

**TITLE VII: UTILITIES & PUBLIC WORKS - CONTINUED****CHAPTER 74: ELECTRIC SYSTEM REGULATIONS**

**74-1: PURPOSE.** These rules and regulations are designed to govern the supply of electricity from the City of Red Bud Electric Department (City) to the Customer to insure satisfactory, safe and uniform operations. They set forth the terms and conditions for establishing, maintaining, and discontinuance of electric service. They specify the terms of all agreements for service except that the City reserves the right to enter into special contracts.

**74-2: ELECTRIC SERVICE AND CODES.****(A) Service Rejected or Terminated.**

**(1)** The City Superintendent shall have the right to reject any application for service or to terminate service to any customer whose premises, in the judgment of the City Superintendent, is dangerous to persons or are otherwise unsafe in the vicinity of the City's meter and other facilities.

**(2) Adoption of National Codes.** Failure to reject an application for the service or the commencement of service by the City Superintendent shall not constitute an omission, acknowledgement or agreement, either expressed or implied, as to the adequacy, safety or other characteristics of any installation on the customer's premises not owned or maintained by the City.

**(B) Adoption of National Codes.** The City adopts the requirements of the most recent additions of the National Electrical Code (NEC NFPA 70) and the National Electric Safety Code (NEC ANSI C2) and requires all applicants and contractors to conform to these National Codes.

**74-3: REQUIREMENTS OF APPLICANT.**

**(A) Grant Easement.** When applying for or taking a new electric service from the City, the City shall require the property owner to grant to the City the right to enter upon the premises to be served and to install or remove, repair or maintain thereon, its lines, meters and other facilities, for the purpose of serving the owner's premises. Each Customer shall afford the City's representatives free access to the Customer's premises at all reasonable hours for the purpose of reading the meter, inspecting the metering and other equipment relating to the City's service, repairing, testing or removing its meter and equipment, and at any time in case of an emergency.

**(B) Pay Damage.** The Customer shall exercise due care to avoid damage to or dangerous or unsafe conditions adjacent to the City's meter and the other service facilities of the City located on or near the Customer's premises. If the Customer's operations or the manner in which the Customer uses the City's service cause damage to the City's facilities, the Customer shall pay the amount of such damage to the City on demand. If meters or other facilities belonging to the City are damaged or destroyed due to negligence or misuse by the Customer or any member of his family, or by an officer, agent or employee

of the Customer, or by sub-tenants, the cost of necessary repairs or replacements shall be paid by the Customer.

**(C) Ground Wires – Detach.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping. The City will hold the owner of the premises responsible and liable for any damage to the property, or injury to the employees of the City caused by such ground wire. All owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected after five (5) days written notice, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

**(D) Private Generation.** Except during times when electricity supply from the City is unavailable or is temporarily interrupted other than by reason of discontinuance of service to the particular premises for non-payment of billings or otherwise pursuant to this Chapter 74, it shall be unlawful for any person, firm, establishment or entity to supply or provide electricity in or for any premises by means of any generator or other electricity-production system, equipment or facility. This prohibition shall not apply to the use and operations of passive solar electricity generation systems which are otherwise installed and operated in accordance with all applicable laws and ordinances.

**(E) City’s Approval Required.** Whenever these Rules and Regulations require the approval or permission of the City, it is the responsibility of the Customer to secure such approval or permission in writing from the City Superintendent before proceeding to make a connection, use equipment or receive service.

#### **74-4: APPLICATION FOR ELECTRIC SERVICE.**

**(A)** Applicant requesting new electric service or an existing customer requesting additional or changed electric service shall complete and file at the City Hall an “Application for Electric Service”, on a form to be maintained by the City Superintendent. The application may be obtained at the City Hall.

**(B)** If the Applicant is a tenant of the premises to be served, the property owner, or his legal representative or designated agent, must countersign the application before the application will be granted for all new installations for purposes of granting City an easement within which to lay the electric line on and over the owner’s property.

**(C)** Applications will expire in one hundred twenty (120) days after the date of application. If application expires the fee is refundable. If service is still desired a new application must be filed and paid for in full.

**74-5: ELECTRIC SERVICES; EASEMENTS REQUIRED.** Where service lines are laid on private property, an easement shall be granted by the owner thereof providing for the installation and maintenance of the proposed service lines to be installed and maintained by the City and for the extension along or across such property for making other service connections from the same service line. This easement is granted by the owner upon the owner’s execution of the “Application for Electric Service” with the location of the easement shown by drawing on the reverse side of the Application.

