

Ordinance No. 2023-02 (WAS 2021-16)

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SEYMOUR, TEXAS, REPEALING ORDINANCE NO. 2021-16, AND ADDING SECTION: DISTRIBUTED GENERATION AVOIDED COST GENERATION RULE TO THE POWER COST ADJUSTMENT FACTOR, SECTION 4 AND INCLUDING EXHIBIT "C".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEYMOUR, TEXAS:

SECTION 1:

That all past ordinances and all amendments thereto, as recorded in the minutes for the City of Seymour, are hereby repealed.

SECTION 2: DEFINITIONS

A. The term "Company", "Utility" or "Public Utility", as used herein means all persons, firms, or corporations, private or municipal, now or hereafter operating in the City of Seymour, Texas, any generating plants and distribution systems, an wires, poles, or lines, property or equipment, while using any of the streets or alleys within said city, for the purpose of carrying on its business or generating, distributing, or selling electric power and current for any purpose.

B. By "consumer" or "customer" as that term is used herein, is meant a person, firm or corporation using any electric power from any company, as herein above defined.

C. By "Net Rate" as herein used, is meant the rate as set out in said Schedules herein.

SECTION 3: SCHEDULES

The following schedules or rates are hereby adopted and fixed as the minimum rates which may and or shall be charged for electric service hereinafter furnished to any consumer or customer, as above defines.

RESIDENTIAL SERVICE

APPLICABLE: To residential customers for all domestic use in individual private dwelling or individually metered apartments where such service is taken through one meter at one point of delivery. Three (3) phase service to less than five (5) horsepower furnished only under special contract guaranteeing continuous use of service for not less than

twelve (12) months.

Where any portion of such service is used for non-residential purpose, the General Service Schedule will apply to all service, t that where separate circuits are provided for residential and non-residential service,

RATE:

Residential Electric Rates	
Customer Charge	\$20.00/Month
Energy Charge	\$0.0482/kWh
PCA	Variable/kWh

Above rates plus State and City sales taxes.

MULTIPLE -DWELLING UNIT: Where more than one family or housekeeping unit is served through one meter, the number kwh in each block of the rate and minimum bill charge will be multiplied by the number of families or housekeeping units served.

POWER COST ADJUSTMENT (PCA): Power Cost Adjustment is set as defined in Exhibit A.

GENERAL SERVICE

APPLICABLE: For General Service customers with a demand under 50 KVA OR 50 KW.

CHARACTER OF SERVICE: AC, 60 cycle, single phase, 120/240, 120/208 volts, 3-phase, 4 wires.

RATE:

General Service Rates	
Customer Charge	\$25.00/Month
Energy Charge	\$0.0470/kWh
PCA	Variable/kWh

Above rates plus State and City sales taxes.

POWER COST ADJUSTMENT (PCA): Power Cost Adjustment is set as defined in Exhibit A.

LARGE GENERAL SERVICE

APPLICABLE: For General Service Customer with a demand of 50 KVA or 50 KW up to 500 KVA or 500 KW.

CHARACTER OF SERVICE: AC, 60 cycle, single phase, 120/240, 120/208 volts;3 phase, 4 wire, 120/240, 120/208,7200/123670; 3phase, 3 wire, 480 volts as available at point of delivery.

RATE:

Large General Service Rates	
Customer Charge	\$85.00/Month
Energy Charge	\$0.0536/kWh
PCA	Variable/kWh

Above rates plus State and City sales taxes.

POWER COST ADJUSTMENT (PCA): Power Cost Adjustment is set as defined in Exhibit A.

CITY SERVICE AND STREET LIGHTS

APPLICABLE: For City Service and Street Lights.

RATE:

City Service and Street Light Electric Rates	
Energy Charge	\$0.055/kWh
PCA	Variable/kWh

POWER COST ADJUSTMENT (PCA): Power Cost Adjustment is set as defined in Exhibit A.

YARD LIGHT SERVICE

APPLICABLE: To any customer for unmetered lighting service supplied exclusively to one or more outdoor lamps as specified below, operating, automatically from dusk to dawn. Installation and Maintenance of yard lights at customer's expense.

RATE:

Yard Light Service							
Mercury Vapor				Sodium Vapor			
Watts	kWh	Lumens	Cost	Watts	kWh	Lumens	Cost

175	70	7000	\$7.10	100	40	9500	\$7.43
400	160	20000	\$10.84	200	80	22000	\$10.51

Above rates plus Power Cost Adjustment and applicable State and City sales taxes.

POWER COST ADJUSTMENT (PCA): Power Cost Adjustment is set as defined in Exhibit A.

