

CHAPTER 51: ELECTRIC UTILITY

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RATES AND CHARGES

§ 51.01 CLASSIFICATION AND DEFINITION OF ELECTRIC SERVICE.

The following classes of electric service are designated to be available from the municipal electric utility.

(A) *Residential service.* This class of service is available for all residential purposes, including lighting, cooking, refrigeration, water heating, and electric space heating, to individual residential customers in an individual residence or apartment and for single phase farm service, when supplied through the farm residence meter, located on the distribution lines of the utility. The character of the service is alternating current, 60 Hz, single phase, at a voltage of approximately 120 volts two-wire or 120/240 volts three-wire.

(B) *Commercial service.* This class of service is available for commercial electric service through one meter for lighting, incidental appliance, cooking, heating, refrigeration, and power for individual motors not exceeding five horsepower, and to the combined name-plate rating of motors of not more than 25 horsepower, to customers, whose demand does not exceed 20 KW, located on the distribution lines of the utility. The character of the service is alternating current, 60 Hz, single phase, at a voltage of approximately 120/240 volts and three-phase at a voltage of approximately 120/240 volts four-wire, or 120/208 volts four-wire.

(C) *General service.* This class of service is available through one meter for electric light and power service to where the customer's demand

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exceeds 20 KW and/or the customer's connected horsepower load exceeds 25 HP, located on the distribution lines of the utility. The character of the service is standard single phase and/or polyphase alternating current, 60 Hz, at one standard voltage or at a utility voltage, if available and requested by the customer.

(D) *Industrial power service.* This class of service is available through one meter for any customer contracting for a specified capacity of not less than 100 kilowatts amperes. Applicant must agree to a one-year term of service and must be located adjacent to an electric transmission or distribution line of the utility that is adequate and suitable for supplying the service required. The character of the service is alternating current, 60 HZ, three phase at a voltage which is standard with the utility in the area served.

(E) *Municipal street lighting service.* This service is available for street lighting to the city.

(F) *Outdoor lighting service.* This service is available only for continuous year round service for outdoor lighting to customers located within the service area of the utility. The service provides dusk-to-dawn outdoor lighting for each lamp with luminaire controlled by a photoelectric relay when mounted on an existing utility pole and including one span of secondary conductors.

(1985 Code, § 6-11-1) (Ord. 1-1982, passed 2-8-1982; Ord. 1993-5, passed --1993; Ord. 1993-6, passed 12-13-1993; Ord. 1998-5, passed 10-15-1998)

§ 51.02 BASIC RATES AND CHARGES.

Subject to adjustments as applicable and stipulated in § 51.03, the following rates and charges apply to the indicated classes of electric service.

(A) *Residential service.*

(1) Customer charge - \$5.50 per meter per month.

(2) Energy charge:

| <i>Use per Month</i> | <i>Rate/KWH</i> |
|----------------------|-----------------|
| First 500 KWH | \$.06468 |
| Next 1,000 KWH | \$.05913 |
| Over 1,500 KWH | \$.05268 |

(3) Minimum charge shall be the customer charge.

(B) *Commercial service.*

(1) Customer charge - \$7.70 per meter per month.

(2) Energy charge:

| <i>Use per Month</i> | <i>Rate/KWH</i> |
|----------------------|-----------------|
| First 500 KWH | \$.06496 |
| Next 2,000 KWH | \$.05763 |
| Over 2,500 KWH | \$.05162 |

(3) Minimum charge shall be the customer charge.

(C) *General service.*

(1) Customer charge - \$10.50 per meter per month.

(2) Maximum load charge - \$5 per KW for all KW.

(3) Energy charge - \$ 0.0329 per KWH for all KWH.

(4) Minimum charge shall be the customer charge plus the maximum load charge.

(5) Determination of maximum load and measurement of energy: maximum load in KW shall be measured by suitable instruments provided by the utility and in any month the maximum load in KW shall be measured by suitable instruments provided by the utility and in any month the maximum load shall be the average number of kilowatts in the recorded 30-minute interval during which energy metered is

greater than in any other 30-minute interval in such month. Energy shall be measured by suitable integrating instruments provided by the utility. For billing purposes, the billing maximum load shall be the greater of the maximum load occurring during the month or twenty (20) KW.