**74-6: CONNECTIONS TO BE MADE BY CITY.** Upon the filing of an application with the intent to immediately use electric, if the same is in proper form and the service connection

fee is paid as provided in Section 71-29, an order for the installation of service line, meter and service connections will be issued by the City Superintendent to make such installation and connection without unnecessary delay and to return such order immediately upon completion of the work with an endorsement thereon signed by such employee making such installation, showing the date, place and manner in which such service connection was made and in itemized statement of the cost thereof. All applications and orders issued and returned shall be appropriately numbered and kept on file in the office of the City Administrative Assistant as a permanent record. The service line shall not be installed more than sixty (60) days prior to its use for service. Services that have been inactive or abandoned over two (2) years may be disconnected and removed by the City at the discretion of the City Superintendent. If service is disconnected or removed it will terminate the electric service.

**74-7: INSPECTION.** The application for new service shall contain a description of the premises to be served. The City Superintendent or his representative shall have the option of making an inspection of electric wiring on the premises before electrical energy is supplied to determine the adequacy and condition of the wiring. By inspecting a premises and approving it for electric service, the City takes no responsibility in guaranteeing the safety or adequacy of the wiring.

**74-8: REFUSAL OF SERVICE.** The City Superintendent reserves the right to refuse or reject any application for service in any of the following situations:

(A) Where the Applicant does not pay the necessary application fee required under the provisions of this Code;

(B) Where service to the Applicant would create unsafe condition(s) to the City's employees or equipment, other customer(s), or to the public;

(C) Where service would contravene law including orders or regulations of lawfully constituted public agencies;

(D) Where it is apparent at the time of application that service would be used in an illegal manner or for furtherance of an illegal purpose; or

(E) Where the Applicant owes the City for service furnished to the Applicant at the same or another address.

**74-9: USE OF SERVICE.** The following rules of service shall apply:

(A) The City Superintendent may deny service to a Customer, when in his opinion, the wiring and equipment is unsafe or has objectionable characteristics. However, the City will cooperate with the Customer in order to determine the necessary remedial action for such characteristics.

(B) All of Customer's lighting equipment, motor drive equipment, apparatus, and appliances shall be equipped with corrective devices so as to enable the City to maintain a satisfactory standard of electric service. In the case of high motor starting current, violently fluctuating or intermittent loads, etc., the City reserves the right and shall have the right to require Customer to install, at the Customer's expense, transformers and

apparatus to correct the objectionable conditions. (These cases may include welders, hoists, elevator motors, pumps, and similar apparatus).

**(C)** When a separate or oversized substation or transformer must be installed specifically to eliminate the effect of the objectionable load characteristic, and the distribution system would otherwise have the capacity and equipment required to supply a normal load service of the same size, or where separate transformers and/or services are installed at the Customer's request to supply apparatus which may be abnormally sensitive to voltage, the cost of such substation or transformer is considered a corrective device under subparagraph (B) above, and shall be provided at the Customer's expense.

**(D)** The City retains rates that are applicable to industrial and commercial services which are based on all such Customers maintaining a power factor of not less than ninety percent (90%) lagging. In the event a Customer's power factor is less than ninety percent (90%) during periods of normal operation, the City reserves the right to require Customer to install, at his own expense, such corrective equipment as may be required to increase Customer's power factor to not less than ninety percent (90%).

**(E)** When a Customer fails to install the necessary facilities on his premises to correct the objectionable conditions of his loan or fails to prevent such objectionable conditions from interfering with the City's supply of satisfactory service to other Customers, the City shall have the right to deny service to such Customer until the objectionable conditions shall have been corrected in a manner satisfactory to the City.

**(F)** Where corrective equipment is installed by the City on its distribution system to correct any objectionable condition, the Customer whose service caused the objectionable conditions will be required to pay the City, without refund, the installed cost of such corrective equipment, which said corrective equipment shall remain the property of the City.

**74-10: METERING.** The following rules and regulations shall be adhered to:

**(A) Meters Required.** All locations of customer service by the electrical system shall be metered. Meters shall be provided and installed by the City. If, in the opinion of the Superintendent, the situation dictates that a service shall go unmetered due to the lack of a proper meter, the customer will be billed on a flat rate, as determined by the City. All apartments or multi-constructed units shall be provided with individual meters.

**(B) Location.** All meters shall be mounted on an exterior wall in an easily accessible location as designated by the Superintendent or his designated representative.

**(C) Testing.** Any municipal electrical meter shall be taken out of service and tested upon complaint of the Customer upon payment of a fee of Twenty-Five Dollars (\$25.00). If, upon testing, the meter is not within three percent (3%) of being accurate, it shall be repaired or replaced and the Twenty-Five Dollar (\$25.00) fee returned to the Customer. If the meter is within three percent (3%) of being correct, the fee will not be refunded.

