

ORDINANCE NO. 1382

LEXINGTON, NEBRASKA

ORDINANCE NO. 1382

AN ORDINANCE AMENDING ORDINANCE NO. 1329; ADDING THE RIGHT TO INCLUDE ANY FUEL ADJUSTMENT CHARGE.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA:

Section 1. Section 8-2 of the Code is hereby amended to read as follows:

Sec. 8-2. Electric service available; permanent, seasonal and temporary service.

Unless otherwise stated in this chapter pertaining to specific electric rate schedules, electric service supplied will be sixty cycle alternating current as follows:

Single phase,

2-wire, 120 volts
3-wire, 120/240 volts

Three-phase,

3-wire delta, 240 volts
4-wire delta, 120/240 volts
4-wire wye, 120/208 volts

The electric department shall have the right to specify the phase and nominal voltage at which electric service will be supplied and to serve at different voltages where distribution is made at other nominal voltages.

Unless specific arrangements are made to the contrary, electric service will be considered rendered on a continuous permanent basis subject to termination as provided later in this chapter.

Unless otherwise provided in the rules and regulations pertaining to individual rate schedules, a charge of

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five dollars shall be made to disconnect service for seasonal users and an additional charge shall be made of five dollars to reconnect service for these users.

Temporary service is considered as that service required by such consumers as circuses, construction contractors, carnivals, tent shows and other similar enterprises. Prior to the start of any construction required to provide temporary service, the applicant shall pay to the electric department an amount equal to such department's estimate of the total cost of constructing and removing all facilities necessary to supply the desired service less the salvage value of the materials used. The amount thus paid shall not be refundable, nor applicable to bills for service. The costs of electric service shall be in accordance with the provisions of the application for such service and shall be as stated in the applicable schedules of rates.

Section 2. Section 8-4 of the Code is hereby amended to read as follows:

Sec. 8-4. Metering; contract period and conditions; rates generally; special rates.

(a) All electric service furnished to consumers by the city shall be metered and sold according to the respective classes of use and under the terms and conditions and at the rate schedules established and prescribed by Sections 8-5 to 8-15, except as provided in Sub-section (b) of this Section.

(b) Where in the judgment of the city special conditions affecting the real property of any user shall exist to the extent that the rental charges set out in the above schedule will result in an inequitable or unfair charge either for the city or the user, the city may levy a special rental or use charge based upon the facts and circumstances of each individual case.

Section 3. Section 8-5 of the Code is hereby amended to read as follows:

Sec. 8-5. Schedules of rates, conditions, etc.-- Residential--Basic service.

(a) Application. To all domestic consumers. Each dwelling unit (apartment, duplex, trailer, etc.) is to be metered separately unless user (apartment house, trailer court) elects to be billed as Commercial user. Rooming houses with more than three units available for rent shall be considered Commercial. This rate is not available for resale service.

(b) Rate. The rate for this service shall be as follows:

The first 50 kwh per month, @--7.0 ¢ ea.
The next 50 kwh per month, @---4.0 ¢ ea.
The next 150 kwh per month, @--2.25¢ ea.
The next 500 kwh per month, @--1.8 ¢ ea.
Over 750 kwh per month, @-----2.0 ¢ ea.
Minimum-----\$2.50 per month

Sales tax is not included in the above rates.

(c) Contract period and conditions. All contracts under the basic rate schedule shall be for a minimum period of thirty days and thereafter until terminated. All consumers are required to make a deposit of ten dollars before the meter is installed; except, that such deposit shall not be required from those users who have established prompt payment records for at least two years.

All bills shall be due and payable ten days from the date of billing and delinquent thirty days from the date of billing.

The city reserves the right to include any fuel adjustment charge received from the power supplier to the city and may be assessed to the users at the same rate per kwh times a factor of 1.1.

(d) Delinquent charges. Delinquent charges for non-payment resulting in service being disconnected and reconnected shall be five dollars for each violation.

(e) Service. Service to basic users shall be such phase and voltage as the utility has immediately available to the site. Single phase service shall not be utilized where loads aggregate over 20 kw, except at utility's option.

