

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2019-32**

**REPEALING SECTION 1042.01 “ELECTRIC SERVICE CHARGES” OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW
SECTION 1042.01 “ELECTRIC SERVICE CHARGES”**

Whereas, Section 1042.01 of the Codified Ordinances of the Village of Yellow Springs, Ohio provides for electric service charges in the Village; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1042.01 entitled “Electric Service Charges” of the Codified Ordinances of the Village of Yellow Springs, Ohio in order to update and improve the Code,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Existing Section 1042.01 “Electric Service Charges” of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby repealed.

Section 2. A new Section 1042.01 “Electric Service Charges” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with new language underlined and **bolded** and deleted language in ~~strickethrough~~.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Brian Housh, President of Council

Passed: 9-3-2019

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Marianne MacQueen __Y__ Kevin Stokes __Y__
Lisa Kreeger __Y__ Kineta Sanford __Y__

EXHIBIT A

1042.01 ELECTRIC SERVICE CHARGES.

(a) Residential Electric Rate; Rate Number One.

(1) Availability. This rate is available to all single-family residential units and single apartment units located within the Village's service area for all uses.

(2) Type of service. Single-phase, 60 hertz, at seller's standard secondary voltages. **Where on-site generation is installed behind the customer's meter, Aa** bi-directional meter will be used to measure the flow of electricity in both directions. On-site generating capacity will be limited to ~~2512~~ KW **AC** or the customer's estimated peak load, whichever is less. When on-site generating capacity exceeds ~~2512~~ KW **AC** (kilowatts) of solar generation or three KW of wind generation, service will be provided pursuant to Village's General Service Rate, Rate Number Three (see Section 1042.01 (c)).

(3) Billable KWH (kilowatt-hours). **The customer shall be billed for all kilowatt-hours supplied to the customer by the Village during the billing period. Kilowatt-hours supplied by the customer to the Village will be purchased by the Village pursuant to Village's Small Power Producer Rate, Rate SPP (see Section 1042.01 (i)).** ~~If the current meter reading is less than or equal to the highest previous meter reading, there are no billable KWH for the current month. Otherwise, the difference between the current meter reading and the highest previous meter reading is the billable KWH.~~

(4) Net rate - monthly

A. Customer Charge: Ten dollars (\$10.00) per month. The customer charge shall be increased by \$1 per month each year for five years (2017 - 2021), effective with bills rendered in January.

B. Energy Charge: \$0.110 per KWH (Based on Billable KWH)

(5) Delayed payment charge - gross. Five percent shall be added to the net bill if service charges are not paid by the fifteenth day of the month of rendition of the bill for such service.

(6) Monthly minimum charge. The applicable customer charge and subject to the delayed payment charge.

(7) Power supply cost and excise (kilowatt-hour) tax adjustment. Billing for energy delivered under this schedule will be adjusted as provided in Section 1042.01 (g).

(b) Commercial Lighting and Power Rate; Rate Number Two.

(1) Availability. This rate is only available to consumers that are receiving service under this rate at the time this rate becomes effective.

(2) Type of service. Single-phase or three-phase, 60 hertz, at seller's standard secondary voltages. **Where on-site generation is installed behind the customer's meter, Aa** bi-directional meter will be used to measure the flow of electricity in both directions. On-site generating capacity will be limited to ~~2512~~ KW **AC** or the customer's estimated peak load, whichever is less. When on-site generating capacity exceeds ~~2512~~ KW **AC** (kilowatts) of solar generation or three KW of wind generation, service will be provided pursuant to Village's General Service Rate, Rate Number Three (see Section 1042.01 (c)).

(3) Billable KWH (kilowatt hours). **The customer shall be billed for all kilowatt-hours supplied to the customer by the Village during the billing period. Kilowatt-hours supplied by the customer to the Village will be purchased by the Village pursuant to Village's Small Power Producer Rate, Rate SPP (see Section 1042.01 (i)).** ~~If the current meter reading is less than or equal to the highest previous meter reading, there are no billable KWH for the current~~

month. Otherwise, the difference between the current meter reading and the highest previous meter reading is the billable KWH.