**(D) Meters Stopped or Registering Inaccurately.** [See Section 71-1(L)].

**(E) Tampering.** [See Section 71-1(C) and 74-21.]

**74-11: RESPONSIBILITY FOR CONTINUITY AND QUALITY OF SERVICE.**

(A) The City endeavors to furnish continuous and adequate service; however, it cannot guarantee the service as to continuity, freedom from voltage and frequency variations or reversal of phase rotation, and will not be responsible or liable for damages to customers' apparatus resulting from such failure or imperfection of service. In cases where such failure or imperfection of service might damage a customer's apparatus, the customer shall install suitable protective equipment.

(B) Emergencies may arise in which it is essential for the City to immediately take lines or equipment out of service, for repairs, and to prevent damage to life or property or to prevent a more serious interruption of service. The City reserves the right to take lines or equipment out of service under such conditions and will attempt to give customers advanced warning of such interruptions as conditions may permit.

(C) The City further reserves the right to take lines and equipment temporarily out of service for short periods for maintenance and changes in construction. Such outages will be planned at a time convenient to customers involved, if at all practical and possible.

**74-12: EXTENSION FOR NEW SERVICE.**

(A) Unless otherwise stated herein, the City, at its cost and expense, will make extension of its electric distribution lines for the purpose of serving applicant(s) under the following general terms and conditions:

(1) The location of the premises to be served shall be within a territory where the City is lawfully permitted to render service.

(2) The City shall be supplied with an easement satisfactory to City from its existing lines to a point adjacent to the premises proposed to be served.

(3) The applicant(s) and the anticipated usage shall meet the requirements of the applicable electric rate schedule for the type of service requested.

(4) Fees shall be paid as required under this Code.

(B) Whenever an applicant(s) requests the City to extend its electric distribution lines within a subdivision applied for after the passage of this Section, the following terms, procedures and conditions shall be complied with:

(1) The City shall purchase materials and bill the materials cost to the developer, and the City shall perform the installation at no cost to the developer.

(2) If requested by the applicant(s), the City will provide the applicant(s) with the total estimated cost to the City to install the electrical distribution lines. The estimated cost shall include all materials, labor, equipment, engineering and related items required to complete the electrical installation. Upon completion of installation City shall determine its actual cost to perform the

electrical installation and send a bill to the subdivider. The subdivider shall pay the materials cost bill within thirty (30) days of the City billing the subdivider.

**(3)** All lines and equipment shall become the property of the City upon acceptance of improvements as stated in Section 172-90.

**(4)** This Section applies to electric distribution line extensions constructed within subdivisions as required per the Subdivision Code as amended.

**(5)** Applicant shall provide, both inside and outside of applicant/developer's subdivision, all easements satisfactory to City which are needed to extend and to connect City's electric distribution system to applicant/developer's subdivision.

**74-13: SERVICE VOLTAGE.** The service voltage for all locations are listed below. Any other service voltage is considered non-standard. The minimum capacity of the service entrance shall be two hundred (200) Amperes. (See service connection fees in Section 71-29.)

**(A) 120/240-Volt Single-Phase 3 Wire Service.**

200 AMP Overhead Tap  
 200 AMP Underground Tap  
 300 AMP Underground Tap  
 300 AMP Overhead Tap  
 400 AMP Overhead Tap  
 400 AMP Underground Tap  
 400 AMP Underground Tap/Overhead Service Area

**(B) Unattached Services.** (When meter base and breaker is not attached to building for standard 120/240-volt single-phase 3-wire service):  
 Installation of 200 AMP meter base and breaker

**(C) 3 Phase Service.**

200 AMP 4 wire Y, 120/208 voltage  
 400 AMP 4 wire Y, 120/208 voltage  
 200 AMP 4 wire delta, 120/240 voltage  
 400 AMP 4 wire delta, 120/240 voltage  
 200 AMP 3 wire delta, 240 voltage  
 400 AMP 3 wire delta, 240 voltage  
 200 AMP 3 wire delta, 480 voltage  
 400 AMP 3 wire delta, 480 voltage

**74-14: NON-STANDARD SERVICE VOLTAGE.** There may exist locations where an existing distribution network has other than standard secondary service voltage than listed above. These systems are not necessarily being expanded as an obligation to the City and in certain cases, a new service may be installed at the existing voltages in the electrical network. If a non-standard service voltage or 3-phase service is desired, the owner shall consult with the Superintendent before purchasing heavy duty residential, commercial or industrial equipment for installation on the electrical system. If it is practical, in the opinion of the Superintendent, the non-standard service voltage may be provided,

however, the owner will bear the additional expense as stated in Section 71-30 and the risk of extended loss of service in the event of a transformer failure.