Section 4. The schedules of rates, conditions, etc., for residential large use service shall be as follows:

(a) Application. The large use rate is applicable to all domestic consumers with any of the following electric appliances: range (6kw); water heater (4kw); clothes dryer (3kw); or permanent space heating (3kw); or if customer uses an average of 1,000 kwh in the seven "winter" months (from October to April), or more.

(b) Rate. The rate for this service shall be as follows:

First 250 kwh per month, @----3.5 ¢ ea.
Next 250 kwh per month, @-----1.1 ¢ ea.
Next 1,000 kwh per month, @----1.8 ¢ ea.
Over 1,500 kwh per month,
 summer, @-----1.8 ¢ ea.
 *winter, @-----1.1 ¢ ea.
Minimum-----\$5.00 per month.

* Bills rendered in November through May.

Sales tax is not included in the above rates.

(c) Contract period and conditions. All contracts under the large user rate shall be for a minimum period of twelve months and thereafter until terminated. All consumers are required to make a deposit of ten dollars before the meter is installed; except, that such deposit shall not be required from those users who have established prompt payment records for at least two years.

All bills shall be due and payable ten days from the date of billing and delinquent thirty days from date of billing.

The city reserves the right to include any fuel adjustment charge received from the power supplier to the city and may be assessed to the users at the same rate per kwh times a factor of 1.1.

(d) Delinquent charges. Delinquent charges for non-payment resulting in service being disconnected and reconnected shall be five dollars for each violation.

(e) Service. Service to large use consumers shall be such phase and voltage as the utility has immediately available to the site. Single phase service shall be utilized where loads aggregate over 20 kw, except at utility's option.

Section 5. The schedules of rates, conditions, etc., for Commercial (or Business) service for small business service shall be as follows:

(a) Application. The small business rate is applicable to all commercial, small industrial, agricultural, institution or other business users (excluding business in the home operated solely by phone or by mail by the resident only) for lighting and power. Residential use may be included where business is operated in the home, on the same meter as the household, or to service multiple-unit living quarters, such as apartment houses and trailer courts. Each meter is to be considered a separate customer.

(b) Rate. The rate for this service shall be as follows:

The first 100 kwh per month, @---7.0 ¢ ea.
Next 400 kwh per month, @-----4.0 ¢ ea.
Next 500 kwh per month, @-----3.0 ¢ ea.
Next 2,000 kwh per month, @-----2.5 ¢ ea.
Next 7,000 kwh per month, @-----2.0 ¢ ea.
Over 10,000 kwh per month, @-----1.8 ¢ ea.
Minimum-----\$5.00 per month.

Sales tax is not included in the above rates.

(c) Contract period and conditions. All contracts under the small business rate shall be for a minimum period of twelve months and thereafter until terminated by ten days notice in writing.

Deposit charges for service under the small business rate will be made in accordance with the nature of the business and the cost of electricity that may be used, not to exceed an amount up to two months estimated bill; except, that such deposits may not be required from those users who have established prompt payment records for at least two years.

All bills are due and payable ten days from the date of billing and delinquent thirty days from date of billing.

A credit of two percent on the entire charge shall be granted for primary metering. A two percent credit shall also be granted for customer ownership and installation of transformers and service entrance.

The city reserves the right to include any fuel adjustment charge received from the power supplier to the city and may be assessed to the users at the same rate per kwh times a factor of 1.1.

(d) Delinquent charges. Delinquent charges for non-payment resulting in service being disconnected and re-connected shall be five dollars for each violation.

(e) Service. The service to small business users shall be such phase and voltage as the utility has immediately available to the site. Single phase service shall not be utilized where motors aggregate over 15 HP, except at the utility's option. All motors over 1-1/2 HP are to be nominal 230 volts or higher.

(f) Installations. All installations shall meet the minimum standards of the National Safety Code to insure that the equipment will operate in a satisfactory manner and will not interfere with any operations of the city's system. Prospective users under this schedule shall consult with the city before proceeding to design or erect installations to make sure that equipment, insulation and building construction will meet the requirements and that city's available facilities are adequate.

