

ORDINANCE NO. 12-
Sponsored by Council Member Bruce Darlington

AN ORDINANCE TO AMEND SECTION 52.01 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO PROVIDE FOR A NET METERING RATE SCHEDULE FOR CUSTOMERS OF THE MUNICIPAL ELECTRIC DISTRIBUTION SYSTEM TO REMOVE WORDING NO LONGER NEEDED AND TO DECLARE AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That section 52.01 of the Codified Ordinances of the City of Wadsworth is hereby amended to read as follows:

§ 52.01 Electric Rates

(A) *Residential single phase electric service; Schedule "R"*. Residential single phase electric service shall be made available in accordance with the following conditions and rates:

(1) *Availability and applicability.* Available system-wide for only single phase service supplied to all residential consumers located within the service area of the Municipal Electric Distribution System of the city. All applications for service shall be in accordance with and conform to the provisions of [Chapter 50](#) through [Chapter 56](#) of this Code and the regulations adopted by the Director of Public Service there under.

(2) *Residential.* This schedule is applicable for service supplied to what is ordinarily designated and recognized as individual single-family, residential, home or farm use, including apartments, mobile homes and other individual single-family dwelling units or living quarters or apartments. (See division (A)(9)(d)).

(3) *Non-residential and commercial.* Service supplied for users that are ordinarily considered in public utility operations as being non-residential, non-home, or non-farm use, shall be considered as commercial or power in character and shall be so billed. For further definition of non-residential service, see division (B) of this section Commercial Schedule "C" and the electric utility's by-laws and regulations.

(4) *Residential and Non-residential combined.* Where electric service is supplied for a combined residential and non-residential or commercial use, the Commercial Schedule "C" shall apply or, at consumer's option, the wiring shall be separated (subject to electric utility's inspection and approval) and each class of service separately metered and billed in accordance with the applicable schedules.

(5) *Net rate per month or part thereof per individual dwelling unit.*

(a) The billing shall be calculated under the applicable rate set forth below:

| Residential Schedule "R" | | |
|---------------------------|--|--|
| Effective January 1, 2009 | Within Corporate Limits | Outside Corporate Limits |
| Monthly Charge (KWH) | \$3.50 (min.) | \$3.50 (min.) |
| Plus first 500 | @\$0.1039/KWH | @\$0.1061/KWH |
| Next 1,000 | @\$0.0743/KWH | @\$0.0773/KWH |
| Over 1,500 | @\$0.0555/KWH Includes the KWH Tax mandated by the State of Ohio effective May 1, 2001. | @\$0.0580/KWH plus the KWH Tax mandated by the State of Ohio effective May 1, 2001. |

(b) The forgoing rates are subject to the capacity charge, monthly minimum charge and other applicable provisions hereinafter set forth.

(6) *Capacity charge.* Where capacity or demand meters are installed and the measured capacity exceeds 20 KW, the above rates may, at the option of the electric utility, be increased by an amount equal to \$6.30 multiplied by the number of KW of such capacity that is in excess of 20 KW.

(7) *Monthly minimum charge.* The minimum charge under Schedule "R" shall not be less than \$3.50 per month.

(8) *Other terms and conditions.*

(a) Character of service furnished. The type of service furnished under Schedule "R" shall be single phase at a normal potential of approximately 120/240 volts, three-wire, 60 cycles. Service will not be furnished where individual single phase motors larger than ten HP are installed except where written permission is granted by the electric utility. Schedule "R" is not applicable for three-phase service. If three-phase service is supplied, Commercial Schedule "C" shall apply to all service.

(b) Meter reading. All meters readings and billings shall be based on the multiplier of the meter installed by the electric utility.

(c) Metering voltage. The electric utility reserves the right to meter consumer's requirements in the most practical manner, either at secondary or primary distribution voltage, and in either case the billing KWH shall be the metered KWH.

(d) Multiple dwelling units. Schedule "R" is applicable to existing installations, where not more than three dwelling units, apartments, living quarters or mobile homes are supplied through one meter. In such an event, for billing purposes, the KWH shown for each rate step or block and the minimum charge of the applicable rate shall be multiplied by the number of living quarters served. Where four or more living quarters, or dwelling units are supplied through one meter, the Commercial Schedule "C" shall apply. In all cases where more than one unit is supplied through one meter, the property owner of record shall receive all billings. All new installations shall be separately wired, metered, and billed.

(e) Application for service. All applications for service shall be in accordance with and conform to the provisions of [Chapter 50](#) through [Chapter 56](#) of this code and the regulations adopted by the Director of Public Service there under.

(f) Budgeted terms of payment for house heating service. At the request of the consumer who is using electricity as the principle means of heating a home, upon the approval of the electric utility, a budget plan for the payment of electric service bills may be used. Based on actual experience or history of usage, the electric utility will compute the annual electric service bill for all purposes and divide same by 12. The result shall be the amount to be paid by the consumer. All budget plans shall be applied for in writing on electric utility's budget billing form and shall commence with the bill payable in September of each year. At the end of each annual billing period, terminating with the bill payable in August, the difference between the amount payable for all of the KWH actually used by the consumer during the first 11 months of said annual billing period and the amount actually paid under the budget plan shall be determined and shall be the balance due the electric utility. Said balance plus the actual bill for the twelfth month of said annual billing period shall be payable in August on or before the date specified on bill. Any overpayment will be credited to consumer's account. Payments received after the due date noted on monthly bills will cause the account to be removed from the budget billing plan.