YARD LIGHT CONTRACT SERVICE

APPLICABLE: Available for private outdoor area lighting service. Under this schedule the City will construct, own, operate and maintain overhead mercury vapor or sodium vapor luminaries, mounted on wood poles, of a design approved by the City and cause each light to operate from dusk to dawn.

RATE:

Yard Light Contract Service							
Mercury Vapor				Sodium Vapor			
Watts	kWh	Lumens	Cost	Watts	kWh	Lumens	Cost
175	70	7000	\$9.00	100	40	9500	\$13.50
400	160	20000	\$12.50	200	80	22000	\$16.50

Above rates plus Power Cost Adjustment and applicable State and City sales taxes.

The above rates could vary up or down based on the City's estimated cost of owning, installing, and maintaining the lights.

POWER COST ADJUSTMENT (PCA): Power Cost Adjustment is set as defined in Exhibit A.

FACILITIES PROVIDED: The City will install, own, and maintain at its own cost and expense at each light location, one mercury vapor or sodium vapor luminary(of the applicable size selected by the customer), and necessary operating equipment mounted on a 30 foot wood pole and one span of 120 volt secondary line not to exceed 100 feet, including a guy and anchor when needed. Where service is requested by a customer at a location which requires facilities more than the foregoing, the additional cost shall be paid by the customer.

Customer must sign a contract agreeing to pay the City the charge per luminary for a period of not less than 12 months.

It is specifically understood and agreed that the City has the right to cancel service at any time in the event maintenance or lamp replacement becomes excessive due to

vandalism or other causes.

SECTION 4: POWER COST ADJUSTMENT FACTOR & DISTRIBUTED GENERATION AVOIDED COST GENERATION RULE

The monthly charges for all rates shall be adjusted in accordance with the Power Cost Adjustment Factor (PCAF) that is attached as Exhibit A.

The monthly charges for those generating power rates shall be adjusted in accordance with the Distributed Generation Avoided Cost of Generation Rate (DG ACGR) that is attached as Exhibit C

SECTION 5: POLICY STATEMENT

Referencing fees, service, location or installation of facilities, rules, and regulations, etc., that is hereby attached, as Exhibit B, a policy Statement.

SECTION 6: RULES AND REGULATIONS

1. The utility will require reasonable security for the payment of its bills and shall not furnish service to any customer who is in default in payment of any indebtedness for electric current to the utility. The following procedures are established to ensure the security of payment:
 - a. Residential electric customers deposit will be \$200 minimum, providing that customer does not owe a past due bill, otherwise, it will be at the discretion of the City Administrator or City Secretary on how much the deposit will be.
 - b. A valid current (within the previous 12 months) letter of credit from one or more previous electric suppliers, of not less than one year, showing an excellent record of payment.
 - c. Commercial electric customers deposit will equal to a two-month average bill. In the event of new construction where no monthly average bill exists, the deposit will be computed from a previous bill like location. The deposit will never be less than \$300.00.
 - d. A valid current (within the previous 12 months) letter of credit from one or more previous electric suppliers, of not less than one year showing an excellent record of payment.
 - e. If the City of Seymour determines, by a search of the records of the City, that any customer applying for service has had previous unpaid balances for City utility service, said customer will be required to pay unpaid balances in full,

plus deposits before service can be established with the City of Seymour. This applies to both commercial and residential.

- f. The City of Seymour shall require, or cause to be required, positive and personal identification of any or all persons applying for electric service from the City of Seymour, Texas, prior to any connection of said service.
 - g. In the event any consumer of electricity within the City of Seymour, Texas, and using such City facilities does not pay utility charges by the 18th or the first business day thereafter, then the City shall cause such electrical services in default to be disconnected. In the event of any such disconnection for failure to pay accounts as stated, the customer shall pay to the City of Seymour, a reconnection fee charge, before the reconnection is made, in the sum of \$50.00. Reconnection will be made, (if payment is received in City Office no later than 5:00 p.m., Monday- Friday, excluding Holidays.) and upon such payment being made, such connection shall be reestablished. If it is determined that any disconnected electric meter has been illegally turned on or tampered with in any manner by anyone other than a city employee, the meter will be removed and re-installed, only upon payment of additional \$150.00 service charge. A fine of up to \$500.00 will be imposed and charges will also be filed in Municipal Court, under theft of service charge. If Court payment is not received as court ordered, electric service will be subject to disconnection until payment of utility service and court cost is received in full.
 - h. Refund (applying to both residential and commercial) of utility deposit, will be applied to the customers utility bill, if in the previous 18 months **ALL** payments have been promptly paid from the date deposits were applied for service. (NO EXCEPTIONS)
 - i. The charge for return checks or drafts will be \$35.00 each occurrence. After 3 occurrences, you will no longer be able to pay by check or draft, for a period of one year.
- 2. Bills will be rendered by the utility office on the 7th day of each month and shall be paid by the consumer to the City of Seymour the 18th day of each month and shall become due and payable on this date. Any customer paying after the 18th day of the month, will be charged a 10% penalty on their remaining balance.
 - 3. Late notices will be sent out on the 19th of the month, with payment due in full by the

25th. If payment is not received by the 26th at 10:00 a.m., services will be disconnected without further notice.