**74-15: TYPES OF CUSTOMER SERVICE CONNECTIONS.** The following types of customer service connections are provided by the electrical system:

**(A) Overhead Connection - Overhead Service Area.** Overhead service shall be delivered to the individual residence by means of overhead cable from the electric system pole structure to a designated point on the dwelling of sufficient height to comply to applicable code clearances. The location of the service entrance shall be such as to provide for the shortest route from the structure to the home as practical. The owner or contractor shall provide the service head, riser conduit, and all other materials and installations required to make a complete installation. Conductor tails of two (2) foot lengths shall extend out the riser weatherhead to facilitate making connections to the triplex service conductors provided by the City. Service lengths installed by the City shall be limited to one hundred (100) feet from the property line nearest a transformer. Any additional length of conductors or additional support facilities shall be installed by the City only at the customer's expense. Meter sockets shall be provided by the City, but installed by the owner or the owner's contractor, and shall be located at a height of five (5) feet above final grade with all meters located outside of any building, dwelling or restricted area.

**(B) Underground Connection - Underground Service Area.** In areas with underground services, the services shall be delivered to the residences by means of a buried triplex cable from pedestal, vault or pad mount transformer located on or near the property line to a point designated on the dwelling. The location of the service entrance shall be such as to provide the shortest routes from the pedestal, vault or pad-mounted transformer to the building as may be practical. All obstructions such as debris, dirt piles, brush, etc., shall be removed prior to the installation of service, and a lot shall also be graded to within six (6) inches of final grade. The owner or contractor shall provide the necessary equipment to provide a complete installation as indicated on the attached drawings. Service length installed by the electrical system shall be limited to one hundred (100) feet from the property line nearest a transformer. Any additional length of service shall be installed by the City at the property owner's expense. Underground service is not guaranteed by the City as circumstances may force service to be provided to any location by overhead service.

**(C) Underground Connection - Overhead Service Area.** Underground service in an overhead service area will be available, provided engineering considerations will not prohibit service, in the opinion of the Superintendent. The conversion of existing overhead service to underground service shall be available as time and workload permit with the approval of the Superintendent.

**(D) Overhead Service - Underground Service Area.** Overhead service in an underground service area will not be permitted unless, in the opinion of the Superintendent, that due to the engineering considerations, this is the only feasible and practical manner in which service may be provided.

**74-16: SERVICE ENTRANCE METHODS.**

(A) Drawings depicting approved service installations shall be furnished to any user, contractor, or prospective user upon completion of a service application on a form to be maintained by the City Superintendent.

(B) The City Superintendent shall, from time to time, propose revisions to the "Service Entrance Drawings". Revisions shall take effect for any new construction, renovation or remodeling started fifteen (15) days after passage of the City Council, approval and publication as required by law.

(C) Any new, rebuilt, or upgraded service entrance shall comply with the approved drawings. Failure to comply with the approved drawings shall be sufficient cause to refuse service.

(D) Service will be furnished to customers only after a meter has been installed by the City.

#### **74-17: CODE COMPLIANCE.**

(A) Every contractor or person responsible for the installation of the electric lines, appliances or other equipment related to electric service shall comply with the provisions of this Code.

(B) If, upon inspection by the City Superintendent or the representative, certain installations are found to contain discrepancies, such discrepancies shall be corrected before permanent connection of service will be completed. If the permanent connection of service has been completed, the City Superintendent may mail the Customer a written request demanding conformity within a ten (10) day period or any prior service connection made by the City will be disconnected and terminated.

#### **74-18: UTILITY FACILITIES ON CUSTOMER'S PREMISES.**

(A) Distribution facilities required to serve either a group of Customers in multi-tenancy premises or a single Customer may be installed by the City partially or totally on the premises being served. The property owner shall make provisions on his property for the installation of City owned facilities required for this service or services and shall grant City an easement as necessary.

(B) The City facilities shall consist of those which, in the opinion of the City Superintendent are necessary to furnish adequate service. The City will design the installations and will install them in a manner most economical or feasible to the City under the existing conditions. Where the City installation is located in a property owner's building, the applicable provisions of this Code shall be observed, except that metering devices shall be externally accessible.

(C) The property owner shall furnish, at his own expense, own and maintain the necessary indoor or outdoor enclosures, structural supports and accessories as specified by the City. Payment to the City shall be made prior to installation.

#### **74-19: CUSTOMER'S RESPONSIBILITY FOR CITY EQUIPMENT.**

(A) The Customer shall be responsible for all damage caused to the City's equipment by the Customer. He shall be responsible for all loss resulting from interference or tampering including compensation for consumed service not recorded by the meter.