(g) All new line extensions to permanent installations involving more than an aggregate and combined distance of primary, secondary and service drop in excess of 250 feet shall be subject to the conditions set forth in electric utility's by-laws and regulations relating to "unusual service extensions".

(h) The rates under Schedule "R" are based upon and dependant upon federal, state, county, municipal, and other government levies, including gross receipts, income taxes, license fees and other impositions of similar character in effect as of May 1, 2001. In event of an increase in rates of existing taxes of this character or additional new taxes, licenses or fees based upon generation, distribution, purchase and/or sale of the electric power current or energy, shall be imposed upon or required to be paid by the electric utility, the rates herein may be increased by a surcharge equal to the amount of the cost

per KWH, or per consumer, or per demand or capacity or other applicable unit of charge for such new or additional taxes, licenses or fees. No adjustment shall be made due to variations or changes in the federal income tax rate.

(9) *Power cost adjustment.* The Residential Rate Schedule "R" shall be subject to a wholesale power cost adjustment which shall be computed by the electric utility to be the average cost per KWH of the preceding month's wholesale power purchase cost less \$0.04801/KWH plus 7% for system losses.

(B) *Commercial electric service.* Schedule "C". Commercial electric service shall be made available in accordance with the following conditions and rates.

(1) *Availability and applicability.* Available and applicable for single and/or three phase service for all non-residential use not specified in Residential Schedule "R" (division (A) of this section) and for all service where three-phase service is supplied to residential consumers. It includes service furnished to retail or wholesale businesses, small manufacturing or processing establishments, hotels, tourist or trailer camps, motels, stores, restaurants, service stations, professional offices, multiple dwelling units, apartment houses, clubs, lodges, public buildings, etc., and for all other uses that are not ordinarily considered as being strictly residential, home, or farm use in character. A separate bill will be rendered for each service and/or meter installed. Service will be furnished in accordance with this division and in accordance with the electric utility's by-laws and regulations or subsequent revisions thereof.

(2) *Net rate per month or part thereof.*

| Commercial/Non-Residential Schedule "C" | | |
|---|-------------------------|--------------------------|
| Effective January 1, 2009 | Within Corporate Limits | Outside Corporate Limits |
| Monthly Charge (KWH) | \$11.50 (min.) | \$11.50 (min.) |
| Plus first 2,000 | @\$0.0911/KWH | @\$0.0940/KWH |
| Next 8,000 | @\$0.0792/KWH | @\$0.0822/KWH |

| | | |
|-------------|--|--|
| Over 10,000 | @\$.0553 KWH Includes the KWH Tax mandated by the State of Ohio effective May 1, 2001. | @\$.0584/KWH plus the KWH Tax mandated by the State of Ohio effective May 1, 2001. |
|-------------|--|--|

(a) Plus an additional charge of \$6.30 for each unit of billing capacity in excess of 40.

(b) All billings under the above rates are subject to the minimum charge and other provisions hereinafter set forth.

(3) *Monthly minimum charge.* Where three-phase service is furnished, the applicable monthly minimum charge shall apply on a year round basis of not less than 12 consecutive months. Seasonal disconnection of three-phase service shall not avoid the applicable monthly minimum charge. Where service is furnished for charitable, philanthropic, non-profit, community activities (such as governmental or tax supported athletic fields, swimming pools, fairs, carnivals, and the like) the electric utility reserves the right to waive the aforementioned minimum billing periods for which the minimum charge shall be applicable. In such an event service shall be billed monthly and the minimum charge shall apply only during those months that service is actually connected or energized. The monthly minimum charge shall be not less than the highest minimum charge as determined by any of the following methods:

(a) For single phase where capacity metering equipment is not installed, the basic minimum charge shall be \$11.50 under Schedule "C". For each KVA of installed or allocated transformer capacity in excess of 10 KVA the basic minimum charge will be increased by \$1 per KVA. Where capacity metering equipment is installed, the minimum charge shall be \$6.30 per unit of billing capacity as determined hereafter but not less than the applicable basic minimum charge as determined above.

(b) For three-phase service the minimum charge shall be \$15 but not less than \$1 for each KVA of installed or allocated transformer capacity, nor less than \$6.30 per unit of billing capacity as determined above. Except as previously specified, seasonal or other disconnection of service shall not affect or eliminate the three-phase minimum charges set forth herein.

(c) For combined single phase and three phase service the minimum charge shall be the sum of the individual minimum charges as determined under divisions (3)(a) and (3)(b) above but not less than \$25.