(D) *Industrial power service.*

(1) *Maximum load charge* - \$12.34 per KVA of billing maximum load.

(2) *Energy charge.*

| <i>Use per Month</i> | <i>Rate/KWH</i> |
|----------------------|-----------------|
| All | \$.016631 |

(3) *Minimum charge.* The monthly minimum charge shall be the maximum load charge.

(4) *Measurement of maximum load and energy.* Maximum load shall be measured by suitable instruments provided by the utility, and in any month the maximum load expressed in kilovolt-amperes shall be the average number of kilowatts in the 30-minute interval in such month during which the energy metered is greater than in any other 30-minute interval in such month, divided by the average lagging power factor (expressed as a decimal) calculated for the month. Energy shall be measured by suitable integrating instruments provided by the utility.

(5) *Billing maximum load.* The billing maximum load for any month shall be the maximum load for the month, but in no month shall the billing maximum load be less than 100 kilovolt-amperes.

(6) *Metering adjustment.* When the measurement of energy is made at the primary voltage of the transmission or distribution line used to supply the customer, the maximum load and energy measurements shall be multiplied by 98% to convert such measurements to the equivalent of metering at the utility's secondary voltage.

(7) *Equipment supplied by customer.* When customer furnishes and maintains the complete substation equipment, including any and all

transformers, and/or switches and/or the equipment necessary to take his entire service at the primary voltage of the transmission or distribution line from which it is received, a credit of \$.25 per KVA of billing maximum load will be applied to each month's net bill.

(E) *Municipal street lighting service.*

(1) *Rate.*

| <i>Type of Lamp</i> | <i>Rate per Lamp/Month</i> |
|------------------------|----------------------------|
| 250-watt mercury vapor | \$12.40 |
| 400-watt mercury vapor | \$15.79 |
| 100-watt sodium vapor | \$7.72 |
| 250-watt sodium vapor | \$11.15 |

(2) *Hours of lighting.* All lamps shall burn approximately one-half hour after sunset until approximately one-half hour before sunrise each day in the year, approximately 4000 hours per annum.

(3) *Facilities.* All facilities necessary for the service hereunder, including all poles, fixtures, street lighting circuits, transformers, lamps, and other necessary facilities will be furnished and maintained by the utility.

(F) *Outdoor lighting service.*

(1) *Rates.* The rate for each lamp is as follows:

| <i>Type of Lamp</i> | <i>Rate per Lamp/Month</i> |
|------------------------|----------------------------|
| 175-watt mercury vapor | \$7.39 |
| 400-watt mercury vapor | \$12.25 |
| 250-watt sodium vapor | \$9.13 |
| 400-watt sodium vapor | \$11.75 |

(2) *Ownership of system.* All facilities installed by the utility for service hereunder including all fixtures, controls, poles, transformers, secondary lines, lamps and other equipment shall be owned and maintained by the utility. All service and necessary

maintenance will be performed only during regularly scheduled working hours of the utility. Non-operative lamps will normally be restored to service within two working days after notification by customer.

(3) *Additional facilities.* When facilities not provided for in the above charges are required for the installation of lamp, customer will pay in advance of installation the cost of such facilities required to supply service from the most suitable existing pole of utility to the point designated by customer for the installation of lamp.

(4) *Hours of lighting.* All amps shall burn approximately one-half hour after sunset until approximately one-half hour before sunrise each day in the year, approximately 4000 hours per annum. (1985 Code, § 6-11-2) (Ord. 1-1982, passed 2-8-1982; Ord. 1992-2, passed - -1992; Ord. 1993-5, passed - -1993; Ord. 1993-6, passed 12-13-1993; Ord. 1998-5, passed 10-15-1998)

§ 51.03 RATE ADJUSTMENTS.

The following adjustments are applicable to the rates and charges set forth in § 51.02 with respect to the several classes of electric service, as indicated.

