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COMMISSION
CLERK

March 13, 2014

VIA FEDEX DELIVERY

Carlotta S. Stauffer, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Revised City of Wauchula Electric Tariff

Dear Ms. Stauffer:

Original + 3 copies

Please find enclosed four (4) copies of a revised electric tariff for the City of Wauchula. Please call me if you have any questions.

Very truly yours,



Thomas A. Cloud, Esquire

GrayRobinson, P.A.

TAC/jg

Enclosures

cc: Patti Daniel, Chief of Economic Impact & Rate Design, PSC (w/ encl. via e-mail)
Elisabeth Draper, Economic Supervisor, PSC (w/ encl. via e-mail)
Terry Atchley, City Manager, City of Wauchula (w/ encl. via e-mail)
Olivia Minshew, Assistant City Manager, City of Wauchula (w/ encl. via e-mail)
James Braddock, Chief Financial Officer, City of Wauchula (w/ encl. via e-mail)
William Herrington, P.E. (w/ encl. via e-mail)

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ORDINANCE 2014-04 (Formerly 2013-14)

AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA; MODIFYING PORTIONS OF CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF WAUCHULA, FLORIDA (THE "CODE"); MODIFYING RATES, RULES, AND REGULATIONS RELATED TO THE CITY'S ELECTRIC UTILITY; MODIFYING THE CITY'S FRANCHISE REGULATIONS; AMENDING OR CREATING SECTIONS 22-1, 22-3, 22-5, 22-15, 22-16, 22-17, 22-18, 22-20, 22-21, 22-23, 22-24, 22-25, 22-27, 22-32, 22-33, 22-34, 22-35, 22-111, 22-112, 22-113, 22-118, 22-121, 22-122, 22-123, AND 22-124, CODE OF ORDINANCES; MODIFYING ELECTRIC USER RATES; MODIFYING THE TARIFF AND AUTHORIZING ITS FILING WITH THE FLORIDA PUBLIC SERVICE COMMISSION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WAUCHULA, FLORIDA THAT:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The City hereby makes and declares the following findings and statements of legislative intent:

- (1) The City owns, operates, and manages an electric distribution system both within and without the City limits pursuant to its governmental powers.
- (2) As a municipal electric utility, the City has the authority and duty to establish and modify electric user rates for the City's electric system.
- (3) The City purchases power pursuant to contract from the Florida Power & Light Company ("FPL").
- (4) To better modify its rates, the City employed William Herrington, (the "City Rate Consultant") to analyze existing charges, and assure adequate revenues to cover the costs of the City's systems.
- (5) The City Rate Consultant made recommendations to the City Commission regarding the City's monthly rates and the City's service rules and regulations (the "Rate Study").
- (6) The Rate Study recommends a rate increase, and changes to other City rates, rules and regulations related to the provision of electric service within the City's service area.
- (7) In addition to modifying rates, the City needs to update and better define its service terms and conditions.

SECTION 2. AMENDMENT TO SECTION 22-1, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-1 of the Code is hereby amended to read as follows:

“Sec. 22-1. – Municipal Prerogative to Serve; Resale or delivery of electricity, gas, or water by customers prohibited.

(a) The City has determined to exercise its municipal prerogative to be the exclusive provider of electric and gas service within its service area. No entity or person may sell, wheel or provide electric or gas utility services to any customer within the corporate limits of the City, as those corporate limits may be extended from time to time, without first obtaining a franchise from the City.

(b) Existing electric or gas utility facilities and infrastructure situated within the corporate limits of the City, may not be extended or modified without the approval of the City and not until such time as the owner or operator of any such electric or gas utility facilities and infrastructure enters into a franchise agreement with the City.

(c) Occupation of the City's streets and rights-of-way by providers of electric or gas utility services may be subject to the payment of rent in addition to any payments required pursuant to a franchise agreement. The rental fee for occupying the City's streets and rights-of-way will be determined by the City Commission on a case-by-case basis.

(d) There shall be no resale of, transmission, distribution, or delivery of electrical energy, gas, or water to another person by any customer of the City.”

SECTION 3. AMENDMENT TO SECTION 22-3, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-3 of the Code is hereby amended to read as follows:

“Sec. 22-3. - Franchise required for utility providers; occupation of street or right-of-way by utility providers.

(a) No entity or person may sell or provide electric any utility services to any customer, utilize public rights-of-way, or traverse facilities within or through the corporate limits of the City, as those corporate limits may be extended from time to time, without first obtaining a franchise from the City. Such franchise will permit the person or entity to utilize city-owned rights-of way and sell or provide said electric a specified utility services within designated geographical areas of the City's corporate limits and to designated service locations. If granted, the franchise agreement shall contain, at a minimum and at the discretion of the City, the term of the agreement, the franchise fee or other valuable consideration that is to be paid to the City, the specific electric utility services to be provided within the City limits, the geographical areas and service locations to be served, appropriate terms and conditions of service including provisions

and conditions for the utilization of the City's streets and rights-of-way, and appropriate health and safety regulations. However, the terms of the franchise agreement shall not be construed to limit the City's ability to require permits for the construction or maintenance of said electric utility facilities. Any fees required by the City for such permits will be in addition to the franchise fee. ~~A copy of the form of the franchise agreement is attached hereto as Exhibit "A."~~

(b) Existing electric utility facilities and infrastructure situated within the corporate limits of the City may not be extended or modified without the approval of the City and not until such time as the owner or operator of any such electric utility facilities or infrastructure enters into a franchise agreement with the City.