(4) Net rate - monthly.

A. Customer Charge:

Single phase: \$15.00 per month

Three-phase: \$15.00 per month

The ~~s~~**Single-p**Phase Customer Charge shall be increased by \$1.00 per month each year for five years (2017-2021), effective with bills rendered in January.

The **Three-Phase** customer charge shall be increased by \$2.00 per month each year for five years (2017-2021), effective with bills rendered in January.

B. Energy charge: \$0.115 per KWH (based on billable KWH).

(5) Delayed payment charge - gross. Five percent shall be added to the net bill if service charges are not paid by the fifteenth day of the month of rendition of the bill for such service.

(6) Monthly minimum charge. The applicable customer charge and subject to the delayed payment charge.

(7) Power supply cost and excise (kilowatt-hour) tax adjustment. Billing for energy delivered under this schedule will be adjusted as provided in Section 1042.01 (g).

(c) ~~Large Power~~**General Service Rate; Rate Number Three.**

(1) Availability. This rate is available to all consumers within the Village's service area for all uses.

(2) Type of service. Three-phase, 60 hertz, at seller's standard secondary voltages. **Where on-site generation is installed behind the customer's meter, A** bi-directional meter will be used to measure the flow of electricity in both directions.~~On-site generating capacity will be limited to 25 KW or the customer's estimated peak load, whichever is less. When on-site generating capacity exceeds 25 KW (kilowatts) of solar generation or three KW of wind generation, the billing KWH (kilowatt hours) will be based on the metered KWH delivered to the customer, and the billing capacity will be equal to the billing capacity that would have been billed absent the on-site generation.~~

(3) Billable KWH (kilowatt hours). **The customer shall be billed for all kilowatt-hours supplied to the customer by the Village during the billing period. Kilowatt-hours supplied by the customer to the Village will be purchased by the Village pursuant to Village's Small Power Producer Rate, Rate SPP (see Section 1042.01 (i)).** If the current meter reading is less than or equal to the highest previous meter reading, there are no billable KWH for the current month. Otherwise, the difference between the current meter reading and the highest previous meter reading is the billable KWH.

(4) Net rate - monthly.

A. Customer Charge:

Single Phase: \$15.00 per month

Three-Phase: \$15.00 per month

The Single-Phase Customer Charge shall be increased by \$1.00 per month each year for five years (2017-2021), effective with bills rendered in January.

The ~~Single~~**Three-Phase** Customer Charge shall be increased by \$2.00 per month each year for five years (2017-2021), effective with bills rendered in January.

B. Demand Charge: \$10.00 per KW

C. Energy Charge: \$0.07 per KWH (based on billable KWH)

(5) Delayed payment charge. Five percent shall be added to the net bill if service charges are not paid by the fifteenth day of the month of rendition of the bill for such service.

(6) Power supply cost and excise (kilowatt-hour) tax adjustment. Billing for energy delivered under this schedule will be adjusted as provided in Section 1042.01 (g).

(7) Measurement of energy and determination of billing demand capacity. Energy supplied under this schedule will be delivered through not more than one poly-phase meter. The billing ~~demand capacity~~ shall be the highest average KW used by the consumer for any period of thirty consecutive minutes during the month for which the billing is rendered. **Where on-site generation is installed behind the customer's meter, the customer's billing demand will be equal to the billing demand that would have been billed absent the on-site generation.**

(d) Large Power Rate; Rate Number Four.

(1) Availability. This rate is available to all consumers within the Village's service area for all uses.