(A) *Rate adjustments.* The rate adjustments shall be on the basis of a purchase power cost adjustment tracking factor occasioned solely by changes in the cost of purchased power and energy, in accordance with the order of the State Utility Regulatory Commission, approved 12-13-1989, in Cause No. 36835-S3, as follows: rate adjustments applicable to the below listed rate schedules are as follows:

| | |
|----------------------------|-------------------|
| Residential (Rate RS) | \$.001961 per KWH |
| Commercial (Rate CS) | \$.001729 per KWH |
| General (Rate GS) | \$.001767 per KWH |
| Industrial (Rate IPS) | \$.001664 per KWH |
| Flat rates (Rates SL & OL) | \$.001596 per KWH |

(B) *Peak management program credits.* This division (B) applies to residential and/or commercial

customers who participate in the "Peak Management Program" in accordance with the rules and provisions thereof and have a "Peak Management switch" installed on a central air conditioner and/or electric water heater. A copy of the rules and provisions for participation may be requested from the utility office.

(1) Credits for participation in the Peak Management Program will be as follows:

(a) Electric water heater - \$1 per switch per month, January through December; and

(b) Central air conditioner - \$2 per switch per month, June through September.

(2) These credits will be included on participating customer's monthly bills. A customer participating in the program may withdraw at any time upon notifying the utility. Credits will stop with the first bill following customer withdrawal from the Peak Management Program, the termination of the utility's participation in the program, or the program's termination by IMPA.

(1985 Code, § 6-11-3) (Ord. 1-1982, passed 2-8-1982; Ord. 1993-6, passed 12-13-1993; Ord. 1995-2, passed 2-14-1995; Ord. 1996-15, passed 8-14-1996; Ord. 1998-5, passed 10-15-1998)

§ 51.04 BILLING RULES; DEPOSIT; DEFERRED PAYMENT; TEST AND RECONNECTION CHARGES.

The following charges are applicable to the rates and charges set forth in § 51.02 with respect to the several classes of electric service as indicated.

(A) *Advance deposit.* All residential and commercial classes of service shall pay an advance deposit of \$450.

(B) *Collection and deferred payment charge.* This division (B) applies to residential, commercial, primary power, and municipal electric service rate schedules. Bills shall be rendered and due monthly. If paid within 15 days of the due date thereof, as stated in the bill, the net bill shall be the amount paid. If not paid within 15 days from the due date thereof,

as stated in the bill, the gross bill, which includes the collection charge, shall be the amount to be paid. When the fifteenth day falls on Saturday, Sunday, or a legal holiday, the first business day thereafter shall be added to the 15-day period. The collection charge shall be 10% on the first \$3 or less of net billing, plus 3% on the excess of \$3 of net billing.

(C) *Service charge for dishonored checks.* This division (C) applies to residential, commercial, primary power, and municipal electric service rate schedules. Each check, draft, or order on a credit institution issued or delivered to the city or any of its utilities for the payment of money which the drawee refuses to pay or dishonors for any reason shall be subject to a service charge of \$25, payable by the person who issues or delivers the check, draft, or order.

(D) *Meter test charge.* This division (D) applies to residential, commercial, primary power, and municipal electric service rate schedules. When a test meter is requested by a customer, a charge of \$15 shall be made for all tests. If a meter shows the customer's meter to be off plus or minus 2%, the \$15 charge will be voided.

(E) *Reconnection charge.* This division (E) applies to residential and commercial service rate schedules. When the service is turned off for non-payment of bills, or whenever for any reason beyond the control of the utility a re-establishment of service is required by any one customer, a charge of \$20 will be made by the utility to cover a part of the cost of discontinuance and re-establishment of service. (1985 Code, § 6-11-4) (Ord. 1-1982, passed 2-8-1982; Ord. 1992-2, passed - -1992; Ord. 1993-5, passed - -1993; Ord. 1993-6, passed 12-13-1993; Ord. 1998-5, passed 10-15-1998; Ord. 2009-11, passed 10-14-2009)

§ 51.05 RESPONSIBILITY FOR RATES AND CHARGES.

All rates and charges are payable by the owner of each lot, parcel of real property, or building that:

(A) Is connected with the electric utility by or

through any part of the electric utility works; or

(B) Uses or is served by the electric utility works.

(Ord. 2009-1, passed 4-8-2009)

CREATION AND JOINDER WITH INDIANA MUNICIPAL POWER AGENCY (IMPA)

§ 51.25 AUTHORIZATION.

The city is authorized to enter into a contract substantially in the form set forth in §§ 51.26 through 51.30 for the creation of a joint agency with one or more of the municipalities herein named, and with the other municipalities subsequently becoming a member of the joint agency pursuant to the contract.