(4) *Determination of unit of billing capacity.* The KW billing capacity shall be the highest measured 15 minute integrated or equivalent thermal KW capacity determined to the nearest KW by means of suitable metering equipment but not less than 45% of the highest KW capacity so determined during the preceding 11 months.

Whenever the power factor is less than 90%, the electric utility reserves the right to determine the billing capacity on the basis of KVA capacity instead of KW capacity. The billing capacity applicable to Rate Schedule "C" shall be the KW or KVA capacity as determined above that is in excess of 40 but not less than the minimum contracted.

(5) *Other terms and conditions.*

(a) The type of service available under Rate Schedule "C" will be supplied through a single set of service wires to a single meter location. The voltage shall, at the electric utility's option, be either 120/240 volt three-wire single phase service or 120/208 volt four-wire or 277/480 volt four-wire three phase service.

(b) When in the opinion of the electric utility, 500 KVA or more of substation capacity is required to supply consumer's existing and probable future requirements, the electric utility reserves the right to require consumer to make the necessary complete substation installation. In such an event the service will all be billed under the provisions of division (C) of this section, with the consumer receiving the substation discount as set forth therein.

(c) All service shall be delivered through a single set of service wires at a single location to be designated by the electric utility.

(d) For each service and meter location, the electric utility shall render a separate bill for electric services used subject to minimum charges.

(e) Where the premises are used and occupied by a consumer as a non-residential or commercial establishment and also as a residence or for farm use as defined herein and where only single phase service is furnished, all service shall be billed under Schedule "C". At the consumer's option, the wiring may be separated subject to the electric utility's inspection and approval. Under such conditions each class of service will be metered separately and billed in accordance with the applicable schedules.

(f) Normally only single phase service is available by the electric utility. Service will not be furnished to operate individual single phase motors in excess of ten HP rating except where written permission is granted by the electric utility.

(g) All motors ten HP and larger shall be equipped with reduced voltage starting equipment or other control devices so as to avoid unnecessary voltage surges on the electric utility distribution system.

(h) The electric utility may at its option furnish three phase service only where such service is already available immediately adjacent to consumer's property and only where it is practical and economical to do so. Consideration to the investment required and probable use of three phase service by consumer and where the consumer enters into an appropriate contract that recognizes the investment involved will determine any line extension.

(i) The electric utility reserves the right to increase the minimum period of service and/or to increase the minimum charge where an unusual investment is required to furnish service as compared to the estimated or probable revenue to be received.

(j) In determining consumer's classification for billing purposes, any establishment carrying a business, professional, or commercial telephone directory listing shall automatically be classified as being non-residential or commercial in character. However, the absence of such listing shall not be a determining factor in establishing that the service utilization is not non-residential or commercial in character.

(k) Seasonal service. Only single phase service is available for periods of less than 12 months with the minimum billing period to be not less than four consecutive months each time service is established.

(l) Metering voltage. The electric utility reserves the right to meter consumer's requirements in the most practical manner either at secondary or primary distribution voltage and in either case the billing KWH shall be the metered KWH.

(m) Definition of rural commercial service. Service in rural areas, defined as areas outside city's corporate limits, shall be considered as commercial in character where such service is not incidental to residential use or general farming operations and/or where such service is used for the preparation or processing of food or other products to the extent that same are substantially in a form that they can be used or can be readily adopted for use by, or for sale to, the ultimate consumer. All electric service supplied in rural areas for activities, purposes or uses that, when carried on in urban or incorporated areas, are considered and defined by the electric utility industry as being non-residential or commercial in character, shall likewise also be considered and defined as non-residential or commercial for all rural areas and such service shall be billed under Schedule "C".

(n) Temporary service. Temporary service shall be supplied in accordance with the foregoing rates except that the consumer shall pay in addition the foregoing charges, those charges specified in division (F) of this section. A deposit in advance may be required to cover the estimated bill for electric service plus the "up and down" costs of establishing the service.

(o) Use of service. Service under Schedule "C" shall not be resold or "submetered".

(p) The rates under schedule "C" are based upon and dependent upon federal, state, county, municipal, and other government levies, including gross receipts, income taxes, license fees and other impositions of similar character in effect as of May 1, 2001. In event of an increase in rates of existing taxes of this character or additional new taxes, licenses or fees based upon generation, distribution, purchase and/or sale of the electric power current or energy, shall be imposed upon or required to be paid by the electric utility, the rates herein may be increased by a surcharge equal to the amount of the cost per KWH, or per customer, or per demand or capacity or other applicable unit of charge

for such new or additional taxes, license or fees. No adjustment shall be made due to variations or changes in the Federal Income Tax Rate.

(6) *Power cost adjustment.* The non-residential rate Schedule "C" shall be subject to a wholesale power cost adjustment which shall be computed by the electric utility to be the average cost per KWH of the preceding month's wholesale power purchase cost less \$0.04801/KWH plus 7% for system losses.