Section 6. The schedule of rates, conditions, etc., for Commercial (or Business) for large business service shall be as follows:

(a) Application. The large use rate is applicable to all business users who elect via a signed contract (or extension thereof), to qualify hereunder, or at the utility's option, to all users using an average of 60,000 kwh or more per year.

(b) Rate. The rate for this service shall be as follows:

\$5.00 per month, plus:
First 100 kwh/kw per month, @---3.5¢ ea.
Next 100 kwh/kw per month, @----1.5¢ ea.
Excess kwh per month, @-----0.9¢ ea.
Minimum:
\$1.00 per kw of highest demand in
previous twelve months (not
less than \$20.00).

Sales tax is not included in the above rates.

(c) Contract period and conditions. All contracts under the commercial large business rate shall be for a minimum period of twelve months and thereafter until terminated by ten days notice in writing.

Deposit charges for service under the large business rate will be made in accordance with the nature of the business and the cost of electricity that may be used not to exceed an amount up to two months estimated bill; except, that such deposits may not be required from those users who have established prompt payment records for at least two years.

All bills are due and payable ten days from the date of billing and delinquent thirty days from date of billing.

A credit of two percent on the entire charge shall be granted for primary metering. A two percent shall also be granted for customer ownership and installation of transformers and service entrance.

The city reserves the right to include any fuel adjustment charge received from the power supplier to the city and may be assessed to the users at the same rate per kwh times a factor of 1.1.

The billing demand shall be determined by suitable meter measurement of the highest 15 minute integrated demand (or 30 minute integrated demand), occurring during the monthly billing period; provided, that it shall not be less than 70% of the highest billing demand occurring during the preceding months of May through and including October. The consumer shall be required to properly balance his loads.

If the power factor during the time the billing demand is established falls below eight-five percent lagging, adjustment may be made by increasing the measured demand for each month by one percent for each one percent or major fraction thereof by which the power factor during the billing demand period is less than eighty-five percent lagging.

(d) Delinquent charges. Delinquent charges for non-payment resulting in service being disconnected and reconnected shall be five dollars for each violation.

(e) Service. The service to large business users shall be such phase and voltage as the utility has immediately available to the site. Single phase service shall not be utilized where motors aggregate over 15 HP, except at the utility's option. All motors over 1-1/2 HP are to be nominal 230 volts or higher.

(f) Installations. All installations shall meet the minimum standards of the National Safety Code to insure that the equipment will operate in a satisfactory manner and will not interfere with any operations of the city's system. Prospective users under this schedule shall consult with the city before proceeding to design or erect installations to make sure that equipment, insulation and building construction will meet requirements and that city's available facilities are adequate.

Section 7. Section 8-10 of the Code is hereby amended to read as follows:

Sec. 8-10. Same--Commercial space heating service.

(a) Availability. This schedule is available for supplying space heating requirements for commercial users where the user also takes service under another rate. Service is available at three-phase at the established voltage of either the city's primary or secondary distribution system.

(b) Rate.

The first 2,000 kwh per month,
per kwh,-----\$.015
The next 2,000 kwh per month,
per kwh,----- .0125
The excess kwh used per month,
per kwh,----- .01
Minimum, per month during
heating season,-----\$5.00.

(c) Contract period and conditions. Service under this schedule is available for a minimum period of the heating season of October through the following April, and thereafter until terminated by ten days notice in writing.

Any energy used during the months of May through September shall be billed under the applicable small business or large business service schedule.

Deposit charges will be made in accordance with the nature of the business and the cost of electricity that may be used. This amount may be up to two months' estimated bill.

Service under the foregoing schedule will be rendered only where electricity is to be the normal (not less than ninety percent) means for space heating. No other loads may be connected.

Electric space heating shall be designed to operate at 240 volts, shall be separately metered and circuited and shall be permanently installed.

The city reserves the right to require that the voltage applied to resistance-type space heating units rated for 240 volts be reduced to 120 volts for a period of not to exceed two hours per day during the time the city's peak load or during the time the city's operating conditions may dictate. The power factor of heating equipment installed shall not be less than ninety percent lagging.