(2) Type of service. Three-phase, 60 hertz, at seller's standard secondary voltages. **Where on-site generation is installed behind the customer's meter, a** bi-directional meter will be used to measure the flow of electricity in both directions. ~~On-site generating capacity will be limited to 25 KW or the customer's estimated peak load, whichever is less. When on-site generating capacity exceeds 25 KW (kilowatts) of solar generation or three KW of wind generation, the billing KWH (kilowatt hours) will be based on the metered KWH delivered to the customer, and the billing capacity will be equal to the billing capacity that would have been billed absent the on-site generation.~~

(3) Billable KWH (kilowatt hours). **The customer shall be billed for all kilowatt-hours supplied to the customer by the Village during the billing period. Kilowatt-hours supplied by the customer to the Village will be purchased by the Village pursuant to Village's Small Power Producer Rate, Rate SPP (see Section 1042.01 (i)).** ~~If the current meter reading is less than or equal to the highest previous meter reading, there are no billable KWH for the current month. Otherwise, the difference between the current meter reading and the highest previous meter reading is the billable KWH.~~

(4) Net rate - monthly.

A. Customer Charge: \$50.00 per month

B. Demand Charge: \$10.00 per KW

C. Reactive Charge: \$0.50 per kVar

D. Energy Charge: \$0.065 per KWH (based on billable KWH)

(5) Delayed payment charge. Five percent shall be added to the net bill if service charges are not paid by the fifteenth day of the month of rendition of the bill for such service.

(6) Power supply cost and excise (kilowatt-hour) tax adjustment. Billing for energy delivered under this schedule will be adjusted as provided in Section 1042.01 (g).

(7) Measurement of energy and determination of billing demand capacity and reactive demand capacity. Energy supplied under this schedule will be delivered through not more than one poly-phase meter. The billing ~~demand capacity~~ shall be the highest average KW used by the consumer for any period of thirty consecutive minutes during the month for which the billing is rendered, but not less than 50 KW. . **Where on-site generation is installed behind the customer's meter, the customer's billing demand will be equal to the billing demand that would have been billed absent the on-site generation.** The reactive billing ~~demand capacity~~ shall be the highest average kVar used by the consumer for any period of thirty consecutive minutes during the month for which the billing is rendered.

(8) Delivery voltage - optional primary voltage delivery. The consumer may, at his or her option, choose to accept delivery at an available primary transmission or distribution voltage. In this case the consumer shall, at his or her expense, own, operate and maintain all transformers and/or other apparatus needed for his or her utilization of the delivered primary voltage. When primary delivery is accepted, the total bill as computed in this schedule will be adjusted by multiplying it by 0.91.

(9) Metering voltage - optional metering at other than delivery voltage. Service will normally be metered at the delivery voltage. The seller reserves the option of metering on the primary for secondary delivery or metering on the secondary for primary delivery and adjusting the metered energy to correct for transformer losses.

A. In case of primary metering for secondary delivery, the metered KWH shall be multiplied by 0.95.

B. In case of secondary metering for primary delivery, the metered KWH shall be divided by 0.95.

(10) Term of contract. Contracts will be made for a period of five years with self-renewal provisions for successive periods of one year each until either party shall give at least thirty days written notice to the other of the intention to terminate the contract at the end of the yearly period.

(e) Private Outdoor Lighting Rate; Rate Number Five.

(1) Residential yard lights.

A. Availability. This rate is available for all-night outdoor lighting service for rear yards only to all residential electric customers where such service can be supplied by the installation of lighting fixtures supplied directly from existing secondary circuits.

B. Net Rate. For each lamp with luminaire, controlled automatically, and where an arm of not over six feet in length is required:

80 Watt Induction \$5.90 per month

100 Watt Induction \$6.50 per month

(2) Commercial-industrial-institutional yard lights.

A. Availability. This rate is available for all-night outdoor lighting service for the lighting of driveways, parking lots and other outdoor areas on private property to all commercial-industrial-institutional electric customers where such service can be supplied by the installation of lighting fixtures supplied directly from existing secondary circuits.

B. Net Rate. For each lamp with luminaire, controlled automatically, and where an arm of not over six feet in length is required:

100 Watt Induction \$6.50 per month

250 Watt Induction \$8.00 per month

Larger sizes, special ornamental fixtures and poles by special arrangements and contract.

(3) Installation.