(B) Meters are sealed by the City and such seals shall not be broken or tampered with without the consent of the City except in cases of emergency. The City shall be notified as soon as possible after a seal has been broken.

**74-20: INCREASE IN CUSTOMER'S LOAD.**

(A) When a customer makes application for service, he shall specify the amount of electrical load to be connected to the electric system so that the City may determine the adequate service of sufficient capacity for the operation of the equipment to be serviced.

(B) The Customer's connected load shall not be increased beyond the limits hereinafter stated until the Customer has given written notice to the City and the additional load has been approved by the City Superintendent, unless the load increases a total of three (3) HP or less, or electrical additions total twenty (20) amperes or less, in which case, an electrical load increase will not require notification.

(C) If a Customer does not give proper notice of increased electrical load, the Customer shall be liable for any damage to the electric system equipment resulting from the increased load. Furthermore, any person who installs additional electrical loads in excess of those loads requiring notification without reporting to the City and obtaining approval of the City Superintendent, shall, upon conviction of such failure to notify, be fined not less than Twenty-Five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00). The City may elect to refuse to furnish electrical energy to any person or corporation found guilty of failing to report an increased electric load, that requires such notification.

**74-21: RESALE OF SERVICE.** Electrical energy provided by the City shall not be sold to a third party or otherwise disposed of by a third party. The energy provided by the City shall be for the sole use of its Customers.

**74-22: MOTORS AND APPARATUS SHALL BE AS FOLLOWS.**

(A) **Motors.** The City reserves the right to select the type of service to be supplied and shall be consulted before equipment is purchased or ordered by a Customer regarding the general characteristics of service, including those services having motors 5 HP and larger or where the aggregate load of smaller motors is more than 7 1/2 HP.

(B) In general, 7 1/2 HP and larger motors will be three-phase. There may be, at the City Superintendent's sole discretion, exceptions to this rule.

(1) In areas where three-phase energy is not readily available, larger single-phase motors may be permitted, but only with the prior approval of the City Superintendent.

(2) Where the Customer is already using three-phase energy, motors smaller than 7 1/2 HP may be added to the three-phase service, upon notification to the City, if elsewhere required.

**(3)** Three-phase service is not normally available for residential customers.

**(C)** Motors and motorized equipment will generally be approved for use on the electric system only if the Total Locked Rotor Current does not exceed an acceptable level, as determined by the City Superintendent.

**(D)** If starting currents are objectionable and will cause interference on the electric system in the judgment of the City Superintendent reduced voltage starting or such other methods as the City Superintendent determines feasible, will be required to be furnished by the Customer.

**74-23: SUB-METERING.** No sub-metering shall be permitted except by the City of Red Bud Electric Department. Energy sold under this Code is for the use of the Customer and not for resale.

**74-24: RENTED DUSK-TO-DAWN LIGHTS.** Private lighting luminaries (dusk-to-dawn lighting services) for home, schools, security, churches, commercial areas, and industry shall be provided where feasible and in keeping with good electrical practice, as per the following specifications:

**(A)** A self-contained, automatic, Dusk-to-Dawn lighting fixture shall be furnished and installed, or caused to be installed, by the City. Such fixture shall meet the standards and specifications of the City on existing wood pole structures for the customer's use at a monthly charge rate as set out in Section 71-28 for a minimum two (2) year period. The charge will be added to the customer's monthly utility bill and shall become an integral part of said bill. The City will be responsible for making the installation, furnishing the electricity for the operation of the lamp, provide all the necessary maintenance (including the replacement of lamps, but excluding malicious damage) for the two (2) year period and all subsequent time additions to the length of service, as agreed to by the City.

**(B)** Should the installation of a standard lighting unit require the installation by the electrical system of additional facilities not required by the City for distribution purposes other than the private outdoor lighting to be installed, the City will furnish, install, own and maintain the additional facilities (including wood poles), which may be necessary to provide such lighting from nearby distribution lines. The City will make a net monthly charge, in addition to the charge set forth above, of one and one-half percent (1.5%) of the additional cost to the City for the furnishing and installing such additional facilities.

**(C)** A two (2) year minimum contract shall be agreed to and signed by each customer desiring Dusk-to-Dawn Lighting Service, authorizing fixed monthly charges to be applied to the monthly electric utility bill. In the event that a customer desires the removal of the unit or discontinuance of the service, the remainder of the charges to complete the two (2) year contract shall become immediately due and payable by the customer.

**(D)** Dusk-to-Dawn Lighting shall be installed on wood poles with a normal ground-to-lamp height of approximately twenty-five (25) feet.