(1985 Code, § 6-9-1) (Ord. 1-1980, passed 5-13-1980)

§ 51.26 CREATION OF AGENCY.

Pursuant to I.C. 8-1-2.2 *et seq.* (the Act), there is hereby created a joint agency under the provisions of the Act which shall be a body corporate and politic and a political subdivision of the state, to exercise thereunder a part of the sovereign powers of the state. The name of the joint agency created by this contract shall be State Municipal Power Agency (the "Municipal Power Agency"). Except as specifically provided to the contrary in this contract or in the Municipal Power Agency's bylaws as the same may be amended from time to time, the Municipal Power Agency shall conduct its affairs in accordance with the Act for the purposes authorized therein and to that end shall be empowered to exercise all powers granted by the Act. The Municipal Power Agency shall have the bylaws as shall be adopted by a unanimous vote of all Commissioners. The bylaws shall be amended in the manner specified therein which may be less than by a unanimous vote. For purposes of voting upon adoption and amendment of the bylaws, each Commissioner shall have one vote.

(1985 Code, § 6-9-2) (Ord. 1-1980, passed 5-13-1980)

§ 51.27 MEMBERSHIP OF JOINT AGENCY.

(A) *Generally.* The cities and town which have initially approved this contract and are the initial members of the Municipal Power Agency are:

- (1) Anderson, Indiana;
- (2) Crawfordsville, Indiana;
- (3) Flora, Indiana;
- (4) Greendale, Indiana;
- (5) Greenfield, Indiana;
- (6) Lawrenceburg, Indiana;
- (7) Lebanon, Indiana;
- (8) Logansport, Indiana;
- (9) Peru, Indiana;
- (10) Richmond, Indiana; and
- (11) Tipton, Indiana.

(B) *Additional members.* Any city or town qualified under the Act which desires to join the Municipal Power Agency subsequent to its creation pursuant to this contract shall indicate its desire by depositing with the Chairperson of the Municipal Power Agency a supplement to this contract executed by the city or town and an acceptable resolution or ordinance of the governing body of the city or town authorizing the execution. A city or town shall become a member of the Municipal Power Agency upon approval of its executed supplement to this contract by a vote of the majority of all the Municipal Power Agency's Board of Commissioners. The Board of Commissioners may condition the approval upon payment of the amount by new members as it shall determine is equitable taking into account assessments previously imposed or members and expended in a manner which will benefit a new member and upon the other matters as it deems appropriate. The new member's membership shall become effective upon

the approval and compliance with the conditions, if any, established by the Board of Commissioners. For purposes of voting upon approval of the addition of new members, each Commissioner shall have one vote.

(C) *Withdrawal of members.* Any member may withdraw from the Municipal Power Agency upon 30 days' written notice to the Municipal Power Agency; provided, however, withdrawal from the Municipal Power Agency shall not relieve a member of its obligation for amounts owed under the Municipal Power Agency's current annual assessment budget or under any contract between the withdrawing member and the Municipal Power Agency. Withdrawal shall not become effective until the withdrawing member has discharged all of its duties and obligations to the Municipal Power Agency up to the date of withdrawal.
(1985 Code, § 6-9-3) (Ord. 1-1980, passed 5-13-1980)

§ 51.28 BOARD OF COMMISSIONERS.

The Board of Commissioners of the Municipal Power Agency shall be comprised of one Commissioner appointed by the governing body of each member. Except as specifically provided to the contrary in this contract as the same may be amended from time to time, the voting procedures of the Board of Commissioners of the Municipal Power Agency shall be as specified in the bylaws of the Municipal Power Agency. The Board of Commissioners may designate an Executive Committee. The membership, powers, and operating procedures of the Executive Committee shall be as specified in the bylaws of the Municipal Power Agency. The Municipal Power Agency shall have officers as specified in the bylaws of the Municipal Power Agency.
(1985 Code, § 6-9-4) (Ord. 1-1980, passed 5-13-1980)

§ 51.29 ANNUAL BUDGET.