4. Electric service will not be turned off for failure of payment on Fridays or any day prior to holidays. Also, on days of extreme conditions, those conditions being temperature forecasting above 100 degrees (F) for 3 or more days and temperature forecasted below 32 degrees (F) for a 24-hour period.
5. Average monthly billing residential customer by executing an average monthly payment (AMP) agreement.
6. Wiring apparatus, machinery, or appliances of the consume will be required to be installed and maintained in accordance with good practices,
7. The ordinary method of connection between the utility's distributing system and the consumer's service wires will be by overhead wires. If the consumer shall desire to have connection made in any way, special arrangements will be made between the consumer and the utility by which the connection will be made and maintained at the consumer's cost.
8. The utility will, without rental or other charge, furnish a meter for the registration of electric current. The City of Seymour has the right to inspect such meter at any time and to pass such regulations as to testing it as may be necessary to ascertain and ensure its accuracy and efficiency.
9. The consumer shall provide and at all times maintain, free of expense to the utility, and at a suitable and easily accessible location within the premises to be supplied with electric current, sufficient and proper space for the installation of meters or other similar devices of the utility, and shall also provide the necessary meter board, wiring, and meter loops.
10. The utility will supply electric current only through meters or other measuring devices furnished and owned by it. The utility office must be notified when the consumer desires to have such meter or other measuring device installed, relocated, changed, or removed.
11. The duly authorized agents of the utility shall have access at all reasonable hours to the premises of the consumer for the purpose of inspecting wiring and apparatus, removing the utility's property, reading meters and other purposes incident to the carrying out of the contract. The utility, however, does not assume the duty of

inspecting the consumer's wiring, machinery, or apparatus, and will not be responsible, therefore.

12. The consumer shall property protect the utility's property on the consumer's premises, and shall permit only the utility's agents, and persons authorized by law, to inspect or tamper with the utility's wiring and apparatus.

13. The consumer assumes all responsibility for the electric current upon the consumer's premises, and at and from the point of delivery thereof, and for the wires, apparatus and appurtenances used in connection therewith.

SECTION 7: MISCELLANEOUS SERVICE CHARGES

A. TEMPORARY SERVICE AND/OR CHANGING OF SERVICE ENTRANCE

Temporary Service is service through a "service entrance" that is temporarily installed. This "temporary service" may be during repair of an old residence or for any other service of a temporary nature. This would include changing a "house service" to a "meter pole service" or to change from a "meter pole" to the "house". This "temporary service" will also apply to non-residential service. The fee for this service shall be \$25.00.

B. LOCATION CHANGE FEE

If a customer moves from one location to another and the City disconnects and reconnects the electric meter, the fee for this service will be \$25.00.

C. RE-READ AT CUSTOMER'S REQUEST

Meters will be re-read by customer request. There will be a fee of \$15.00 charged if the original reading was correct. There will be no charge for an incorrect reading, and an adjustment of billing will be made to correct an error in reading.

D. CONNECT FEE

A service charge for connecting utility service (turning utilities on and reading meters) shall be a charge of \$25.00 during regular office hours.

E. RECOURSE FOR NON-PAYMENT OF SERVICE CHARGES

Statements will be issued for the service charges herein contained, to be mailed by the 7th of

each month following service. Any service charges remaining unpaid thirty days after billing date will be added to utility bills as "arrears", and failure to pay total bill as stated on utility statement will result in disconnection of utility services.

SECTION 8: PENALTIES

A. Any person, firm, or corporation as defined herein in Section 2(b) above who violates any provision of this Ordinance or who fails, omits, or neglects to obey or comply with any lawful order or Ordinance or any part of this provision thereof, legally promulgated by the City Council of the City of Seymour, Texas, involving any of the matters herein contained upon conviction in a Court of competent jurisdiction, shall be fined any sum of money not to exceed \$500.00 for each offense; and each day of such violation, omission or neglect to obey or comply with such order or ordinances promulgated hereunder shall be deemed a separate offense.

