in excess of one third the measured actual kw in the current month. The city will bill excess KVAR at the rate negotiated by the City Manager with the concurrence of the Audit and Finance committee of the City of Elberton.

(j) Energy Cost Adjustment. All bills rendered subject to the energy cost adjustment schedule shall be adjusted by the currently required amount.

(k) Facility Charge. A monthly charge to recover the costs of facilities required to serve the retail customer may be assessed by the city.

(l) Payment. The rates in this section are net and shall carry a ten percent penalty after ten days from the billing date. Service is subject to being discontinued if the account is not paid within 20 days from the billing date. After service has been discontinued, it shall remain so until the entire account, as required under existing rate schedules, has been paid, together with the currently required service charge.

(m) Deposit Requirements. An advanced deposit may be set or negotiated by the City Manager or his/her designee.

(n) Term of Contract. The term of contract shall be not less than one year.

(o) Written Agreement. The customer shall be required to enter into a written agreement with the city to subscribe to this rate or schedule.

(p) Effective Date of Service. This rate or schedule shall apply to customers contracting service after September 2, 2000.

(Ord. No. 2075, §1, 10-2-00; Ord. No. 2117, §2,. 7-7-03)

Note – Formerly §38-105.

Secs. 38-180 – 38-200. Reserved.