(C) *Large Power Electric Service; Schedule "P".* Large power electric service shall be made available in accordance with the following conditions and rates:

(1) *Availability and applicability.* The Large Power Service Schedule "P" is available to all consumers located along existing electrical distribution lines of the electric utility who use electric utility's standard service for single or three-phase service and who guarantee a monthly billing capacity to be specified by the service application or by contract but not less than 500 KVA. Service under Schedule "P" will be furnished only on a 12-month non-seasonal basis by contract in accordance with the following stipulations and also be in accordance with the electric utility's by-laws and regulations or subsequent revisions thereof which are on file with the Clerk of Council. This schedule is applicable for all consumers' electric service requirements, both single and three-phase, whenever supplied by the electric utility. A separate bill will be rendered for each service and meter location. For single phase service only, Schedule "P" is an optional schedule available to consumer upon written request for periods of not less than 12 consecutive months. If, in the opinion of the electric utility, 500 KVA or more of substation capacity is required to supply consumer's existing and probable future requirements, the electric utility reserves the right to require consumer to install the necessary complete substation equipment and in such event this Schedule "P" shall apply (see division (C)(7)(a) this section.)

(2) *Net rate per month of service.*

(a) The total monthly billing shall be the sum of the following charges:

| | Within Corporate Limits | Outside Corporate Limits |
|---------------------------------|-------------------------|--------------------------|
| First portion (capacity charge) | | |
| All KVA of capacity | @\$8.25 per KVA | @\$8.50 per KVA |
| <i>Effective Jan. 1, 2009</i> | | |
| Second portion (energy charge): | | |

| | | |
|-----------------------|---|---|
| First 250 KWH per KVA | @\$0.0481/KWH | @\$0.0509/KWH |
| Over 250 KWH per KVA | @\$0.0373/KWH | @\$0.0403/KWH |
| | Includes the KWH tax mandated by the state effective May 1, 2001. | plus the KWH tax mandated by the state effective May 1, 2001. |

(b) The resultant billing as determined above shall be subject to the minimum charge, discount for furnishing of substation, tax, and other adjustments hereinafter set forth.

(3) *Monthly minimum charge.* The monthly minimum charge under Schedule "P" shall not be less than \$8.25 per KVA of billing capacity nor less than \$1,200 per month, nor less than the minimum charge specified in consumer's service application or contract with the electric utility. Said minimum charge shall have added to same any "special tax and assessment adjustment" that may be applicable as provided in division (C)(7)(b) of this section. The minimum charge is applicable on a 12 month, year round, basis and seasonal disconnects will not avoid the applicable minimum charge except as provided herein under "Determination of KVA Billing Capacity", division (C)(4) of this section.

(4) *Determination of billing capacity.* The monthly KVA billing capacity shall normally be determined by measurement by taking the highest 15 minute integrated or equivalent thermal KW capacity and dividing same by the power factor expressed as a decimal. The KVA capacity may also be determined, at the electric utility's option, by means of other suitable indicating or recording metering equipment; either continuously or by periodic tests made by the electric utility at suitable intervals as determined by the electric utility. Refer to division (C) (5) of this section for special provisions for off-peak billing capacity. The power factor may be taken as the average monthly power factor as determined by a ratcheted RKWH (RKVAH) meter or the power factor occurring at the time of maximum capacity as determined by using the maximum 15 minute integrated or thermal KW and RKW capacities to calculate same or the power factor as determined by means of periodic tests made by the electric utility using standard metering equipment. Where highly fluctuating or intermittent loads (such as welding machines, electric furnaces, hoists, elevators, X-rays, and the like) are in operation by the consumer, the electric utility reserves the right to determine the billing capacity by averaging consumer's total load over a two minute period or by increasing the 15 minute measured maximum capacity by an amount equal to 50% of the name plate KVA capacity of the fluctuating equipment in operation by the consumer. Where such fluctuating loads require additional or separate transformers or additional system capacity, an additional separate capacity charge may be made and which shall be based on a special study of the

consumer's requirements. The monthly KVA billing capacity shall be as determined above but in no event shall the billing capacity be less than the highest of whichever of the following is applicable:

(a) 45% of the highest KVA capacity measured during the preceding 11 months but not less than the applicable minimum billing capacity as specified in (b) or (c) below, nor less than 500 KVA.

(b) Not less than the minimum KVA capacity as specified by the electric utility and set forth in consumer's service application or contract with the electric utility. In specifying said minimum contract capacity in KVA, the electric utility will take into consideration the system capacity and companion investment reserved in order to serve both consumers' initial and contemplated future requirements.

(c) For service furnished to public schools and other governmental use, the electric utility reserves the right to waive the provisions set forth in (a) and (b) above. In such an event and as long as service is connected, the minimum billing capacity shall be as actually measured but in no event less than 500 KVA. Where such service is furnished for seasonal activities such as tax supported athletic fields and the like, the minimum billing capacity and minimum charge may, at the option of the electric utility, be waived during any regular billing period that service is disconnected for the entire billing or meter reading period.

