

ORDINANCE NO. 080566

AN ORDINANCE AMENDING CHAPTER 27, SECTION 27-21, DEFINITIONS, GAINESVILLE CODE OF ORDINANCES, TO PROVIDE DEFINITIONS ; AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY OF THE GAINESVILLE CODE OF ORDINANCES BY ADDING PROVISIONS FOR THE PURCHASE OF SOLAR GENERATED ENERGY THROUGH A STANDARD OFFER CONTRACT FOR ALL CLASSES; LIMITING NET METERING DISTRIBUTED RESOURCE(S) RATES FOR GENERAL SERVICE AND LARGE POWER CLASSES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN

WHEREAS, at least ten (10) days notice has been given of the public hearings once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of the public hearings in the City Commission meeting room, first floor, City Hall, City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notices described above at which hearings in the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 27-21, Definitions, of the Gainesville Code of Ordinances is hereby amended to read as follows:

Sec. 27-21 DEFINITIONS:

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

Business partners rate discount rider shall mean that written agreement in accordance with Appendix A, Utilities (1)1.between the city and certain nonresidential electric service customers whereunder the retail rates otherwise applicable to such customers are discounted in exchange for a long term, electric service commitment by the customer. The rider shall be available to only the following retail customer rate classes: general service non-demand, general service demand, or large power.

Consumer shall mean any person or entity that receives and utilizes electric service at a

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1 specific location.

2
3 Customer shall mean the person or entity responsible for payment for all electric, natural gas,
4 water or wastewater services used at a specific location, and further defined as that person
5 who has applied for and requested that services be made available at the specific location and
6 has agreed to pay for all usage of such services occurring at the location. The customer and
7 the consumer may be one and the same.

8
9 Curtailable electric service rider shall mean all nonresidential electric customers who are
10 eligible for large power electric service. Customers on this rate agree that the city may curtail
11 at least 500 kW of power demand and must enter into an agreement designating the city as
12 the customer's exclusive supplier of electricity for a minimum initial term of ten years. This rider
13 may be applied to service that is a verifiable amount of electric power demand that can be
14 reduced or interrupted upon request of the city but solely at the discretion of the customer.

15
16 Demand shall mean the greatest average amount of electric power measured in kilowatts
17 required by a consumer throughout any 30-minute interval during each billing month.

18
19 Developer shall mean any person or entity with ownership or control of a development that can
20 contract with the utility for the construction of electrical facilities.

21
22 Distributed Generation shall mean small, modular, decentralized, grid-connected or off-grid
23 energy systems located in or near the place where energy is used. For purposes of Net
24 Metering, the generation is connected to the customers' premises behind the electric revenue
25 meter. For purposes of Feed-In-Tariff, the generation may be independent of an existing utility
26 customer account or may be at an existing customer premise and connected to the grid
27 beyond the electric revenue meter.

28
29 Feed-in-Tariff shall mean the provision by which the utility may purchase renewable electric
30 energy from a customer or entity within the utility's electric service area pursuant to the
31 Standard Offer Contract.

32
33 General service shall mean:

34 (1) Nondemand. All nonresidential electric service where a demand of 50 kilowatts or greater
35 has not been established. When a customer on this rate establishes a demand of 50 kilowatts,
36 or greater, the appropriate demand rate will be applied for the current billing month plus a
37 minimum of 11 succeeding billing months. All energy supplied shall be through a single meter
38 and a single point of delivery. Customers operating multi-family dwellings with residential
39 electric service supplied through a single meter and a singlepoint of delivery may enter into an
40 agreement for service under this schedule. During the period beginning May 15 and ending
41 October 15 each year, customers with an established billing demand of 50 kilowatts or greater
42 may enter into an agreement for service under this schedule if their maximum demand
43 established during peak periods does not exceed a demand of 49 kilowatts anytime within 12

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1 consecutive billing months. Peak periods are defined in Appendix A, Utilities, Subsection
2 (1)f.1.(ii)(B), residential service, time-of-use rate. General service demand customers who wish
3 to enter into an agreement for service under this schedule by metering demand during peak
4 periods will pay a one-time meter installation charge in accordance with the schedule set out in
5 Appendix A.

6 (2) Demand. All nonresidential electric service with an established billing demand of 50 but
7 less than 1,000 kilowatts per month. Customers on this rate will be changed to the nondemand
8 rate for the current billing month at such time as their demand has been below 50 kilowatts for
9 12 consecutive billing months following the effective date of this subsection. Customers with a
10 nonresidential electric service demand of 50 kilowatts or less may enter into an agreement for
11 service under this schedule. All energy supplied shall be through a single meter and a single
12 point of delivery.

13
14 Interruptible electric service rider shall mean all nonresidential electric customers who are
15 eligible for either large power electric service.

16 Customers on this rate agree that the city may interrupt at least 500 kW of power demand and
17 must enter into an agreement designating the city as the customer's exclusive supplier of
18 electricity for a minimum initial term of ten years. This rider may be applied to service that is
19 electric power demand at a single metering point that can be totally interrupted either
20 automatically or manually at the discretion of the city.