A. Fixtures. Fixture(s), including lamp, luminaire and arm, if required, will be installed in accordance with the customer's designation or design, subject to the concurrence of the Village.

B. Rate.

Each fixture \$50.00

Poles and wire will be billed at the Village's cost at the time of installation.

(4) Payment.

A. Bills for installation charges will be rendered separately and are due and payable within fifteen calendar days of rendition (mailing date).

B. Bills for service under this schedule are made a part of billings for other utility services, are due and payable at the same time, and are subject to a five percent delayed payment charge if not paid by the fifteenth day of the month of rendition.

(5) Term of contract. A utility service contract is required for this service with a fixed term of not less than two years, and for such time thereafter until terminated by either party giving thirty days written notice to the other.

(6) Terms and conditions. All equipment shall be owned by the Village. The Village will maintain the equipment and replace defective lamps. All service and necessary maintenance will be performed only during the regular working hours of the Village. The Village does not guarantee continuous lighting and shall not be liable to the consumer or anyone else for any damage, loss or injury resulting from any interruption in such lighting due to any cause. The Village shall be allowed forty-eight hours after notification by the customer to replace defective lamps. All lamps shall burn from dusk to dawn, burning approximately 4100 hours per annum.

(f) Backup Power Generation Credit.

(1) Availability. The backup power generation credit is available to all consumers within the Village's service area for all users who:

A. Are currently taking service from the Village and are not located in a residential district;

B. Have the ability to generate power through the use of their generation equipment; or

C. Are not delinquent in payment on their Village utility account.

(2) Type of service. Single-phase or three-phase, sixty hertz, at seller's standard secondary voltages.

(3) Monthly credit. Consumers who contract with the Village for the backup power generation credit shall receive a monthly credit based upon the following two components:

A. Available KW capacity of customer's generator credited at \$2.00/KW/month; and

B. Any KWH generated through the operation of the generator, only when requested by the Village, credited pursuant to the following formula:

$$(\$0.15/\text{KWH}) \times (\text{the KW output of the generator}) \times (\text{the number of hours of operation per month}).$$

(4) Consumers who opt for this credit must provide all fuel costs and maintenance costs for the generator. Consumers are not allowed to sell the power generated by such generator to anyone else.

(5) The Village will not be required to pay for power generation in any hour that it has not requested a customer to generate such power. Only those customers who contract for the KW credit are obligated to run such power generation any time, upon request of the Village.

(Ord. 98-6. Passed 9-8-98.)

(g) Power Supply Cost and Excise (Kilowatt-hour) Tax Adjustment.

(1) Power supply cost adjustment. The Village's electric rates and charges are based upon the Village's average cost of power supply as furnished by American Municipal Power (AMP). In the event that said average power supply costs per kWh is increased or decreased, the electric rates, excluding the private outdoor lighting rate, will be adjusted as specified below.

(2) Base power supply cost. The overall base power supply cost to be used to determine that adjustment applicable to the Village's rate schedule shall be that included in the Village's retail rates of \$0.0720 per kWh.

(3) Monthly determination of power supply cost adjustment. Each month, the Village's running three-month average power supply cost per kWh shall be determined by dividing (i) the

sum of the previous two and current month's total power supply costs from all suppliers, plus the sum of the previous two and current month's costs associated with ownership and operation of generating facilities owned in whole, or in part, by the Village, plus the sum of the previous two and current month's transmission related charges and service fees, by (ii) the total energy delivered to the Village in the previous two months and current month. If said power supply cost per kWh is above or below \$0.0720 per kWh (determination to four decimal places or \$0.0000), the resultant differential shall be multiplied by 1.10 to compensate for system energy losses, and shall be applied to each customer's billable kWh.

(4) Excise (kilowatt-hour) tax adjustment. The electric rates and charges, including the private outdoor lighting rate, shall be adjusted by an amount equal to the excise (kilowatt-hour) tax imposed on the Village's electric distribution system under Ohio R.C. 5727.81. Said adjustment shall become effective with the bills that include May 1, 2001, as part of the usage period and shall thereafter be automatically adjusted to reflect any change in the kilowatt-hour tax imposed by Ohio R.C. 5727.81.