(5) *Off-peak power determination of billing capacity.* This subsection permits the establishment of billing capacity by measurement of coincidental peaks of the electric utility and the consumer. This provision is only available to the large power consumer where all of the consumer's requirements are supplied at primary voltage, and who furnish, own, operate and maintain the necessary complete substation equipment required by the electric utility and who contracts for a minimum billing capacity of not less than 1,000 KVA.

(a) The consumer shall install, under the supervision of the electric utility, at their sole expense, suitable capacity recording measuring equipment approved by the electric utility.

(b) The consumer shall supply the electric utility monthly metering charts on the date specified by the electric utility.

(c) The electric utility shall compute the billing capacity by using the KW capacity coincident with the electric utility's billing peak during the same period.

(6) *Other terms and conditions.*

(a) Where individual or unusual substation installations are required to serve the consumer, the electric utility reserves the right to require the consumer to install at consumer's expense, the necessary complete substation (consisting of transformers, structure, protective devices, etc., required to utilize service at the primary voltage

designated by the electric utility. The size, capacity and other specifications of such substation shall be determined by the electric utility and the entire installation shall conform to the electric utility specifications. When the consumer owns, operates, and maintains the necessary complete substation, a discount of \$0.25 per KVA of billing capacity will be reflected in consumer's bill. However, the resultant bill shall in no event be less than the applicable monthly minimum charge as determined in division (C)(4) of this section.

(b) The rates under Schedule "P" are based upon and dependent upon federal, state, county, municipal, and other government levies, including gross receipts, income taxes, license fees and other impositions of similar character in effect as of May 1, 2001. In event of an increase in rates of existing taxes of this character or additional new taxes, licenses or fees based upon generation, distribution, purchase and/or sale of the electric power current or energy, shall be imposed upon or required to be paid by the electric utility, the rates herein may be increased by a surcharge equal to the amount of the cost per KWH, or per consumer, or per demand or capacity or other applicable unit of charge for such new or additional taxes, licenses or fees. No adjustment shall be made due to variations or changes in the federal income tax rate.

(c) For each service or meter location, the electric utility reserves the right to use either one combination single and three-phase meter or separate single and three-phase meters. In such latter event the maximum capacity and KWH readings will be added arithmetically and a single bill under the above rates will be rendered to the consumer. The above rates are based upon metering at the electric utility's primary voltage at consumer's premises. The electric utility reserves the right to meter consumer's requirements at secondary voltage, in which event the KWH for billing purposes shall be the secondary metered KWH multiplied by 1.05 to allow for transformation losses.

(d) Secondary service available under Schedule "P" will be 120/208 volt four-wire or 277/480 volt four-wire three phase, or 120/240 volt three-wire single phase service. As to the availability of three-phase service refer to the electric utility by-laws and regulations. All service shall be supplied through a single set of service wires. Any special transformers required for lighting shall be furnished by consumer. The primary service voltage will be determined by the electric utility taking into consideration consumer's capacity requirements and in no event shall the primary voltage be considered as being less than 12,470 volts.

(e) All motors of five HP or greater name-plate rating shall be equipped with reduced voltage starting devices so as to avoid unnecessary voltage disturbances to electric utility. Refer to the electric utility by-laws and regulations.

(f) Where power factor corrective equipment is installed by consumer, the electric utility reserves the right to require consumer to install at his expense such control and switching devices as are necessary to prevent excessive or detrimental voltage variations or harmonic distortion on electric utility's system or to electric utility's consumers.

(g) Temporary, seasonal, or unusual service. For such service the minimum charge conditions, furnishing of substation equipment, connection and disconnection of service, financing of service facilities required and the like, will be covered by a special agreement contract with the consumer. The consumer shall pay all "up and down" costs involved in connection with the furnishing of any temporary service. Refer to the electric utility by-laws and regulations.

(h) Contract provisions. Service will be rendered under Schedule "P" upon application by the consumer for an initial contract period of not less than 12 months or longer, depending upon the investment required to supply consumer's requirements, revenue to be received from consumer, etc. The electric utility shall set forth in said contract the monthly minimum charge, the minimum billing capacity in KVA and the contribution in aid of construction, if any, to be made by consumer plus other related matters as are pertinent to the furnishing of service to consumer, protection of electric utility's investment and assuring payment of consumer's accounts and the like.

(i) Use of service. Under no condition shall service be resold, submetered or shared with others.

(7) *Power Cost Adjustment.* The Large Power Rate Schedule "P" shall be subject to a wholesale power cost adjustment which shall be computed by the electric utility to be the average cost per KWH of the preceding month's wholesale power purchase cost less \$0.04801/KWH plus 7% for system losses.

(D) *Large power interruptible electric service.* Schedule "LPI." Coincident peak electric service shall be made available in accordance with the following conditions and rates:

(1) *Availability and applicability.* The Large Power Interruptible Schedule "LPI" is available to all consumers located along existing electric distribution lines of the electric utility who receive service at the electric utility's primary voltage and who guarantee a monthly billing capacity to be specified by the service application of by contract but not less than 500 KVA. Service under Schedule "LPI" will be furnished only on a 12 month, non-seasonal basis by contract in accordance with the following stipulations and also be in accordance with the Electric Utility's By-Laws and Regulations or subsequent revisions thereof. All service will be supplied at primary voltage and consumer will furnish, own, operate, and maintain the necessary complete substation equipment required to take all electric service at the primary voltage designated by the electric utility. The consumer shall install, at their sole expense, under the supervision of the electric utility, suitable demand recording equipment approved by the electric utility. Through this installed metering equipment, consumer shall supply capacity information to the electric utility or to whoever is designated by the electric utility.