21
22 Large power service shall mean all nonresidential electric service with a 12-month rolling
23 average demand of 1,000 kilowatts per month or over. Customers on this rate will be changed
24 to the applicable general service rate for the current billing month at such time as their 12-
25 month rolling average demand falls below 1,000 kilowatts.. All energy supplied shall be through
26 a single meter and a single point of delivery.

27
28 Meter tampering shall mean when any person shall willfully alter, injure, or knowingly suffer to
29 be injured any electric meter or meter seal or other apparatus or device belonging to the city in
30 such a manner as to cause loss or damage or to prevent any such meter installed for
31 registering electricity, from registering the quantity which otherwise would pass through the
32 same; or to alter the index or break the seal of any such meter; or in any way to hinder or
33 interfere with the proper action or just registration of any such meter or device or make or
34 cause to be made any connection of any wire or appurtenance in such a manner as to use,
35 without the consent of the city, any electricity without such electric service being reported for
36 payment or such electricity passing through a meter provided by the city and used for
37 measuring and registering the quantity of electricity passing through the same.

38
39 Metering point, as distinguished from point of delivery, shall mean the point at which the
40 instrument is installed to meter the flow of electric energy from the city to the consumer. The
41 city shall have the option to meter any service on either the primary or secondary side of the
42 transformer.

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1 Month shall mean an interval between successive meter reading dates, which interval may be
2 30 days, more or less.

3
4 Net Metering shall mean where a retail customer has installed a photovoltaic or other approved
5 distributed generation system on the customer's side of the electric revenue meter, the kilowatt
6 hours output by the distributed generation system shall be credited against the kilowatt hours
7 used by the customer. The net of the kilowatt hours used by the customer less the kilowatt
8 hours produced by the distributed generation system shall be the number of hours that the
9 customer is billed at the applicable retail rate.

10
11 Point of delivery shall mean the point where the city's wires or apparatus are connected with
12 those of the consumer.

13
14 Residential service shall mean service to a single living unit located in a single-family or
15 multiple-family dwelling or a living unit consisting of a sorority, fraternity, cooperative housing
16 unit of a college or university or other nonprofit group living unit. A living unit shall be a place
17 where people reside on a nontransient basis containing a room or rooms comprising the
18 essential elements of a single housekeeping unit. Each separate facility for the preparation,
19 storage and keeping of food for consumption within the premises shall cause a housekeeping
20 unit to be construed as a single living unit. All energy supplied shall be through a single meter
21 at a single point of delivery. This definition is intended to define a rate class. This definition is
22 not to be construed as a definition of service conductors or related service entrance
23 equipment.

24
25 Related civil infrastructure shall mean all components required to construct an underground
26 duct system in addition to the conduit and concrete equipment foundations. These components
27 include but are not limited to cable pull boxes, manholes, vaults, transition boxes, pedestals
28 and miscellaneous parts (i.e. couplings, bellends, pulling eyes and similar hardware).

29
30 Retained, expanded or attracted load service rider shall mean at the sole discretion of the city,
31 this rider may be made applicable to nonresidential electric service provided under either of the
32 following retail rate schedules: general service demand, or large power. This rider may only be
33 applied to service that is either retained, expanded or attracted load, as described below:

34 (a) Retained load shall be continued service to a previously existing, creditworthy customer
35 facing definite cessation of local operations or a customer having a documented alternative
36 source of electric supply either from relocation, self-generation or a third-party supplier.
37 Retention of such load and/or customer must be determined by the city commission to be in
38 the best interest of the city.

39 (b) Expanded load shall be a minimum of 100 kW of additional verifiable service, within the
40 same site, provided to a previously existing customer. The additional load cannot result from
41 load shifted from another site or facility within the city's utility service area. Such expansion of
42 load and/or facilities must be determined by the city commission to be in the best interest of
43 the city.

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1 (c) Attracted load shall be new service of at least 100 kW that locates within the city's utility
2 service area after having demonstrably considered sites within other feasible locations, not
3 within the city's utility service area. Such new service, customer and facilities must be
4 determined by the city commission to be in the best interest of the city.
5 (d) The determination that approval of this retained, expanded or attracted load service rider
6 is in the best interest of the city, shall be based upon the following minimal criteria:
7 (1) Application of the rider is demonstratively necessary to either retain, expand, or attract
8 electrical load;
9 (2) Revenues foregone by the city under this rider, together with the fiscal cost of all other
10 financial incentives to be offered by the city to the applicant coincidentally with this rider, shall
11 not outweigh the long term quantitative and qualitative benefits to the city's taxpayers and
12 utility rate payers.
13 (3) The business activity associate with the retained, expanded, or attracted load shall be
14 consistent with, but not limited to, the city's goals, objectives and policies regarding the
15 following:
16 Land Use and Zoning
17 Consistency with existing policies and plans
18 Ability to obtain requisite approvals if any
19 Effect upon recreation
20 Sites within target re-development areas
21 Environmental Impacts
22 Water and air emissions
23 Characteristics of solid waste generated and related control methods
24 Stormwater
25 History of environmental compliance
26 Energy efficiency
27 Economic Development Objectives
28 Improving underemployment
29 Industrial diversification
30 Job creation/retention
31 Workforce enhancement
32 Quality of jobs
33 Employee fringe benefits
34 Impact on existing business
35 Transportation Infrastructure
36 Level of service
37 Public transportation access
38
39 Service shall include, in addition to all electric energy required by consumer, the readiness and
40 ability on the part of the city to furnish electric energy to the consumer; thus, the maintenance
41 by the city at the point of delivery of approximately the agreed voltage and frequency shall
42 constitute the rendering of service irrespective of whether consumer makes any use thereof.
43