(E) The customer shall have the responsibility to notify the City of any interruption of service of the Dusk-to-Dawn Lighting. The City will restore service only during regularly scheduled working hours and shall, in any event, be under no obligation to do so before seventy-two (72) hours from the time of notification. In the event City is unable to effect repairs not caused by the customer within this period, the City's only liability will be to abate the charges on a pro-rata basis for each day after seventy-two (72) hours in which service is not available. The customer shall remove any obstruction to the installation of the City-owned facilities. Trimming of trees to improve the distribution of light shall be the customer's responsibility. The customer shall provide any permits or easements required for the installation or maintenance of the City-owned facilities and permit access to such facilities by the City's vehicles and personnel. A lighting agreement application shall be maintained by the City Superintendent.

**74-25: TRIMMING TREES.** No trees shall be, in any manner, cut or trimmed in any of the streets, alleys, sidewalks or public places in this City, where such cutting or trimming is not absolutely necessary, in the opinion of the Electric Superintendent, to the successful operation of any electric line or system, and unless such trimming is done under the immediate direction of the Superintendent.

All trees necessarily trimmed as aforesaid shall be so trimmed that they may retain their original form and usefulness as nearly as may be, and as not to be mutilated or rendered unsightly or useless for shade or other purposes, or unnecessarily prevented or retarded from following their natural growth and development. Whenever, by resolution, the Council deems it expedient, it may require any reasonable change or replacing of any pole or wire which unduly interferes with the growth of trees or any system of tree planting in this City, subject, however, to the vested and lawful right of the owners of such poles or wires.

**74-26: M.I.S.O. REGULATION.**

(A) The findings and determinations set forth in the preamble to Ordinance No. 1205 are hereby made findings and determinations of the City Council and incorporated into the text of this Section by this reference.

(B) The customers of the City municipal electric utility are hereby restricted and precluded from bidding or selling demand response into any organized electric or ancillary services markets operated or administered by Midwest Independent Transmission System Operator (or any successor independent system operator or regional transmission organization) or otherwise participating in such markets with any demand response resources whether directly or through a third-party aggregator.

(C) The City Council will revisit this Section once the MISO rules for implementing the FERC Order and Regulations have been put in place to determine if the protection afforded by this Section is still required or whether customers of the Municipality's electric utility system will be permitted to participate in the MISO markets with any demand response resources, either directly, through a third-party aggregator or only through the Municipality or its designee.

**74-27: I.M.E.A. ELECTRIC AGREEMENTS.** The City purchases electric power pursuant to a long term power sales contract with the Illinois Municipal Electric Agency.

**74-28: RENEWABLE GENERATION FACILITIES AND CUSTOMER SELF-GENERATION NET METERING.** The City shall make available, upon request, net metering service to any electric Customer taking service from the City and who meets the requirements set forth herein.

**(A) Definitions.**

(1) “Net metering” shall be defined as service to an electric Customer under which electric energy generated by that electric Customer from an eligible on-site generating facility owned by that Customer and, under some circumstances, delivered to the local distribution facilities may be used to offset electric energy provided by the City to the electric Customer. This shall not be a limiting term, but rather is used in its general sense to include the full range of methods for valuing Customer self-generation and implementing fair credits for excess energy delivered to the local distribution system by the Customer.

(2) “Eligible on-site generating facility” shall be defined as a renewable generating facility such as a photovoltaic facility and small wind turbines, if allowed, at a single location, and may include technology to store renewable energy at the Customer’s premises. Other forms of renewable generation shall be considered on a case-by-case basis by the City Council. In all cases, facilities interconnected must be deemed by the City to be renewable to qualify.

(3) “Customer” shall be defined as any person, trust, estate, partnership, corporation, business entity, condominium, townhouse, homeowner’s association, or other similar entity having a utility account(s) with the City for any single location.

**(B) Service Requirements.**

(1) Subject to the limitations set forth in this Section, the City shall make net metering service available upon request to any residential, commercial, or small power electric Customer with an eligible on-site generating facility owned by the Customer. The determination of whether a customer is a residential, commercial, or small power customer is based on the rate classification under which the Customer takes electric service. The eligible on-site generating facility shall be located on the Customer’s premises and on the Customer’s side of the billing meter and be sized to primarily produce only enough electricity to offset the Customer’s own electrical requirements. Proper sizing of eligible on-site generating facilities shall be determined herein.