(c) Occupation of the City's streets and rights-of-way by providers of electric utility services may be subject to the payment of rent in addition to any payments required pursuant to a franchise agreement. The rental fee for occupying the City's streets and rights-of-way will be determined by the City Council Commission on a case-by-case basis.

(d) The city may grant to any franchisee which the city finds capable of meeting the requirements of this article a non-exclusive right to construct, operate and maintain a utility system within the rights-of-way in the city. Any such franchise shall be provided by the city by means of a specific franchise ordinance which shall be negotiated at arms length with the intended franchisee, and which shall at minimum, incorporate the terms and conditions contained herein and shall also contain additional terms and conditions consistent with the city's authority under Florida law which the city and franchisee may negotiate (the "franchise"). Applicants for a franchise shall submit to the city written application on forms to be provided by the city. All such franchise applications when filed shall be available for public inspection at places designated by the city. No person, firm, or entity may conduct business in the city's right-of-way unless it complies with the terms of this article unless said person, firm, or corporation was in place and operating prior to the grant of any franchise to that person, firm or corporation by the city. Grant of a franchise under this article shall create a vested right in the franchisee for the term of the franchise, subject to state law and this Code.

(e) Nothing in this Code or in any franchise shall be construed to prevent the city from constructing any public facility, grading, paving, repairing and/or altering any rights-of-way or easements. Whenever the city deems it necessary that franchisee's utility system and any rights-of-way or easements must be relocated, franchisee shall relocate, support and protect that portion of the utility system at franchisee's sole cost. In such event, the city shall order the relocation in writing and provide franchisee with adequate time to complete the relocation. The city agrees to cooperate with franchisee in an effort to minimize interruption of utility service and any relocation cost. The city hereby expressly reserves the following additional rights to: (1) exercise its governmental powers, now or hereafter, to the full extent that such powers may be vested in or granted to the city, and (2) adopt, in addition to the provisions contained herein, in the franchise and in any existing ordinances, such additional reasonable

regulations as it shall find necessary and appropriate in the exercise of its police powers. Nothing herein shall be construed as a waiver of the franchisee's legal rights to timely contest the exercise or the validity of the exercise of the city's police powers, and (3) renegotiate in good faith any franchise granted pursuant to this article should any material provision of this article or the electric distribution service franchise be declared unenforceable, illegal or invalid, and, (4) include the right at any time during the life of a franchise granted herein to acquire by condemnation for any public purpose all or part of, placed under this grant within the city's property, streets or rights-of-way, at a fair and just value, which shall not include any amount for the grant itself, or of any of the rights and privileges hereby granted, and this grant and franchise shall thereupon terminate as to the portion so acquired by the city, and (5) reserve the right to grant, at any time, as many franchises as it deems appropriate; provided, however, that no such additional grant shall operate to materially modify, revoke or terminate any rights previously granted to any franchisee.

(f) Any franchise shall have a fixed term not to exceed 30 years, commencing on the effective date thereof and ending on the agreed anniversary date thereafter ("franchise term"), unless terminated sooner in accordance with the provisions of this article or the terms contained therein, and shall contain a purchase option exercisable by the City at and after the end of the term of the franchise.

(g) A franchisee shall be responsible for the costs associated with the design, construction and operation of the utility system and any modifications thereto. The city shall provide franchisee access to its rights-of-way within the city necessary to allow the timely construction, operation and maintenance of the utility system as permitted in the applicable franchise.

(h) In determining whether to grant or deny a franchise, the City may grant or deny said franchise as a quasi-legislative determination so long as the decision is not arbitrary and capricious.

Exhibit "A" is not included herein but is available for inspection in County offices."

SECTION 4. AMENDMENT TO SECTION 22-5, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-5 of the Code is hereby amended to read as follows:

" Sec. 22-5. – Applications for Service; Service classifications.

To obtain utility service, a potential customer must apply in writing to the City using forms approved by the City disclosing such information required by the City and paying a nonrefundable application fee of twenty-five dollars (\$25.00) for each such application. For the purposes of this chapter, the utility services of the City are divided into the following classifications; however, each of the following classifications may be broken down by one or more rate schedules applying to groupings within each service classification:

(a) Residential (domestic). Service to a customer in a single dwelling house, or single apartment or other similar unit having housekeeping facilities, occupied by one family or household as a residence. The premises of such single dwelling may include an additional apartment unit with separate housekeeping facilities as well as a garage and other separate structures, where they are occupied or used solely by the members or servants of such family or household.

(b) Commercial. ~~Service required for commercial or industrial power, lighting and any other non-residential purpose. Service to a business enterprise whose principal business is the sale of products or service without materially changing the composition, appearance or character of the goods or service sold.~~

(c) ~~Industrial. Service to an enterprise whose principal business is the sale of a new product assembled, manufactured, converted or produced from raw or other materials."~~

SECTION 5. AMENDMENT TO SECTION 22-15, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-15 of the Code is hereby amended to read as follows:

"Sec. 22-15. – Collection of City public service tax and surcharge.

There shall be collected as required by Chapter 18, Article III, of this Code, a City utility tax on all charges for electrical energy and water used inside the City limits. There shall also be collected a surcharge on all charges for electrical energy used outside the City limits, which shall be ~~determined in the same manner as the City utility tax~~ ten percent (10%) on all charges for electrical energy. ~~The City utility tax and surcharge shall be calculated to exempt that portion as required by Section 22-33, Paragraph (c), "Taxable portion of power cost adjustment."~~

SECTION 6. AMENDMENT TO SECTION 22-16, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-16 of the Code is hereby amended to read as follows:

"Sec. 22-16. - Deposits.