Not less than 70 days prior to each fiscal year of the Municipal Power Agency, the Board of Commissioners shall adopt an annual assessment

budget for the fiscal year which shall specify those expenditures which are to be paid from assessments of the members. The annual assessment budget will also specify a schedule of assessments or method for determining the assessment of each member. Not less than 60 days prior to each fiscal year of the Municipal Power Agency, the Board of Commissioners shall submit the annual assessment budget to each member. Any member which does not agree to be bound by the schedule of assessments or method for determining the assessment of each member specified in the annual assessment budget shall give notice of withdrawal as provided in § 51.27(C) prior to the commencement of the fiscal year of the Municipal Power Agency to which the annual assessment budget relates. Any member which does not so withdraw shall be bound to pay the assessments set forth in or determined pursuant to the method established by the annual assessment budget. Any time the Board of Commissioners determines that the annual assessment budget no longer properly reflects the expenditures which are to be incurred within the fiscal year, the Board of Commissioners may vote to amend the budget and the schedule of assessments or method for determining the assessment of each member specified therein. No more than ten days following any such amendment, the Board of Commissioners shall give notice thereof to each member. Any member which does not agree to be bound by the amended schedule of assessments or method for determining the assessment of each member shall give notice of withdrawal as provided in § 51.27(C) not more than 30 days following the date of the notice of the amendment to the annual assessment budget. Any member which does not so withdraw shall be bound to pay the assessments set forth in or determined pursuant to the method established by the amended annual assessment budget. All assessments shall be payable solely from the revenues derived from the ownership and operation of the member's electric system, and assessments may not constitute legal or equitable pledges, charges, liens, or encumbrances upon any property of the member or upon any of its income, receipts, or revenues, except the revenues of the member's electric system, and neither the faith and credit nor the taxing power of the member may be pledged for the payment of any assessments. However, this section shall not prevent the adoption of operating budgets and budgets relating to expenses or

bond proceeds or other budgets which relate to monies other than monies raised via assessments.
(1985 Code, § 6-9-5) (Ord. 1-1980, passed 5-13-1980)

§ 51.30 AMENDMENTS.

This contract may be amended by the execution of an amendment by all members which has been:

(A) Approved by a unanimous vote of all Commissioners, each casting one vote; and

(B) Approved and concurred in by a resolution or ordinance adopted by the governing body of each member.
(1985 Code, § 6-9-6) (Ord. 1-1980, passed 5-13-1980)

§ 51.31 AGREEMENT TO PURCHASE POWER FROM IMPA.

The city may enter into a contract so that the city may provide its customers with an adequate, reliable, and economical supply of electric power and energy, and join with other members of the Municipal Power Agency for the purpose of the Agency providing the planning, financing, locating, and building of needed new facilities for generation and transmission, and for other purposes contemplated in the contract. The electric utility of the city electric power and energy from the Agency under and pursuant to the terms of the contract. The Agency shall have full responsibility for planning and obtaining an adequate supply of power and energy for the city pursuant to the contract. The President of the City Council is hereby authorized and directed to execute and deliver, and the Clerk-Treasurer is hereby authorized to attest and seal, the contract with any modifications therein as they shall approve by their execution thereof.
(1985 Code, § 6-9-7) (Ord. 3-1982, passed 3-9-1982)

**EMERGENCY CURTAILMENT OF
ELECTRIC SERVICE**

§ 51.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

BASE MONTHLY CONSUMPTION. The customer's average billing month usage based upon the three-month period in the prior 12 months which corresponds to the billing month being curtailed and the immediately preceding and succeeding months. Adjustments may be made for customers with changed circumstances that have caused the prior year's usage during the period to be nonrepresentative of current usage during the period.

COMMERCIAL CUSTOMERS. Customers engaged primarily in wholesale or retail trade and services including clubs, institutions, and local, state and federal governmental agencies, except educational institutions.

DISPENSABLE USES. The following and similar types of uses of electric energy shall be considered dispensable uses:

- (1) Outdoor flood and advertising lighting except for the minimum level necessary to protect life and property and a single illuminated sign identifying commercial facilities that are open after dark;
- (2) General lighting levels in stores and offices greater than minimum functional levels;
- (3) Show window and display lighting;
- (4) Greater number of elevators operating in office buildings during nonpeak hours than is necessary;
- (5) Parking lot lighting above minimum functional levels;
- (6) Energy use greater than that necessary to maintain a temperature of no less than 78°F during

operation of cooling equipment and no more than 65°F during operation of heating equipment;

(7) Greater than minimum work schedules, as for building cleaning and maintenance, restocking, and the like, which would require office or industrial facilities to be illuminated, cooled, or heated beyond normal working hours;

(8) Nighttime sports and recreational activities; and

(9) Public museums, art galleries, and historic buildings requiring illumination, cooling, or heating.