(2) *Net rate per month per service.* The total monthly billing shall be the sum of the following charges, subject to minimum charges, taxes, and other provisions hereinafter set forth:

(a) Base capacity per KVA @ effective rate of base demand charges for the month from the power supplier to the electric utility.

(b) Regulation capacity per KVA @ effective rate of regulation demand charges for the month from the power supplier to the electric utility.

(c) Base energy per KWH @ effective rate of base energy charges for the month from the power supplier to the electric utility.

(d) Regulation energy per KWH @ effective rate of regulation energy charges for the month from the power supplier to the electric utility.

(e) Service fee @ \$0.00075 per KWH.

(f) The above schedule includes the KWH Tax mandated by the state effective May 1, 2001, if electric service is delivered to a location within the corporate limits of the city. All electric service delivered outside the corporate limits of the city shall have the KWH Tax mandated by the state effective May 1, 2001, added to above rates.

(3) *Monthly minimum charge.* The monthly minimum charge under Schedule "LPI" shall not be less than \$11.50 per KVA of billing capacity, nor less than \$5,000 per month, nor less than the minimum charge specified in consumer's service application or contract with the electric utility. Said minimum charge shall be subject to any special tax or adjustment that may be applicable. The minimum charge is applicable on a 12 month year round basis. Seasonal disconnects will not avoid the applicable minimum charge.

(4) *Determination of KVA billing capacity.* The monthly KVA billing capacity shall be determined by taking the one hour integrated KW capacity of the hour the electric utility's coincident peak and dividing by the power factor expressed by a decimal. The power factor may, at the electric utility's option, be taken as the average monthly power factor as determined by a ratcheted RKWH (RKVAH) meter or the power factor occurring at the time of maximum demand as determined by using the maximum 15 minute integrated or thermal KW and RKW capacities to calculate same or the power factor as determined by means of periodic tests made by the electric utility, using suitable standard metering equipment. The monthly KVA billing capacity shall be as determined above but in no event shall the billing capacity be less than the minimum KVA capacity as specified by the electric utility and set forth in consumer's service application or contract with the electric utility nor less than 500 KVA. In specifying said minimum contract capacity in KVA, the electric utility will take into consideration the system capacity and companion investment reserved in order to serve both consumer's initial and contemplated future requirements.

(5) *Other terms and conditions.*

(a) The base capacity shall be specified by the service application. All capacity in excess of the specified base amount shall be charged at the regulation rate.

The base energy shall be calculated by multiplying the hours in the billing cycle by the contracted base capacity. All energy in excess will be billed at the regulation rate.

(b) The rates under Schedule "LPI" are based upon and dependent upon federal, state, county, municipal, and other government levies, including gross receipts taxes, income taxes, license fees, and other impositions of similar character in effect as of May 1, 2001. In the event of an increase in rates of existing taxes of this character or additional new taxes, licenses or fees based upon generation, distribution, purchase and/or sale of the electric power current or energy, shall be imposed upon or required to be paid by the electric utility, the rates herein may be increased by a surcharge equal to the amount of the cost per KWH, or per consumer, or per demand or capacity or other applicable unit of charge for such new or additional taxes, licenses or fees. No adjustment shall be made due to variations or changes in the federal income tax rate.

(c) The above rates are based upon metering at the electric utility's available primary voltage at consumer's premises.

(d) All service shall be supplied through a single set of service wires. Any special transformers required for lighting shall be furnished, installed, and maintained by consumer. The primary service voltage will be determined by the electric utility taking into consideration consumer's capacity requirements and in no event shall the primary voltage be considered as being less than 2,400 volts.

(e) All motors of ten HP or greater name plate rating shall be equipped with reduced voltage starting devices so as to avoid unnecessary voltage disturbances to the electric utility and their customers. Refer to the electric utility by-laws and regulations.

(f) Where power factor corrective equipment is installed by consumer, the electric utility reserves the right to require consumer to install at his expense such control and switching devices as are necessary to prevent excessive or detrimental voltage variations on the electric utility's system or other consumers.

(g) Under no conditions shall any service be resold, submetered or shared with others.

(h) The base capacity amount in KVA shall be specified in the agreement between the electric utility and customer.

(E) *Private street and security lighting electric service; Schedule "SL"*. Private street and security lighting electric service shall be made available in accordance with the following conditions and rates.