(a) Except as otherwise provided herein, prior to providing water, electric, sewer or solid waste disposal service, the City will require, and, at any time after commencement of service, the City may require, that the customer make a cash deposit to the City for the purpose of assuring the City for the payment of utility service(s). The City shall provide receipt for such deposit and any refund of deposit shall be to the person named in the receipt, or as the same may be lawfully assigned. The City will not pay interest on any deposit.

(b) The deposit for utility services described in subsection (a) above to be collected from a customer shall, ~~at a minimum,~~ be calculated by doubling the average ~~six months'~~

highest bills of the last 12 months of service for the customer or the account. If a new account is established, the City may estimate the ~~six months' highest~~ twelve month average. An existing utility account shall become subject to the deposit requirement when the account is delinquent in payment for two billing cycles within the preceding 12 billing cycles for the account. If a deposit is currently held for such an account which is lower than the deposit required for new accounts, then the incremental increase in deposit shall be collected. The payment of the additional deposit as assessed herein is required for continued service.

(c) The deposit for residential rental and commercial accounts ~~shall~~ may be held by the City until final settlement of the customer's account. For ~~owner-occupied residence(s)~~ any residential account, the deposit shall be held by the City until final settlement of the customer's account or until the customer's credit has been established. Twenty-four months of timely payment is prima facie evidence of satisfactory credit.

(d) A deposit shall be collected for each separate unit for which a deposit is required pursuant to this section. A deposit for a rental unit shall be refunded when the account is settled, or the deposit may be credited to tenant's final service bill.

(e) A deposit for an ~~owner-occupied residential~~ account may be waived in whole or in part for an ~~existing or prior~~ customer if the customer of record for the new ~~residential~~ account has good credit for a ~~prior or existing owner-occupied residential~~ account.

(f) A recipient of a Main Street Wauchula, Inc., "one-half utility deposit" grant may choose to pay the balance of its utility deposit in 12 installments as an "add-on" to its monthly utility bill over the next 12 months, including the month of the "one-half utility deposit" grant award."

SECTION 7. AMENDMENT TO SECTION 22-17, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-17 of the Code is hereby amended to read as follows:

"Sec. 22-17. – Billing; Control of Billing; Establishment of Convenience Fee.

Charges for City utility services shall be billed to each customer on substantially a monthly basis, and may be consolidated on a single bill. ~~The City Clerk~~ City Manager is authorized to adopt a billing schedule which will facilitate the orderly billing and collection of such charges. The City Manager has control of meter reading and billing. The City hereby establishes a convenience fee to process monthly utility payments by phone of 5% of the total bill."

SECTION 8. AMENDMENT TO SECTION 22-18, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-18 of the Code is hereby amended to read as follows:

"Sec. 22-18. - Date when bills delinquent; disconnection of service.

(a) Bills for utility services shall be considered due and payable when mailed and shall be considered delinquent ~~the 24th day after mailing and service shall be~~ as specified in the bill and service shall be subject to disconnection ~~the 25th day after the bill is mailed delinquent date.~~

(b) If the account information is maintained by the City, or if the City has actual knowledge of a user other than the customer of record, the City shall provide a pre-termination notice by mail or hand delivery notifying the actual user, if known to the City, that the utility service shall be discontinued.

(c) A customer of record shall notify the City at least three working days prior to a requested disconnection of any utility service."

SECTION 9. AMENDMENT TO SECTION 22-20, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-20 of the Code is hereby amended to read as follows:

"Sec. 22-20 – Procedure when bill becomes delinquent; lien.

(a) When a bill for any utility services becomes delinquent, no notice will be mailed. ~~On the 25th day after a bill is mailed or as soon as it is reasonable thereafter a service representative/collector shall deliver a cutoff notice to the address of the delinquent account. If a collector calls on an account, the account may be settled by paying the amount of the bill plus a collection fee as set by resolution of thirty dollars (\$30.00). If the collector is not paid, a service representative/collector shall deliver a cutoff notice to the address of the delinquent account and a disconnection fee of forty five dollars (\$45.00) will be assessed. Once the cutoff notice is delivered, the service shall be disconnected without further notice."~~

SECTION 10. AMENDMENT TO SECTION 22-21, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-21 of the Code is hereby amended to read as follows:

"Sec. 22-21 – Disconnect Fee; Reconnecting service after discontinuance for nonpayment.

The City hereby sets a charge for disconnecting from any City utility system of forty-five dollars (\$45.00) per disconnection from system. Before any utility service which has been discontinued for nonpayment of a bill may be resumed, the delinquent party must pay all delinquent utility accounts, a collection fee as specified in Section 22-20, a disconnection fee as specified herein, a reconnection fee as set by resolution, all charges for all utility services used since the reading date shown on the delinquent bill which have been billed, and any other outstanding indebtedness owed to the City, and a reconnection fee of sixty dollars (\$60.00) if the reconnection is made before 4:00 p.m. or

a reconnection fee of one hundred dollars (\$100.00) if the reconnection is made between 4:00 pm and 5:00 p.m."

SECTION 11. AMENDMENT TO SECTION 22-23, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-23 of the Code is hereby amended to read as follows:

"Sec. 22-23. – Returned checks.