HUMAN NEEDS CUSTOMERS. Human needs customers shall include hospitals, medical centers, nursing homes, and customers where curtailment would adversely affect public health and safety such as municipal fire departments, police departments, civil defense, and emergency Red Cross services, and any other facility whose use of electric energy is vital to public health and safety as determined by the utility.

INDUSTRIAL CUSTOMERS. Industrial customers shall be customers who are engaged primarily in a process that creates or changes raw or unfinished materials into another form or product.

LIVING QUARTERS. Living quarters as used in Service Priority Class II shall mean hotels, motels, dormitories, and similar dwelling places.

RESIDENTIAL CUSTOMERS. Customers living in residential dwellings, mobile homes, apartments, or condominiums.

SERVICE OBLIGATION. The largest metered demand (peak demand for customers served on industrial and commercial rates) in the previous 12 months. If no demand information is available, an estimate will be used determined by dividing the KWH in the maximum usage month in the previous 12 months by 200 hours.

(1985 Code, § 6-10-1) (Ord. 2-1978, passed 2-14-1978)

§ 51.46 UTILITY LOAD REDUCTION.

This step will be taken by the utility when its fuel supplies are decreasing and the remaining fuel supplies are sufficient in its opinion for not more than approximately 50 days' operation of its generation facilities. Utility use of electric energy will be reduced in any way that will not jeopardize essential operations. Fuel supply levels at the utility's generating stations will become a determinant in economic dispatch decisions in the effort to maintain a reasonable supply of fuel at all generating stations. The utility will partially or fully terminate the availability of electric energy under the surplus capacity provisions of rates for industrial and commercial power service. This shall not apply to cooperative or municipal utilities with generation. (1985 Code, § 6-10-2) (Ord. 2-1978, passed 2-14-1978)

§ 51.47 CUSTOMER VOLUNTARY LOAD REDUCTION.

If fuel supplies continue to decrease and the utility's remaining fuel supply is sufficient in its opinion for not more than 50 days' operation of its generating facilities, appeals to users will be made for the voluntary curtailment of load. Efforts should be made to obtain a decrease in usage of approximately 25%, except that a lesser amount would be the goal for specific customers if the 25% reduction would result in situations where health and safety is not adequately protected. Public appeals will be made by the utility through appropriate news media asking customers to reduce their use of electric energy by approximately 25% because of the impending fuel shortage. Direct appeals will be made by the utility to major industrial and commercial customers and to wholesale customers requesting them to shut off nonessential loads, and curtail usage in an effort to obtain a 25% reduction. (1985 Code, § 6-10-3) (Ord. 2-1978, passed 2-14-1978)

§ 51.48 MANDATORY LOAD REDUCTION.

(A) If fuel supplies continue to decrease and the

utility's remaining fuel supply is sufficient in its opinion for not more than 40 days' operation of its generating facilities, mandatory curtailment will commence in accordance with procedures hereafter provided. When fuel supplies are sufficient for not more than 40 days' operation of the utility's generating facilities or when for any reason sufficient amounts of electric power, in the judgment of the utility, are not available to meet all existing and reasonably anticipated demands for service or to protect the integrity and stability of the system, the utility shall have the right to restrict, limit, or curtail electric service within any of its systems so affected in accordance with any of the provisions of this subchapter. Priority of service, in the event of mandatory curtailment, shall be as set forth below.

(B) The highest priority is Service Priority Class I and the lowest priority of service is Service Priority Class V:

- (1) Service Priority Class I - Human needs;
 - (2) Service Priority Class II - Residential and living quarters;
 - (3) Service Priority Class III - Commercial and industrial customers;
 - (4) Service Priority Class IV - Schools, colleges, universities, and other educational institutions; and
 - (5) Service Priority Class V - Dispensable uses and surplus capacity power.
- (1985 Code, § 6-10-4) (Ord. 2-1978, passed 2-14-1978)

§ 51.49 MANDATORY CURTAILMENT PROCEDURE.