(1) *Availability*. Available to any consumer including other political subdivisions such as townships and the like, where the electric utility's standard lighting unit can be installed on an existing pole and where 120/240 volt secondary or service wires are already installed so as to permit the lighting unit to be installed without further extension of the electric utility's distribution facilities. This service is also available

where the electric utility's street lighting circuits are available immediately adjacent to consumer's premises. Where the installation of the lighting unit requires an additional pole or an extension of the electric utility's secondary lines or the installation of an additional transformer, the additional investment required shall be paid for by the consumer. This service is available only where there is reasonable assurance that the service furnished will be of a permanent nature. The electric utility reserves the right to refuse to furnish lighting service under this Schedule "SL" where the installation, in the electric utility's opinion will not be of a permanent character. All applications for SL service shall be in accordance with and conform to the provisions of [Chapter 50](#) through Chapter 56 of this code and the regulations adopted by the Director of Public Service and agreement form and the provisions set forth in this Schedule "SL".

(2) *Character of service.* The electric utility will install, own, operate, and maintain at its expense the necessary mast arm mounted lighting unit and related appurtenances. The lighting unit will be photo-electric or otherwise controlled so as to provide substantially year round dusk to dawn lighting service.

(3) *Net rate per lighting unit per month.*

| Nominal Lumens Rating of Lamp | Approximate Rating in Watts | Monthly Charge Per Unit |
|-------------------------------|-----------------------------|-------------------------|
| <i>Mercury Vapor:</i> | | |
| 7,000 | 175 | \$9.50 |
| 11,000 | 250 | 12.00 |
| 20,000 | 400 | 16.00 |
| <i>High Pressure Sodium:</i> | | |
| 9,500 | 100 | \$9.50 |
| 16,000 | 150 | 12.00 |
| 25,500 | 250 | 14.00 |
| 50,000 | 400 | 17.00 |
| <i>Metal Halide</i> | | |
| 36,000 | 400 | \$19.00 |

(a) For all lighting units located within the corporate limits of the city, the above rates include the KWH Tax mandated by the State of Ohio effective May 1, 2001.

(b) Lighting units located outside the corporate limits of the city shall have the KWH Tax mandated by the State of Ohio effective May 1, 2001, added to above rates.

(4) *Minimum charge.* This lighting service is furnished only as a continuous 12 month year round basis. The minimum charge per unit is for 12 months and any disconnection of service will not avoid the minimum charge.

(5) *Advance payment of annual charge.* When in the opinion of the electric utility, consumer's regular service is seasonal or non-permanent in character, the electric utility reserves the right to require the annual charge per unit be paid in advance before service is established and thereafter to require advance payment prior to the commencement of each succeeding 12 months of service.

(6) *Payment and billing.* The monthly charge per unit will be added to the regular electric charge of consumer's bill and payment of same shall be subject to the terms of payment applicable to consumer's bill for regular metered electric service.

(F) *Temporary and seasonal service.*

(1) Whenever the service requested by the consumer is temporary, special, short term or emergency, such service shall be considered as a commercial temporary service. In such event, a written application or contract will be required which will cover the period of service, character of service and extra charges of the installation and removal of the required service connection, transformers, and accessory equipment together with all material, labor, insurance, transportation and other expense incidental thereto.

(2) Temporary service is defined as service required to be rendered for a period of less than one year and includes service that is to be supplied to installations, structures or buildings that are, in the opinion of the utility, not permanent in character. Such temporary service also includes service furnished to trailers, mobile homes, carnivals, street fairs, construction contractors, portable tools and the like.

(3) (a) Consumer shall pay a minimum construction charge of \$200 to pay for the initial establishment of temporary electric service as defined above. The foregoing minimum construction charge only applies where not more than a standard single phase service drop of not more than 100 feet is required and where same will be incorporated and fully used as all or part of the permanent service without loss of materials of consequence.

(b) Whenever additional construction in excess of said "Standard Service Drop" is required for such temporary service and connections, all "up and down" labor and material costs in excess of the foregoing service drop construction charges shall be paid for by the consumer. Under such conditions, consumer shall be required to make an advance deposit to cover the estimated construction costs involved. Such deposit shall be paid before construction work commences and upon completion any excess deposit will be returned to consumer.

(4) Temporary and seasonal service shall be furnished in accordance with utility's applicable schedule with respect to rates, minimum period of time that service shall be paid for, monthly minimum charge, and the like.

(G) *Special service charges.* The following charges are applicable to partially pay for the expense involved by the electric utility to furnish special services requested or caused by the consumer.

| Item | Description of Special Service Furnished | Amount |
|------|--|-----------|
| (1) | Trip and inspection charge for initial establishment of service | No charge |
| (2) | Trip charge for special meter reading | \$15.00 |
| (3) | Trip charge for temporary disconnect or connect of service at customer request during regular hours | \$15.00 |
| (4) | Trip charge to reconnect service off for delinquency or violation of rules (during regular hours) | \$15.00 |
| (5) | All trip charges outside of regular working hours | \$100.00 |
| (6) | Fraud, illegal diversion of electricity, meter tampering, unauthorized reconnection of service (in addition to estimated value of non-metered use) | \$200.00 |
| (7) | Testing of meter at consumer request where meter is in error by less than 2% slow or fast | \$25.00 |
| (8) | Bank return of consumer's check | \$25.00 |
| (9) | Application fees for new services shall be in accordance to the current bylaws and regulations of the electric utility department of the city. | |