The city reserves the right to include any fuel adjustment charge received from the power supplier to the city and may be assessed to the users at the same rate per kwh times a factor of 1.1.

The heating in each room, or zone, shall be controlled by one or more thermostats located within the room or zone, but not more than five kilowatts shall be controlled by one thermostat.

All installations shall meet the minimum standards of the National Safety Code to insure that the equipment will operate in a satisfactory manner and will not interfere with any operations of the city's system. Prospective users under this schedule shall consult with the city before proceeding to design or erect installations to make sure that equipment, insulation and building construction will meet requirements and that city's available facilities are adequate.

Where service is metered under this schedule at primary voltage, a discount shall be made each month of two percent of the bill for service. Where service is taken at the city's established primary voltage and the city does not own the transformers and substations converting to secondary voltage, an additional credit shall be allowed of two percent of the monthly bill.

Section 8. Section 8-12 of the Code is hereby amended to read as follows:

Sec. 8-12. Same--Industrial service.

(a) Application. The industrial service rate is applicable to all industrial users who elect, via a signed annual contract (or extension thereof), to qualify hereunder, or, at the utility's option, to all users using 120,000 kwh or more per year, or with a monthly peak of over 40 kw in the months of June through September. Lighting exceeding ten percent of connected load may be served hereunder, but only if it is balanced between phases. Each meter is to be considered a separate customer.

"Industrial" is defined as any business user whose primary function is manufacturing or processing, where value is added to the raw materials, or whose function is storage of bulk materials or the pumping of oil or other materials.

(b) Rate.

\$5.00 per month, plus:

First 100 kwh/kw per month, @-----3.0¢ ea.

Next 100 kwh/kw per month, @-----1.5¢ ea.

Excess kwh per month, @-----0.5 ea.

Minimum:

\$1.25 per kw of highest previous demand in previous twelve months (not less than \$125.00).

(c) Contract period and conditions. All contracts under this schedule shall be for a minimum period of twelve months, and thereafter until termination, where service is no longer required, on ten days notice in writing.

Deposit charges will be made in accordance with the nature of the business and the cost of electricity that may be used, but not to exceed two months estimated

bill, except, that such deposits may not be required from those users who have established prompt payment records for at least two years.

The billing demand shall be determined by suitable meter measurements of the highest fifteen minute integrated demand (or 30 minute integrated demand) occurring during the monthly billing period; provided, that it shall not be less than seventy percent of the highest billing demand occurring during the preceding months of May through and including October. The consumer shall be required to properly balance his loads, so that the load in any phase is not greater than fifteen percent more than the load in either of the two other phases.

If the power factor during the time the billing demand is established, falls below eighty-five percent lagging, adjustment may be made by increasing the measured demand for each month by one percent for each one percent or major fraction thereof by which the power factor during the demand period is less than eighty-five percent lagging.

All bills for this service are due and payable ten days from the date of billing and delinquent thirty days from the date of billing.

A credit of two percent on the entire charge shall be granted for primary metering. A two percent credit shall also be granted for customer ownership and installation of transformers and service entrance.

The city reserves the right to include any fuel adjustment charge received from the power supplier to the city and may be assessed to the users at the same rate per kwh times a factor of 1.1.

(d) Delinquent charges. Delinquent charges for non-payment resulting in service being disconnected and reconnected shall be five dollars for each violation.

(e) Service. The service to industrial users shall be such phase and voltage as the utility has immediately available to the site. Single phase service shall not be utilized where motors aggregate over fifteen HP, except at the utility's option. All motors over 1-1/2 HP are to be nominal 230 volts or higher.

(f) Installations. All installations shall meet the minimum standards of the National Safety Code to insure that the equipment will operate in a satisfactory manner and will not interfere with any operation of the city's system. Prospective users under this schedule shall consult with the city before proceeding to design or erect installations to make sure that equipment, insulation and building construction will meet requirements and that city's available facilities are adequate.

Section 9. Section 8-13 of the Code is hereby amended to read as follows:

Sec. 8-13. Same--Seasonal irrigation service.

(a) Application. This schedule is applicable to and available for service to irrigation pumps on a seasonal basis at the voltage and phase of the city's established secondary distribution system and not for resale.