(2) The maximum size in kilowatts<sub>AC</sub> of the eligible on-site generating facility for an individual Customer service location shall be determined as follows:

The installation of a renewable generating facility hereunder is intended to supply all or a portion of the Customer’s own usage of electricity. Therefore, in order to be approved, a renewable generating facility must be properly

sized so as not to exceed the Customer's expected annual usage based on the Customer's current energy needs. It is also important to the Customer that the generating facilities are properly sized because the credits hereunder for excess energy delivered to the distribution system expire if not used within the time period established. As part of the interconnection application, Customer's energy usage will be analyzed using 36-months of historical energy usage, if available, in order to calculate the Customer's expected annual usage. If a Customer provides documentation specifying why the usage has increased over that time, such as home renovation/addition, installation of electric heating, or an electric vehicle charging station on the premises, then the previous 12-month period shall be used to determine the average for the expected annual usage. If the applicable months of data are not available for an individual Customer, the average usage amounts by other similar Customers of the City, as determined by the City Superintendent, shall be used to set the expected annual usage. If facilities are allowed for Customers in other rate classes, the right-sizing shall be determined on a case-by-case basis.

In addition to the foregoing historic usage, the City shall consider potential adverse impacts to the distribution system and to other Customers of the City that will be caused by or expected to be caused by the installation of the new renewable generating facility at the particular Customer service location as part of the interconnection application review. The maximum size of the eligible on-site generating facility for an individual Customer service location shall be reduced below the expected annual usage of the Customer to mitigate the potential adverse impacts to the distribution system or portions thereof and to the other Customers of the City unless the Customer pays for any necessary upgrade to the system or portion thereof to avoid the potential adverse impact.

**(3)** Any request for net metering service by a Customer who is not a residential, commercial, or small power customer shall be considered on a case-by-case basis. The decision with respect to such facilities shall be made by the City Superintendent based on potential impacts to the distribution system or portions thereof and to the property of other Customers. Customers that do not qualify for net metering service herein shall be permitted to interconnect and self-generate as required by and in accordance with the Federal Energy Regulatory Commission's rules under the Public Utility Regulatory Policies Act (PURPA) on a case-by-case basis.

**(4)** Notwithstanding the provisions herein, the City reserves the authority to withhold, deny, or delay approval of the interconnection of proposed on-site generating facilities and of net metering service hereunder if the operation of the facility would be unsafe or pose a risk of adverse impacts to the distribution system or portions thereof or to the property of other Customers of the City. The City shall withhold approval for only so long as is reasonably necessary to remedy the risk of adverse impact. The City shall only deny approval if the adverse impact cannot reasonably be remedied or if the Customer refuses to meet all applicable State and local safety and electrical code requirements or refuses to provide for payment of the costs of the improvements to the facility or the system

that are required to accommodate the otherwise eligible on-site generating facility. The City shall not be required to make unscheduled improvements to its distribution system or portions thereof to remedy the situation causing the delayed or withheld approval unless the Customer agrees to pay for the reasonable costs thereof. Likewise, the City may require a Customer with an approved on-site generating facility that has been installed and begun to operate to suspend operations of the facility if it becomes unsafe or causes adverse impacts to the distribution system or portions thereof or to the property of other Customers of the City, and such suspension shall be in place only so long as is reasonably necessary to remedy the adverse impact. The City may require the Customer to disconnect the on-site generating facility from the distribution system in serious situations.

**(5)** The electric generating facility must abide by the current terms and conditions for interconnection as approved by the City Superintendent at the time of interconnection.

**(C) Application.** Before the beginning of installation of an on-site generating facility, the Customer must complete a net metering application along with a building permit application and receive approval from both the City Superintendent and the Code Administrator. Before the generating facility is used, the installation contractor must complete and deliver a certification of completion on the prescribed form to the City Superintendent for approval.

**(D) Billing and Costs.**

**(1)** Energy generated by the Customer-owned generator during the billing period may supply all or a portion of the energy required by the Customer's load. The Customer shall be credited for excess energy delivered by the Customer to the City at the meter from the approved on-site generating facility.

**(2)** For all on-site generating facilities, the following credit method shall be used to determine excess energy credit: For energy delivered by the City to the Customer at the meter, as reflected in the meter reading, shall be billed at the appropriate full retail energy rate. For any excess energy generated by the Customer from an approved on-site generating facility and delivered by the Customer to the City at the meter, as reflected in the meter reading, a credit shall be created and applied to the Customer's bill based upon the lesser of the full retail energy rate for the Customer class and the avoided cost of energy. Avoided cost shall be determined as set forth herein. The City shall install an appropriate meter to measure both the energy delivered by the City to the Customer at the meter and the energy delivered by the Customer to the City at the meter from the approved on-site generating facility.