(H) *Net metering rate schedule.* Customers who generate a portion or all of their own electric needs and provide any excess generation to the City's system can receive a billing credit equal to the City's wholesale cost of energy, adjusted to included line losses. This billing credit shall be provided to the customer under a net metering rate schedule subject to the following terms and conditions:

- (1) **Limitations.** Billing under this schedule is limited to customers who operate renewable energy source electric generating technologies. This is defined as "energy generated by solar, wind, geothermal, biomass, including waste-to energy and land fill gas, or hydroelectric." Biomass systems are allowed to blend up to 25% fossil-fuel as needed to ensure safe, environmentally sound operation of the system. A customer using biomass blended with fossil-fuel as a renewable energy source must submit proof substantiating the percentage of fossil fuel blend either by (a) separately metering the fossil fuel, or (b) providing other documentation that will allow the City to correctly apply a generation credit to the output associated with the renewable fuel only. Eligibility for participation in the net metering program is limited to customers taking bundled service (non-interruptible) from the City. The eligible facilities must be installed on the

customer's premises. The maximum size of electric generators eligible for net metering treatment is 10 kW or under for residential units and 200 kW or under for commercial or industrial units. To qualify for this schedule, customer's generation systems will be limited in size, not to exceed the customer's self-service needs. Non-dispatchable generation systems (e.g., wind and solar) shall be sized not to exceed the customer's annual energy needs, measured in kilowatt-hours (kWh). Dispatchable systems shall be sized not to exceed the customer's capacity needs, measured in kilowatts (kW). If a customer has more than one generator, to qualify for this Schedule, the total capacity of the generators shall be less than the maximum listed above. The City may restrict or deny service under this Schedule once the total connected generation provided under this Schedule equals or exceeds one tenth of one percent of City's previous year's peak demand or 500 kW. The customer's facility must be in compliance with the City's existing interconnection rules and regulations. For biomass systems blending fossil-fuel, the generation credit shall apply only to the output associated with the renewable fuel and exclude the output from the fossil fuel.

(2) Monthly Rate. Deliveries from the City to the customer shall be billed in accordance with the standard applicable rate schedules.

(3) Customer Credits for Net Excess Generation (NEG). Net excess generation (NEG) represents the amount of electric generation by the customer beyond the customer's own metered usage which is delivered to the City during the billing period. Deliveries from the customer to the City shall be credited at the following rates:

| | Wind | Solar | Biomass |
|-----------------|----------|----------|----------|
| Summer On Peak | \$0.0935 | \$0.0935 | \$0.0935 |
| Summer Off Peak | \$0.0460 | \$0.0460 | \$0.0460 |
| Winter On Peak | \$0.0726 | \$0.0726 | \$0.0726 |
| Winter Off Peak | \$0.0392 | \$0.0392 | \$0.0392 |

for power supplied to the City. The Summer Season shall be the months of June, July, August and September and the Winter Season shall be the months of January, February, March, April, May, October, November and December. On-Peak hours shall be Monday through Friday from 10:00 a.m. to 8:00 p.m. except for New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Off-Peak hours shall be all other hours. The credit to the customer shall not exceed the dollar amount the City bills the customer for energy consumption in any billing period. Instead, the net excess dollar amount shall be allowed to accumulate as a net excess generation (NEG) credit to offset the customer's energy charges in the next billing period. The credit will be adjusted based on the currently used power cost adjustment Net excess generation (NEG) credits, if any, will be carried over from month to month. Following the customer's December billing cycle, the

customer's credits balance will be reset to zero. Any unused net excess generation (NEG) credits will be retained by the City to offset costs associated with the operation of the net metering program.

Section 2. That division (H) of section 52.01 as added to section 52.01 of the Codified Ordinances by section one of this ordinance shall be effective for bills for the April 2012 and subsequent billing months.

Section 3. That existing section 52.01 of the Codified Ordinances of the City of Wadsworth is hereby repealed.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City of Wadsworth in order to provide for a fair and equitable billing credit for customers of the City's electric utility who generate a portion or all of their own electricity needs; WHEREFORE, this ordinance shall go into immediate effect provided it receives a two thirds vote of all members of city council. If it receives approval by a majority of the members but less than a two-thirds vote, then it shall be effective at the earliest time permitted by law.

Passed: _____

President of Council

Attest: _____

Clerk of Council

Approved: _____

Mayor

1st Rdg. _____

2nd Rdg. _____

3rd Rdg. _____

Passed: yes _____ no _____

CERTIFICATE OF PUBLICATION

I, Tammy Guenther, Clerk of Council of the City of Wadsworth, State of Ohio, do hereby certify that the forgoing ordinance was duly published in The Gazette on _____ and _____, which is for two consecutive weeks as required by section 731.21 of the Ohio Revised Code.

Tammy Guenther
Clerk of Council
City of Wadsworth