When a check is returned to the City which has been dishonored by a bank, there shall be a fee for collection of the returned check as allowed by statute; and the service of the customer for whose account the check was rendered shall be subject to disconnection in the same manner as outlined in Section 22-20. ~~After three checks have~~ If a check or bank draft has been dishonored by a bank on the same utility account or from the same customer, payment by check shall may no longer be accepted."

SECTION 12. AMENDMENT TO SECTION 22-24, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-24 of the Code is hereby amended to read as follows:

"Sec. 22-24. - ~~Special contracts for cheaper utilities for new businesses~~ Special Contracts for Utility Services.

The City Council Commission is hereby authorized and empowered to enter into contracts ~~with new business enterprises~~ to furnish electricity, water, sewer, or solid waste at a lower different rate and subject to special conditions than herein specified provided that such electricity, water, sewer, or solid waste service shall be for a limited and definite period of time, and such contract shall be approved by majority vote of the City Commission."

SECTION 13 AMENDMENT TO SECTION 22-25, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-25 of the Code is hereby amended to read as follows:

"Sec. 22-25. - ~~Credit for churches.~~ Electric Service Not Guaranteed; Right of City to Turn Off Utility Services.

The City shall not guarantee an uninterrupted supply of utility services and shall have the right to shut off the utility services at any time for the purpose of making repairs or extensions or for other purposes incidental to the utility services supply, and will not be responsible for any damage resulting therefrom. The City shall have the right to turn off utility service at the main for the protection of the City where the consumer has been found to be using utility services illegally and to assess the regular schedule of fees for restoration of service.

~~(a) Churches shall receive a credit on each monthly utility bill of an amount per month as set by resolution to be funded by the general fund of the City.~~

~~(b) Churches shall be allowed one security light (monthly rate not to exceed an amount per month as set by resolution) at no cost, the cost of which will be funded by the general fund."~~

SECTION 14. AMENDMENT TO SECTION 22-27, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-27 of the Code is hereby amended to read as follows:

"Sec. 22-27. – Charge for turning utilities on or off after hours.

After regular working hours when a customer insists on "turn on" and "turn off" service, other than in an emergency, the customer shall be charged, ~~as set by resolution,~~ as specified in Section 22-21 for such service."

SECTION 15. AMENDMENT TO SECTION 22-32, CODE OF ORDINANCES OF THE CITY OF WAUCHULA AND ORDINANCE 740, AS AMENDED. Section 22-32 of the Code and Ordinance No. 740, as amended, is hereby amended to read as follows:

~~"Sec. 22-32. – Rates to be established by Council.~~ Rates and Charges.

~~Rates for City electrical service shall be as established from time to time by the City Council. Nothing contained in this Code, or in the ordinance adopting this Code, shall be construed to repeal or otherwise affect any ordinance establishing or amending electrical rates. No free service shall be furnished or rendered to any person or to the state, or any public agency or instrumentality. The following schedule of rates and charges to be imposed, assessed and collected by the City for electric energy, facilities and service furnished by the City to its customers, including the initial deposit, and other connection and service charges, is hereby adopted and established:~~

ELECTRIC RATES:

Residential Electric Rates:

<u>Residential:</u>	
<u>Minimum:</u>	
Customer Service Charge	\$9.10
<u>Energy:</u>	<u>\$/kWh</u>
All kWh	0.0784

General Service Non-Demand Electric Rates:

Commercial Non-Demand:

<u>Minimum:</u>	
Customer Service Charge	\$26.60
Energy:	\$/kWh
All kWh	0.0794

Applicability: General Service Non-Demand rates shall apply to any commercial customer not eligible for General Service Demand rates.

General Service Demand with primary metering:

<u>Minimum:</u>	
Customer Service Charge	\$65.00
Demand Charge:	\$/kW
All kW	5.47
Energy:	\$/kWh
All kWh	0.065

General Service Demand with secondary metering:

<u>Minimum:</u>	
Customer Service Charge	\$65.00
Demand Charge:	\$/kW
All kW	5.53
Energy:	\$/kWh
All kWh	0.066

Minimum Bill: Customer Service Charge plus 20 times the Demand Charge

Applicability: General Service Demand rates shall apply to any non-residential customer of the Utility with a measured demand in excess of 20 kW in at least 3 of the prior twelve months and who has an operable demand meter installed. Any customer eligible for General Service Demand rates but does not have, as determined by the City, an operable demand meter in place, shall be billed under the General Service Non-Demand rate category until such time as an operable demand meter can be installed.

SECTION 16. AMENDMENT TO SECTION 22-33, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-33 of the Code is hereby amended to read as follows:

"Sec. 22-33. Power Cost Adjustment.

(a) A Power Cost Adjustment shall be applied to each and every electric customer within and without the city limits of the City of Wauchula and shall be applied to each kilowatt hour supplied. The Power Cost Adjustment (PCA) will be determined each month by the City. This factor is designed to recover the cost of bulk power supply and

related expenses actually incurred by the City to provide electric service to its customers. If the PCA under-recovers the actual costs of bulk power supply and related expenses, the City will increase the PCA to collect the under recovery. If the PCA over-recovers actual costs of bulk power supply and related expenses, the City will decrease the ~~fuel-adjustment-PCA~~ to credit back to customers the over-recovery. In order to stabilize fluctuations in the PCA, the City Manager may determine to phase in such increases or decreases over time. In no case, however, will cumulative under or over collections be allowed to exceed ten percent (10%) of the fiscal year's annual Bulk Power Supply Budget (account number 410 555-54960) without appropriate adjustments to the PCA."