(A) Except as provided by § 51.50, curtailment shall begin with Service Priority Class V and continue as necessary through Service Priority Classes IV, III, II, and I as follows.

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(1) *Forty-day fuel supply.* When the utility's fuel supply reaches 40 days, public notice shall be given by press release to:

(a) Service Priority Class V customers to fully (100%) curtail the service; however, any dispensable use shall be provided the minimum amount of electricity to protect and maintain the dispensable use facilities;

(b) To Service Priority Class IV to curtail service to a service level of not more than 50% of service obligation or base monthly consumption, whichever is applicable as determined by the utility;

(c) To Service Priority Class III to curtail service to a service level of not more than 75% of service obligation or base monthly consumption, whichever is applicable as determined by the utility; and

(d) To Service Priority Class II to curtail service to a service level of not more than 85% of service obligation or base monthly consumption, whichever is applicable as determined by the utility.

(2) *Thirty-day fuel supply.* When the utility's fuel supply reaches 30 days, public notice shall be given to:

(a) Service Priority Class IV to curtail service fully to a service level that is necessary to protect and maintain Service Priority Class IV facilities;

(b) To Service Priority Class III to curtail service to a service level of not more than 50% of service obligation or base monthly consumption, whichever is applicable as determined by the utility; and

(c) To Service Priority Class II to curtail service to a service level of not more than 75% of service obligation or base monthly consumption, whichever is applicable as determined by the utility.

(3) *Further need for reduction.* After Service Priority Classes IV, III, and II are curtailed to a level of not more than indicated in division (A)(2)

above of service obligation or base monthly consumption, Service Priority Classes IV through II, both inclusive, will be further curtailed by equal percentages until full (100%) curtailment occurs. After Service Priority Classes IV, III and II are in full (100%) curtailment, curtailment shall commence in service Priority Class I as necessary.

(4) *Short term service interruption.* In the event mandatory curtailment is imposed, as above provided, the utility in addition may employ, for not more than two hours' duration at any one time, selective short term service interruptions by operation on a rotational basis of distribution switching equipment to effect the necessary curtailment in one or more Service Priority Classes.

(B) Except as provided in division (A)(1) above, the utility will give notice of curtailment in the most effective manner possible and as much in advance as possible with regard to the exigencies and the number of customers to be notified. The curtailment shall be effective as of the time and date specified in the notice.

(1985 Code, § 6-10-5)

(C) Service shall be restored in the reverse order of the original curtailment.

(1985 Code, § 6-10-6)

(Ord. 2-1978, passed 2-14-1978)

§ 51.50 EMERGENCY CURTAILMENT WITHOUT REGARD TO PRIORITY.

The utility reserves the right to order electric service curtailment without regard to the priority of service when in its judgment the curtailment is required to forestall imminent and irreparable injury to life, property, or the electric system. Curtailment may include interruption of selected circuits. A curtailment pursuant to this section shall not exceed 72 consecutive hours without approval of the State Public Service Commission.

(1985 Code, § 6-10-7) (Ord. 2-1978, passed 2-14-1978)

§ 51.51 NONCOMPLIANCE.

Customers failing to comply with the specified curtailment for more than seven days will be subject to disconnection for the duration of the emergency. Energy use by industrial and large commercial customers in excess of that permitted under curtailment shall be subject to a \$.10 per KWH penalty, in addition to normal billing charges, for all electric energy taken in excess of mandatory curtailment limitations. Penalty charges collected hereunder shall be segregated in a separate account, and shall be applied to reduce the fuel cost adjustment charges of industrial and large commercial customers who, during the existence of a fuel emergency, have not used electric energy in excess of mandatory curtailment limitations.

(1985 Code, § 6-10-8) (Ord. 2-1978, passed 2-14-1978)

§ 51.52 APPLICABILITY OF PROVISIONS.

The terms and provisions of this chapter shall control notwithstanding any terms and provisions of rate schedules on general rules and regulations of the utility, or any contract or agreement between the utility and any customer to the contrary.

(1985 Code, § 6-10-9) (Ord. 2-1978, passed 2-14-1978)