**(3)** For all approved on-site generating facilities, "avoided cost" shall be determined based on the sum of (a) and (b) below:

**(a)** The rate in cents per kWh as published and approved annually by the City based on the calculations and

recommendation from the City's electric wholesale supplier. The rate shall take into consideration the following:

**(i)** Historic real time pricing of prior calendar year of energy in the wholesale market as valued at the locational marginal pricing (LMP) for that location as defined by the appropriately located Regional Transmission Organization (RTO),

**(ii)** Solar-weighted LMP: The simple average of the LMP weighted using Solar Weighting. Solar weighting is the expected production of each hour of a typical solar installation as determined using the National Renewable Energy Laboratory (NREL) System Advisory Model (SAM) as may be amended from time to time,

**(iii)** Capacity value: Appropriate RTO capacity price with solar factors applied for average system peak times, and

**(iv)** Transmission Value: Appropriate RTO transmission cost recovery with solar factor applied for average peak times.

**(b)** The rate in cents per kWh as calculated by the City for the avoidance of distribution system losses.

**(4)** Credits from electric energy delivered to the City by the Customer shall be used to offset usage based electric energy (kWh) charges only. No such credits shall be applied to, and the customer shall remain responsible for, (i) taxes, fees, and other charges that would otherwise be applicable to the net amount of electric energy (kWh) purchased by the Customer from the City or consumed by the Customer, and (ii) other charges to the Customer under any other rules, regulations or rates that are not based on per kilowatt-hour (kWh) charges, including but not limited to, basic service charges, Customer service charges, facilities charges, demand charges, kVAR charges, transformation charges, taxes and assessments billed on other than kWh basis, rental fees, and late fees.

**(5)** The City shall carry over any unused credits earned and apply those credits to subsequent billing periods to offset usage based electric energy (kWh) charges only for electric energy supplied to the Customer by the City until all credits are used or until the end of the annual period. The annual period shall end each year on April 30; provided however for new net metering customers with generating facilities installed during an annual period, the annual period shall end on April 30 of the following year. At the end of the annual period or in the event that the Customer terminates service at the service location with the City prior to the end of annual period, any remaining credits in the Customer's account shall expire and no credit or payment shall be due to the Customer for such expired credits. In the event of termination of an account qualifying for net metering

herein, any outstanding credits are surrendered. No credit or payment shall be due to the Customer for such surrendered credits. Under no circumstance will credits for excess energy transfer to a new Customer at the service location after the Customer's service with the City terminates.

**(6)** Any costs the City incurs associated with the interconnection of generating facilities by a Customer, including but not limited to changes in metering (to include installation of a bi-directional meter), or other physical facilities, whether on the Customer's premises or a reasonably necessary upgrade to the municipal distribution system or a portion thereof that is not on the Customer's premises, shall be borne by the Customer seeking to install or for whom the generating facility was installed; provided however that such costs shall be capped at \$1,500 to each qualifying Customer interconnecting facilities of 10 kW or less. For those facilities greater than 10 kW that are deemed to qualify under this policy, all costs associated with the interconnection of the generating facility shall be borne by the Customer seeking to install or for whom the generating facility was installed. Costs assessed hereunder shall be demonstrable and cost-based. Such costs shall not include or be based on reduced sales by or lost revenues to the City associated with net metering service.

**(E) Other Documents.** The City Superintendent shall develop such documents as needed to implement this policy, including an application, terms and conditions, and certificate of completion. The City Superintendent shall update and change these forms as needed without further approval of the City Council. A Customer applying for or taking service hereunder shall execute all appropriate documents.

**(F) Interpretation.** The City reserves the right to interpret, amend, or rescind this Section. Nothing herein is intended to, nor shall it create a right for a Customer to rely on any particular netting or crediting methodology contained herein from time to time, and all rates for excess credits are subject to change.

**(G) Resolution of Complaints.** Citizen and Customer concerns generally with this Section may be raised in the public comment portion of any open meeting of the governing body of the City of Red Bud at any time and will be considered by the governing body in accordance with its normal processes. Individual Customer complaints, disputes, or concerns shall be raised in the first instance with the Utility Billing Clerk or the Utility Office Clerk. If the matter cannot be resolved at the utility staff level, this issue shall be reduced to writing and forwarded to the City Superintendent who shall schedule a meeting in person or by telephone or other communications media with the Customer. The Customer may invite its contractor or other consultant to participate in the meeting. If the matter cannot be resolved at this stage, then the process will be forwarded to the Mayor. If this process fails to resolve the matter, the Customer may exercise whatever rights and remedies the Customer may have in law or equity. The net metering policy of this Section shall be posted on the City of Red Bud's website along with appropriate contact information.

**74-29 to 74-30: RESERVED.**

**65 ILCS 5/11-117-1, et seq; 65 ILCS 5/11-125-1, et seq.**