(b) Rate. Use applicable business rate.

(Twelve months per year)

Section 10. Section 8-14 of the Code is hereby amended to read as follows:

Sec. 8-14. Same--Municipal light and power service.

(a) Application. Municipal electric light and power service shall be available only to the city for municipal uses including street lighting, general lighting and power.

(b) Rate. The rate for this service shall be as follows:

All kwh per month, @-----1.5¢ ea.

(c) The city reserves the right to include any fuel adjustment charge received from the power supplier to the city and may be assessed to the users at the same rate per kwh times a factor of 1.1.

Section 11. Section 8-15 of the Code is hereby amended to read as follows:

Sec. 8-15. Same--Yardlight service.

(a) Application. Yardlight service is available to customers of the city for controlled yardlight service furnishing lighting from dusk to dawn.

(b) Rate.

<u>Mercury vapor lamp size</u>	<u>Monthly charge per lamp</u> * unmetered rage	<u>Monthly charge per lamp</u> **metered rate
175 watt	\$ 3.00	\$ 2.00
250 watt	3.85	2.25
400 watt	4.70	2.25

* The unmetered rate applies to all installations where the energy used is furnished by the city and not registered through the customer's meter.

** The metered rate applies to all installations where the energy used is registered through the customer's meter.

(c) Contract period and conditions. All contracts under this schedule shall be for a minimum period of twelve months and thereafter until terminated. Charges to be added to regular billing.

Section 12. Section 8-17 of the Code is hereby amended to read as follows:

Sec. 8-17. Continuity of service; voltage regulation; service loops; attachment to poles; tree trimming; shortage of electricity; liability for unauthorized acts; underground services generally.

The electric department does not guarantee uninterrupted electric service and shall not be liable for interruptions due to maintenance functions considered necessary or to causes or contingencies beyond control of such department including but not limited to accidents, breakdown of equipment, acts of God, floods, storms, fires, strikes, riots, war or authority and orders of government, shortage or supply, or for disconnection because of unsafe wiring, operation of equipment detrimental to other users, nonpayment of bills for service or diversion of electricity. The city shall also not be liable to consumers for any injury, loss or damage occasioned by any interruptions arising from the foregoing causes. Such interruptions shall not relieve the consumer of payments for service under applicable rate schedules.

If the electric department installs more than one service loop or connection to a single premise or property, it shall be connected to the same general delivery point to facilitate disconnection of the property in the event of fire or other emergency. A service loop is defined as the overhead wires or cable from the city's distribution poles or system to the consumer's building or other approved support. Where practicable, all service loops shall be installed by the electric department from the city's secondary distribution at the rear of any lot or premise. If the property of the consumer does not abut on the right of way of the city's distribution system, it shall be the consumer's responsibility to provide adequate easements or bring his wiring to a point designated by the electric department.

Attachments to the city's poles or lighting standards shall not be permitted except upon specific written authority of the electric department. The attachment of radio or television antennae is specifically prohibited. Attachment of communications circuits such as telephone or community antennae systems may be made; provided, that a joint use contract has been entered into between the city and those desiring to make such attachments.

The consumer shall permit the electric department to trim the limbs and tops of trees to the extent that such trimming shall be reasonably necessary to avoid interference with the city's lines.

The consumer shall be responsible for such trimming of trees as may be necessary to avoid interference with the city's service loops running from the city's distribution poles to the point of delivery on consumer's premises.

All installations of poles, wire, services, meters, transformers or other materials or equipment made by the city at its expense shall remain the property of the city and it shall be unlawful for the consumer or any other unauthorized persons to tamper or interfere therewith directly or indirectly. The consumer shall be liable for any damage or loss to the electric department's property or injury to such department's employees through such unauthorized tampering or interference.

Instead of the electric department installing an overhead service loop, the consumer may, upon securing the approval of such department, install at his own expense an underground service from the city's distribution system subject to the approval of the electric department both as to material and installation. Such underground services shall be owned by the consumer and shall be maintained, and replaced, if necessary, by him. The electric department may require such replacement in the event of grounding or other failure of such underground services.