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1 Service leads shall mean the portion of the consumer's installation to which the city connects
2 its service wires.

3
4 Service wires shall mean the wires of the city to which are connected the service leads of the
5 consumer.

6
7 Standard Offer Contract shall mean the terms and conditions promulgated by the general
8 manager for utilities for customers and non-customers qualifying under the provisions of
9 Appendix A, Section Utilities (1) Electricity, i. 1. (B).

10
11 **Section 2.** Appendix A, Section Utilities (1) Electricity of the Gainesville Code of Ordinances is hereby
12 amended to read as follows:

13 UTILITIES

14
15 (1) Electricity

16
17 i. Distributed Resources Rates (§ 27-27):

18 1. General Provision.

19 (A) Net Metering: Applicable only to electric customers of the utility on solar photovoltaic
20 systems of less than or equal to 10 kW.

21 (i).Residential: To be credited at \$0.062 per KWh plus the prevailing retail fuel adjustment (See §
22 27-28).

23 (ii) Non-Residential: The rates applicable hereunder shall only be available to any
24 non-residential customer that installed a photovoltaic system under this net metering
25 provision prior to March 1, 2009 and shall be available for the life of said system:

26	General Service Non-Demand(\$/kWh)	\$0.077
27	General Service Demand (\$/kWh)	\$0.032
28	Large Power (\$/kWh)	\$0.031
29	plus the prevailing retail fuel adjustment (See section 27-28) .	

30 Net metering shall not be offered to non-residential classes for systems installed
31 on or after March 1, 2009.

32 (iii) Non-solar Distributed Resource(s) greater than 10kW, kWh payment to be
33 credited at avoided cost as negotiated by contract.

34 (B) Standard Offer Contract (Solar Feed In Tariff): Applicable to all classes of electric customers
35 and non-customers located within the utility electric distribution service area.

36 (i) Energy generated from qualified solar photovoltaic generated distributed resources shall
37 be purchased through a Standard Offer Contract at non-negotiated rates set forth in the
38 Standard Offer Contract.

39 (ii) To become and remain "qualified", solar photovoltaic distributed resources must adhere to
40 all conditions and terms of applicable utility interconnection agreements promulgated by the
41 general manager or his/her designee and applicable federal, state and local safety, building
42 and other applicable codes.

43 (iii) Each contract will be in effect for a full 20 calendar years for each photovoltaic generation
44 system.

45 (iv) The general manager or his/her designee may cease to offer new contracts after a total
46 of 4 MW of solar photovoltaic distributed generation has been connected to the utility system

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per year, or as safety and reliability of the utility system require, subject to City Commission policy review.

(v) All Renewable Energy Credits (RECs) or any other environmental attributes that accrue as a result of operation of this solar photovoltaic system qualifying for the Feed-In-Tariff shall be the property of the utility.

(vi) The solar feed-in-tariff will be paid in accordance with the following schedule:

Contract Entered into Under This Policy During Calendar Year	Fixed Payment per kWh Applied Uniformly From the Date of Installation Through December 31,	Fixed Payment Over Life of Contract \$/kWh	
		Building or Pavement Mounted (any size) or Ground Mounted < 25 kW	Free Standing (Non-Building or Non-Pavement Mounted)
2009	2030	\$0.32	\$0.26
2010	2031	\$0.32	\$0.26
2011	2032	\$0.30	\$0.25
2012	2033	\$0.28	\$0.23
2013	2034	\$0.27	\$0.22
2014	2035	\$0.26	\$0.21
2015	2036	\$0.25	\$0.20
2016	2037	\$0.23	\$0.19

Section 2. All ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 3. It is the intention of the City Commission that the provisions of Section 1 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or re-lettered in order to accomplish such intentions.

Section 4. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or

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1 unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

2

3 **Section 5.** This ordinance shall take effect at 12:01 A.M., March 1, 2009.

4 PASSED and ADOPTED this _____ day _____, 2009.

5

6

7 _____
8 Pegeen Hanrahan
9 Mayor

10 ATTEST:

11

12

13 _____
14 Kurt M. Lannon, Jr.
15 Clerk of the Commission

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This ordinance passed on first reading this ____ day of _____, 2008.

This ordinance passed on second reading this ____ day of _____, 2009.

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