(h) Interconnection Agreement, Installation and Limitation of On-site Solar and Wind Generators.

(1) Application for interconnection and interconnection agreement. Prior to the installation and connection of any on-site solar and/or wind generator, the customer must first submit an application for interconnection to the Village for review and approval and, following approval of the application of interconnection, must enter into an interconnection agreement with the Village, as prescribed by the Village Manager.

(2) Application fee; Village to install bi-directional meter. The application fee will be the cost of the installation of a bi-directional meter plus forty dollars (\$50.00) for installation. Village Electric Department Staff will be responsible for the installation of the bi-directional meter prior to or at the time of interconnection.

(3) Maximum production. ~~The Village reserves the right to limit the aggregate amount of on-site solar and wind generation to not more than 1% of the Village's annual energy requirement for on-site generating capacity that does not exceed 25 KW (kilowatts) for solar generators or three KW for wind generators, and not more than 4% of the Village's annual energy requirement for on-site generating capacity that exceeds 25 KW (kilowatts) for solar generators or three KW for wind generators~~

(i) Small Power Production Rate; Rate SPP.

(1) Availability and applicability. This schedule is applicable to the purchase of power from customers that have entered into an interconnection agreement with the Village to install an on-site generating facility behind the customer's meter. All other electric service which the customer may require from Village shall be furnished under Village's other applicable electric rate schedules or by special agreement.

(2) Rate. The purchase price for energy supplied to Village by customer's on-site generating facility shall be the Village's average power supply cost per kWh purchased during the immediately prior calendar year. The monthly payment/credit to the customer operating the on-site generating facility shall be equal to the Village's average power supply cost per kWh purchased during the immediately prior calendar year multiplied by the kilowatt-hours supplied to the Village by customer's on-site generating facility during the monthly billing period.

(3) Supplied energy: Energy supplied by the on-site generating facility shall be determined by means of bi-directional metering installed at the point of interconnection

with the Village and customer and shall reflect only the amount of energy supplied to Village. All energy supplied to customer by Village shall be billed in accordance with Village's applicable rate schedule.

~~Compensation for Surplus Energy Supplied by Customer to Village from On-Site Solar or Wind Generators.~~ Customers supplying energy to Village from on-site solar or wind generators will receive a credit for each KWH supplied to the Village during the billing period as follows:

— (1) For customers served under Residential Electric Rate; Rate Number One, the per KWH credit shall be equal to the sum of: (i) \$0.110 per KWH; and (ii) the applicable power supply cost adjustment set forth in Section [1042.01](#)(g)(1), (g)(2) and (g)(3).

— (2) For customers served under Commercial Lighting and Power Rate; Rate Number Two, the per KWH credit shall be equal to the sum of: (i) \$0.115 per KWH; and (ii) the applicable power supply cost adjustment set forth in Section [1042.01](#)(g)(1), (g)(2) and (g)(3).

— (3) For customers served under General Service Rate; Rate Number Three, the per KWH credit shall be equal to the sum of: (i) \$0.070 per KWH; and (ii) the applicable power supply cost adjustment set forth in Section [1042.01](#)(g)(1), (g)(2) and (g)(3).

— (4) For customers served under Large Power Rate; Rate Number Four, the per KWH credit shall be equal to the sum of: (i) \$0.065 per KWH; and (ii) the applicable power supply cost adjustment set forth in Section [1042.01](#)(g)(1), (g)(2) and (g)(3).

— (3) ~~Annual settlement of accounts to reduce liability to the Village for any amounts owed for surplus power generated by customers.~~ Once a year the Finance Director will determine whether the power producing customer has credit on his/her/its account in excess of charges for power supplied by the Village. The Village will reduce any credits for any surplus power produced pursuant to Section [1042.01](#) (a)(2), (b)(2) and (c)(2) which are not needed to offset current usage charges to zero on December 31.