Section 13. Section 8-18 of the Code is hereby amended to read as follows:

Sec. 8-18. Underground service from city secondary lines.

Whenever desirable, the city may, at its option and at its expense, install underground service loops from the city's distribution system to a customer. The ownership of the underground service loops shall revert to the customer after installation and shall be maintained and replaced, if necessary, by him.

Section 14. Section 8-19 of the Code is hereby amended to read as follows:

Sec. 8-19. Discontinuance of service by consumer and by electric department.

Any consumer desiring to discontinue electric service shall give the electric department at least three days notice prior to the time disconnection is desired to permit meter reading, disconnection and final billing for service rendered. The consumer shall be liable in any event for electric service rendered until final meter reading is obtained. Further, such notice by the consumer shall not relieve him in any way from any minimums or payments guaranteed under his service contract as defined by this chapter.

If any consumer's wiring or equipment is considered unsafe, service may be discontinued by the electric department after notice and shall not be reconnected until the unsafe condition has been corrected. The electric department shall discontinue service without notice to the consumer if the unsafe condition could be considered dangerous to the life, health or safety of any person.

Service may be discontinued by the electric department after notice to the consumer if service to his equipment is considered detrimental by the electric department to service to other consumers served by such department.

Service may be discontinued by the electric department for nonpayment of past-due service accounts after forty-eight hours notice to the consumer.

No consumer shall connect any energy consuming appliance or device on the electric department's side of a meter nor tamper or otherwise interfere with the proper operation or registration of the electric department's meter or permit others to perform such connection, interference or tampering and for violation of this regulation service shall be disconnected by the electric department without notice and shall not be reconnected until consumer shall have paid a service bill estimated by the electric department for the period during which such violation existed and shall have installed standard service entrance wiring in accordance with the prevailing requirements of this Code or other ordinances of the city relating to electrical installations, inspections, licensing, permits and regulations.

In the event of discontinuance of electric service by the electric department for any of the foregoing causes, and after evidence is submitted that the cause for discontinuance has been corrected, electric service may not be restored until payment to the electric department of a combined disconnection and reconnection fee of five dollars.

Section 15. That the following Sections of the Code as written prior to the passage of this Ordinance and all other sections or parts of sections in conflict herewith are repealed:

Sec. 8-2. Electric service available; permanent, seasonal and temporary service.;

Sec. 8-4. Metering; contract period and conditions; rates generally; existing contract.;

Sec. 8-5. Schedules of rates, conditions, etc.-- Residential service generally.;

Sec. 8-6. Same--Combination water heating service.;

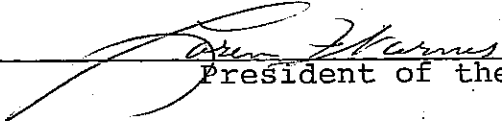
Sec. 8-7. Same--All-electric residential service.;

- Sec. 8-8. Same--Commercial lighting service.;
- Sec. 8-9. Same--Commercial power service.;
- Sec. 8-10. Same--Commercial space heating.;
- Sec. 8-11. Same--Combined commercial lighting and power service.;
- Sec. 8-12. Same--Industrial service.;
- Sec. 8-13. Same--Seasonal irrigation service.;
- Sec. 8-14. Same--Municipal light and power service.;
- Sec. 8-15. Same--Yardlight service.;
- Sec. 8-17. Continuity of service; voltage regulations; service loops, attachment to poles; tree trimming; shortage of electricity; liability for unauthorized acts; underground services generally.;
- Sec. 8-18. Underground service from city secondary lines.
- Sec. 8-19. Discontinuance of service by consumer and electric department.

Section 16. Ordinance No. 1329 as written prior to the passage of this Ordinance and all other sections or parts of sections in conflict herewith are repealed.

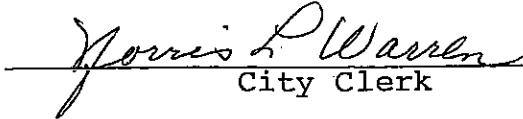
Section 17. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 25th day of February, 1975



President of the Council, Pro tem

APPROVED:



City Clerk