(b) The City shall maintain a separate fund to be called the "rate stabilization fund" in an interest bearing account. All revenues derived from application of COP charges shall be deposited in the rate stabilization fund, and all costs of power to include fuel costs, transmission costs, administrative costs and other costs associated with procurement of electrical power shall be paid from the rate stabilization fund. The City shall periodically establish a desired balance in the rate stabilization fund based upon actual power costs and power price volatility and the COP mechanism shall include components designed to achieve the desired balance in the rate stabilization fund.

(c) The resulting increase or decrease in rates made in accordance with Subsection 22-33(a) shall be announced at and included in the minutes of the first regular meeting of the City Commission (the "Commission") following implementation of each new COP change."

SECTION 17. AMENDMENT TO SECTION 22-34, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-34 of the Code is hereby amended to read as follows:

"Sec. 22-34. - Other electric charges.

(a) Installation. There shall be an installation charge for electric services ~~as set by resolution~~ for temporary services of \$250.00 or permanent services of \$150.00.

(b) Reconnection. There shall be reconnection charges for services which have been disconnected for nonpayment of the utilities bill as prescribed in Section 22-21.

(c) After-hours connections. There shall be a charge for all connections made after regular working hours as prescribed in Section 22-~~27~~21.

(d) ~~Yard~~ Security lights.

(1) ~~When there is an existing pole,~~ There shall be a monthly charge for yard lights as set by resolution ordinance for:

a. ~~Mercury-vapor:~~

175-watt
400-watt

b. Sodium:

400-watt
100 watt \$ 13.50

250 watt \$ 18.00

350 watt \$ 23.00

1000 watt \$ 40.00

(2) Charges for sodium lighting other than 100-watt fixtures shall be negotiated at time of installation. When there is an existing pole, there shall be an installation charge for yard light fixtures of \$75.00.

(3) When it is necessary to install a pole for a yard light, there shall be an installation charge for pole and yard lights and fixtures as set by resolution for: of \$250.00.

Installation charge

400-watt sodium (per month)

175-watt mercury vapor (per month)

400-watt mercury vapor (per month)

(4) ~~General service nondemand customers whose average kilowatt hour consumption is 400 kwh or less per month for the past 12-month period shall be entitled to be billed on the residential rate so long as the consumption does not increase above an average of 400 kwh per month. Customary home occupation customers shall be billed at the applicable small commercial user rate.~~

(e) Meter testing fee. If a customer requests that a meter be tested more than once a year, a meter testing fee ~~as set by resolution of \$30.00~~ shall be charged if the meter is found not to be defective or inaccurate plus or minus ~~two three~~ percent. The \$30.00 will be refunded if the meter is found to be registering higher than industry standard limits of plus or minus two percent.

(f) Surcharge. ~~The City shall not charge the users of the same type or class of its electric utilities which are located in unincorporated areas a different rate than the rate charged those users located within the incorporated areas of the City. There shall be~~

imposed an electric utility surcharge on users of the same type or class outside the corporate limits of the City as provided in Sec. 22-15.

(g) Gross receipts tax. There shall be collected on all charges for electricity Florida gross receipts tax in accordance with Florida Statutes."

SECTION 18. REPEAL OF SECTION 22-35, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-35 of the Code is hereby repealed as follows:

"Sec. 22-35. – Rate for domestic users of large electric motors.

~~Domestic users of electrical energy that use motors rated five hp or less are entitled to be connected to their domestic meters. Domestic customers using motors rated larger than five hp shall pay a general service nondemand rate for such use. Customary home occupation customers shall be billed at the applicable small commercial user rate."~~

SECTION 19. AMENDMENT TO SECTION 22-111, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-111 of the Code is hereby amended to read as follows:

"Sec. 22-111. - Definitions.

As used in this article:

Connected load means the total rated capacity in horsepower (hp), and/or kilowatts (kw), and/or kilovolt amperes (kva), of all electric equipment, appliances, apparatus and other current consuming devices which are connected in and to the customer's installation and which may utilize service.

Customer means any user of the City's electric service.

Customer's installation means wires, enclosures, switches, appliances and other apparatus, including the service entrance, forming the customer's facilities utilizing service for any purpose on the customer's side of the point of delivery.

General service nondemand is defined as that commercial customer not eligible for General Service Demand rates. ~~business enterprise whose principal business is the sale of products or service without materially changing the composition, appearance or character of the goods or service sold.~~

General service demand is defined as that commercial customer with a measured demand in excess of 20 kW in at least 3 or the prior twelve months ~~enterprise whose principal business is the sale of a new product assembled, manufactured, converted or produced from raw or other materials, or any customer whose preceding 11 month~~

average consumption exceeds 43,000 kilowatt-hours and who has an operable demand meter installed.

Point of delivery means the point of attachment where the City's service drop is connected to the customer's service entrance.

Service means the supply by the City of electricity to the customer, including the readiness and availability of electrical energy at the customer's point of delivery at the required voltage and frequency, whether or not utilized by the customer.

Service drop means that portion of the City's facilities, between the pole or underground cable and the point of attachment at the service entrance, which brings the service from the City's supply lines to the customer.

Service entrance means wires and enclosures owned by the customer and connecting the customer's installation to the service drop.