B. In construing and enforcing the provisions of this ordinance relating to penalties, the act, omission or failure of any official, agent, servant or employee of any corporation or person acting within the scope of his official duties or employment shall in every case be deemed to be also the act, omission or failure of such corporation or person as herein defined.

SECTION 9:

Should any section or any part of this ordinance be held and declared unconstitutional and void by a Court of competent jurisdiction, such decision shall in no way affect the validity of any of the remaining parts of this ordinance, unless the part held *void* is indispensable to the operation of the remaining parts. The City Council of the City of Seymour, Texas, hereby declares that it would have passed those parts of this ordinance which are valid and omitted any parts which may be unconstitutional if it had known or been advised that such parts had been unconstitutional at the time of passage of this ordinance.

SECTION 10:

That no free service shall be allowed; and to the extent that the City of Seymour or any of its agencies or instrumentalities may avail themselves of the services and facilities afforded by the system, they shall pay therefore, the same rates and charges herein prescribed.

SECTION 11:

The City Council expressly reserves the right to negotiate contracts for utility abatements, unless contraindicated by bond ordinance, with commercial customers and entities that are by their nature, in the opinion of the Council, necessities or enhancements for community development. The Council, therefore, reserves the right to waive, abate, or reduce customary charges for utilities as the Council deems appropriate.

SECTION 12:

That all ordinances, orders, resolutions, or parts thereof previously passed or adopted by the City Council in conflict herewith, shall be, and the same hereby, repealed.

SECTION 13:

This Ordinance shall take effect upon approval of the City Council of the City of Seymour. The effective date will be January 2021 reading and February 1, 2021 utility billing.

PASSED AND APPROVED THIS FEBRUARY 16, 2023.

Mayor Jon Hrcirik

ATTEST:

City Secretary Conchita Torrez, TRMC

EXHIBIT A

POWER COST ADJUSTMENT FACTOR FORMULA

APPLICABLE: All Rate Schedules

PURPOSE: The Power Cost Adjustment (PCA) shall be used solely for the purposes of collecting revenue owed for wholesale power supply expenses. This shall include, but is not limited to, wholesale power supply invoices, transmission charges, ERCOT and other regulatory fees, delivery charges, and any other market fee assessed to the City.

The formula for calculation of the power cost adjustment factor (PCAF) is as

follows:

$$PCAF = (A \times B) - (C + D)$$

DEFINITIONS:

- PCAF: Power Cost Adjustment Factor, applicable to all rate structures
- A. Purchased Power Cost(\$/kWh)
 - B. Purchase Power (kWh)
 - C. Energy component in rate base (\$/kWh)
 - D. Adjustment factor relating to line loss and rate stabilization

EXHIBIT B

ELECTRIC SERVICE- POLICY STATEMENT

1. City will be responsible for services to the top of the meter loop and for the City meter.
2. If underground service is desired by the customer, the City will provide 1/0 Single Phase U.R.D. (underground) wire, if the customer agrees to pay all other expenses and to locate meter loop and a main disconnect on the City's electric pole.
3. Customer is responsible for the meter loop and from the City meter on to the house or structure.
4. City will be responsible for customer damages only if there is negligence on the City's behalf.
5. Under no circumstances will the City be liable for acts of God, nor any damages incurred where changes or repairs are made before City inspection.
6. If one expects the City to be liable, the city must be notified, and an inspection made by the City immediately.
7. The City under no circumstances will be responsible for damages that occur on customer's premises if the meter base is not properly grounded.
8. Under no circumstances will the City be liable for damages caused by interruptions of City's electric service that occur on our supplier side.
9. The City will be responsible for overhead service to customers meter loop and the customer will provide a right-of-way, at no cost to City, and the customer will provide an attachment on structure to connect City's service. Customer is responsible for everything past the meter.
10. All underground or overhead services are to have a safety device between meter and secondary to protect URD or overhead wire. Safety device must be capable of protecting the Amp load of the wire.
11. Seymour Municipal Electric Policy will be used in conjunction with Ordinance No. 2014-02.

EXHIBIT C

Distributed Generation Avoided Cost of Generation Rate

(1) The purpose of this schedule is to set the annual energy rate that the City will reimburse for energy generated by an authorized distributed generation (DG) system that is interconnected to the City's electric system and in parallel operation with the City's system and exports energy to the City.

(2) Energy exported by a DG system will be measured by a City electric meter on a monthly basis. The City will reimburse customers that export energy to the City based on the City's annual avoided cost of generation from the previous calendar year.

(3) The formula for calculation of the annual Avoided Cost of Generation Rate (ACGR) is as follows:

ACGR = Annual Generation Costs (from monthly wholesale power invoices) for 12 calendar months in a year / total energy purchases.