Temporary service means the supply of electricity by the City to the customer for construction purposes; or for fairs, displays, exhibits and similar services; or for other services which will be in use for less than a year."

SECTION 20. CREATION OF SECTION 22-112, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-112 of the Code is hereby amended to read as follows:

"Sec. 22-112. Electric Service; Terms and Conditions.

The provisions of this Ordinance shall apply to the services and facilities of the electric system of the City within and without the corporate limits of the City. The City may extend electric service pursuant to the following terms and conditions:

(a) Meters Generally and New Service Connection Charge; Temporary Service Generally. The City shall have the right to connect and install or set meters of such sizes as the City may determine, after consideration of all services to be served by the electric system of the City. All meters so installed shall be and remain the property of the City and shall be maintained and kept in repair by the department without cost to the user. All temporary electric service shall be metered and all charges imposed by this section shall apply thereto.

(b) Application for Electric Service; Application and Ordinances Constitute Contract Upon Acceptance. All applications for electric connections and initiation of electric service shall be made to the City by the Customer of the property to be served, in writing, on forms provided for those purposes and shall, among other things, state fully all the purposes for which such connections or electrical service is required, and the location of the premises to be supplied, and shall be signed by the owner of the premises. Such application, when accepted by the City, upon its performance of the

service applied for, shall, consistent with the terms of City Ordinances, constitute a contract between the applicant to pay the City for the services rendered, its prescribed rates therefore and to comply with all of the rules, regulations and ordinances applicable to such service. The nonrefundable fee for applying shall be \$25.00.

(c) Connection to Electric System After Disconnection From Such System or Other Utilities. No applicant for electric service from the electric system of the City who has previously been disconnected from the electric system for nonpayment of electric charges or any other utility service shall be permitted to have a connection with the electric system until all such delinquent charges have been paid to the City, together with the amount of the applicable connection or reconnection charges as prescribed by ordinance, except as set forth in this section.

(d) Termination of Contract for Electric Service by Applicant. An applicant for electric service may terminate his contract for such service at any time by giving notice in writing to the City at its office in the City Hall building and by paying all amounts due for services up to the date of receipt of such notice by the City. In case such notice is not given or the bills due for services are not paid, then such user shall continue liable for electricity consumed thereafter and for the minimum monthly rate or charge in case no electricity is consumed, even though he may vacate the premises or the premises may be occupied by other parties who fail to make application for service. Verbal notices shall not be binding upon the City.

(e) Electric Service Not Guaranteed; Right of City to Turn Off Electricity. The City shall not guarantee an uninterrupted supply of electricity and shall have the right to shut off the electricity at any time for the purpose of making repairs or extensions or for other purposes incidental to the electric supply, and will not be responsible for any damage resulting therefrom. The City shall have the right to turn off electric service at the main for the protection of the City where the consumer has been found to be using electricity illegally and to assess the regular schedule of fees for restoration of service.

(f) Meter Location, etc.

(1) The meter location shall be as designated by the City. If a meter area is later enclosed the consumer shall, at his expense, have the meter facilities moved to an outside location.

(2) Meters for residents shall be outdoors.

(3) The City will provide meter and meter base for single-phase services of 200 amps or less. Charges will apply for meter, meter base and instrument transformers, if required, on all single-phase service above 200 amps and all three-phase services regardless of service size.

(4) The consumer shall furnish and install meter boards, service switches, and other equipment to form a complete wiring system.

(5) The number of meters shall be as determined by the electric department.

(g) Maintenance of Meters. The department shall maintain the proper operation of all meters. No repairs to meters shall be made other than by the electric department.

SECTION 21. AMENDMENT TO SECTION 22-113, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-113 of the Code is hereby amended to read as follows:

“Sec. 22-113. – Additional Requirements for Application for service-required.

Information in addition to that required in Section 22-112 may be obtained at the City office at the City Hall as to the availability of service at the location where it is desired, and application for such service should be made by the customer at such office at the earliest possible time so that details for furnishing service may be determined. Unless otherwise agreed in writing by the City, and except as provided in Section 22-115 hereof, applications will be accepted only upon the condition that the City shall be under no obligation to render service other than that character of service then available at the proposed point of delivery. Any such application or agreement shall be subject to all the provisions of this chapter and of the rate schedules, and the terms and conditions thereof shall be binding upon the City as well as upon the customer.”

SECTION 22. AMENDMENT TO SECTION 22-118, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-118 of the Code is hereby amended to read as follows:

“Sec. 22-118. – Reconnection.

There shall be no reconnections after 5:00 p.m. Any reconnections prior to 5:00 p.m. shall pay reconnection fees, which fees shall be ~~set by resolution adopted by the City Commission~~ specified in Section 22-21 hereof.”

SECTION 23. AMENDMENT TO SECTION 22-121, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-121 of the Code is hereby amended to read as follows:

Sec. 22-121. –Grounds for Discontinuance and withholding of electric service.

(a) *Liability for discontinuance.* Whenever for any reason the City shall have the right under this chapter to discontinue electric service to any customer, such right may be exercised without any liability for loss, damage or injury resulting directly or indirectly from lack of electric service; and the City shall be under no obligation or duty to ascertain whether such discontinuance would be likely to result in any such loss, damage or injury.

(b) Any electric service may be discontinued by the City:

(1) For misrepresentation or concealment in the application as to the premises, or fixtures to be furnished with electric service, or the use to be made of such service.

(2) For waste or excessive use of electricity through improper or imperfect wiring, fixtures or appliances or in any other manner.

(3) For refusal or neglect to comply with any requirement of the department as to meter or service connection maintenance alteration or renewal or other requirement relating to the electric services of the City.

(4) For the use of electric services for or in connection with or for the benefit of any other user or purpose than that in the application.

(5) For any interference or tampering, whether by act of commission or omission, with the meter measuring the electric supply, or with seals of any meter, or with any other portion of the electric system which was or is required by the department for controlling or regulating the electric service.

(6) Where meter reader is consistently annoyed by vicious dogs.

(c) Reconnection. Service shall be reconnected when the cause of discontinuance has been adjusted and it is reasonable to assume that there will be no recurrence of such cause in the near future.

SECTION 24. CREATION OF SECTION 22-122, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-122 of the Code is hereby created to read as follows:

"Sec. 22-122.—Illegal Connections.

The City shall have the right to discontinue electric service in cases where an illegal connection is found and to assess an average electric bill for such period as it has been established that the user has been receiving electric service without payment for such service. In addition, the customer shall pay a tampering fee of \$300.00 plus the reconnection fee and any other applicable charges and/or damage."

SECTION 25. CREATION OF SECTION 22-123, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-123 of the Code is hereby created to read as follows:

"Sec. 22-123.—Inspection of electric system.

Subject to constitutional limitations, duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon any premises connected with the electricity of the City for the purposes of inspection and observation of electric supply wires and electric meters thereon and for making testings and readings of the electric meter or meters thereon, measuring the electricity which is or may be furnished through the electric system of the City, and for performing their duties under the provisions of this article."

SECTION 26. CREATION OF SECTION 22-124, CODE OF ORDINANCES OF THE CITY OF WAUCHULA. Section 22-124 of the Code is hereby created to read as follows:

Sec. 22-124.—Penalties.

(a) Except as provided in subsection (b) of this section, any person who shall violate any provision of this article shall be guilty of an offense against the City, and shall also become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

(b) Nonpayment of electric charges shall not be deemed an offense against the City.

SECTION 27. ADOPTION OF MODIFIED TARIFF; AUTHORIZATION TO FILE WITH FLORIDA PUBLIC SERVICE COMMISSION. The City Commission hereby adopts the modified Tariff set forth in Exhibit "A" attached to and incorporated in this Ordinance. So as to insure compliance with FPSC rules, the City Commission has previously authorized and hereby ratifies authorization to the City Attorney to file this modified Tariff with the Florida Public Service Commission. The modified Tariff is intended to reflect the rates, terms and conditions contained in this Ordinance. The modified Tariff shall take effect ninety (90) days following receipt of the filing thereof with the Florida Public Service Commission.

SECTION 28. REPEAL OF PRIOR RESOLUTIONS AND ORDINANCES; EFFECT UPON PRIOR RELATED ORDINANCES. All provisions of any ordinance or resolution previously adopted by the City Commission that is inconsistent with or at variance with the provisions of this Ordinance are hereby repealed. Section 22-13, Code of Ordinances of the City of Wauchula, is hereby repealed in its entirety. Except as expressly repealed, superseded, or amended by this Ordinance, Ordinance Numbers 634, 702, 766, 740, 782, 822, and 2013-05 remain in full force and effect as amended by this Ordinance.

SECTION 29. SEVERABILITY. If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end the provisions of this ordinance are hereby declared severable.

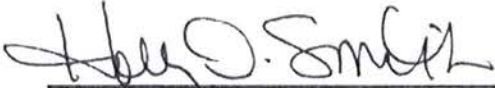
SECTION 30. EFFECTIVE DATE. This Ordinance shall take effect immediately

upon adoption. The rates readopted hereunder shall continue to apply to all electric service rendered after April 30, 2014, and shall be included in the first billing cycle and each subsequent cycle and all statements generated therefrom after May 1, 2014. The modified Tariff shall take effect as provided by state law.

INTRODUCED AND PASSED on first reading in regular session of the City Commission of the City of Wauchula, this 10th day of March, 2014

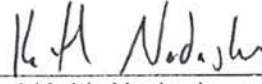
ATTEST:

CITY OF WAUCHULA, FLORIDA



Holly D. Smith, City Clerk

By:



Richard Keith Nadaskay, Jr., Mayor

PASSED on second and final reading by the City Commission of the City of Wauchula, Florida, at regular session this 10th day of March, 2014. This ordinance was moved for approval by Commissioner Preston. The motion was seconded by Commissioner R. Smith, and upon being put to a vote, the vote was as follows:

Commissioner Neda Cobb
Commissioner John D. Freeman
Commissioner Kenneth Lambert
Commissioner Richard Keith Nadaskay, Jr.
Commissioner Peter Preston
Commissioner Gary D. Smith
Commissioner Russell Graylin Smith

Yes insert yes or no
Yes insert yes or no
Yes insert yes or no
Yes insert yes or no
Yes insert yes or no
Yes insert yes or no
Yes insert yes or no

(SEAL)


ATTEST:

CITY OF WAUCHULA, FLORIDA



Holly D. Smith, City Clerk

By:



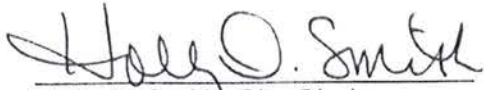
Richard Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM:



Thomas A. Cloud, City Attorney

I HEREBY CERTIFY that notices of the public hearings on this ordinance were published in the Herald Advocate as required by Florida Statutes; that the foregoing ordinance was duly passed and adopted on the 10th day of March, 2014; that the first reading of said ordinance was held on the 12th day of November, 2013; that the public hearing were held on the 10th of March, 2014..


Holly D. Smith City Clerk

City of Wauchula,
Florida

SECOND REVISED SHEET No. 1.00
Cancels First Revised Sheet No. 1.00

CITY OF WAUCHULA, FLORIDA

RATES FOR ELECTRIC SERVICE
AND GENERAL RULES AND REGULATIONS
GOVERNING ELECTRIC SERVICE

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

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Rate Schedules	11.01-11.06
Other Charges	12.00-16.00
Transmission Tariff for Qualifying Facility (Cogeneration Wheeling Tariff)	17.00-17.06

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

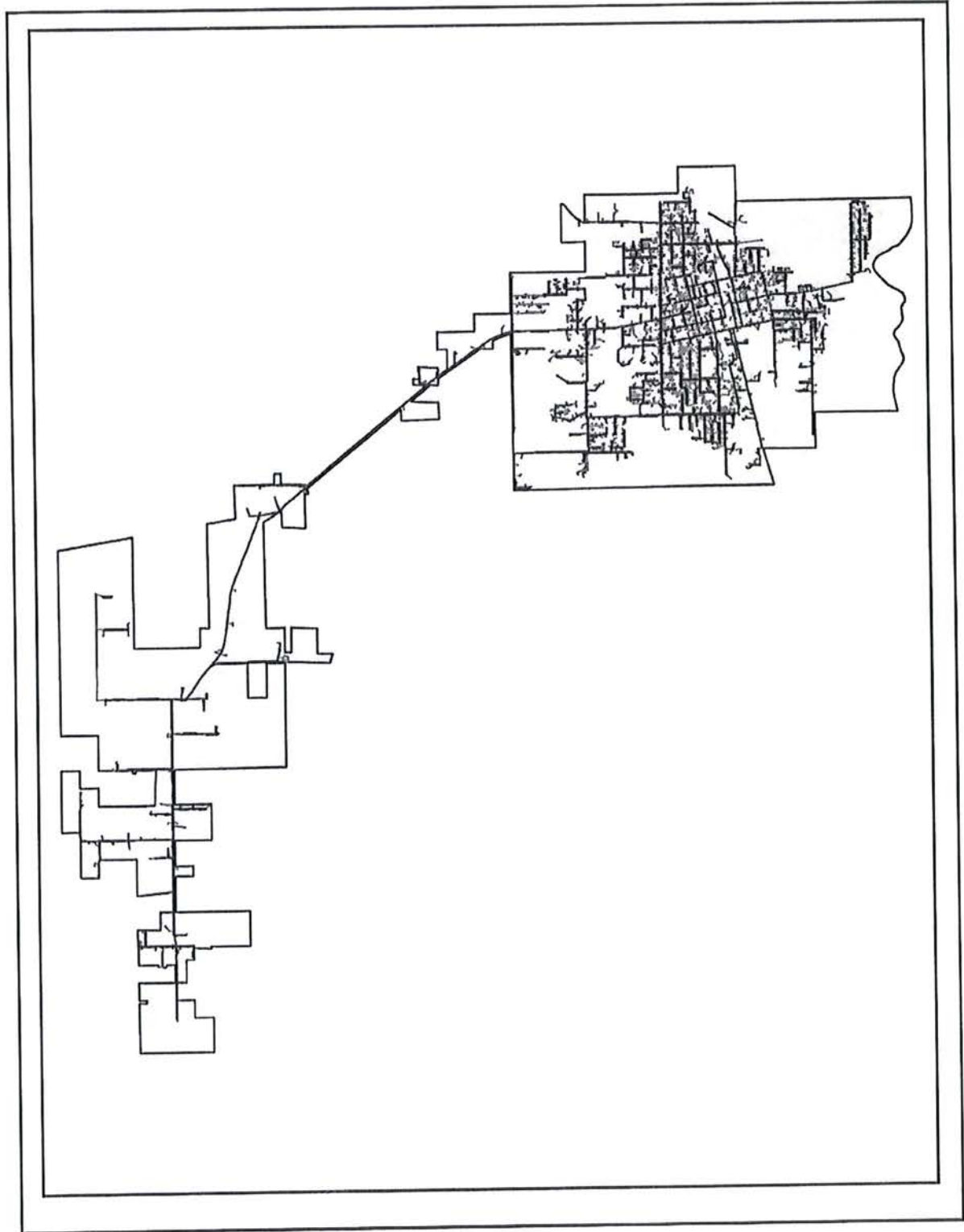
DESCRIPTION OF TERRITORY SERVED

The electric distribution system of the City of Wauchula, Florida, serves the area within the boundary line shown on the map of the electric service area, FIRST REVISED SHEET NO. 4.00.

As of October 1, 2013, there were 2,623 customers consisting of 2,105 residential, 466 commercial and 52 other or special.

City of Wauchula,
Florida

FIRST REVISED SHEET NO. 4.00
Cancels Original Sheet No. 4.00



Original Sheet No. 5.000

City of Wauchula, FL



GENERAL RULES AND REGULATIONS GOVERNING ELECTRIC SERVICE

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

**General Rules and Regulations
Governing Electric Service**

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**GENERAL RULES AND REGULATIONS
GOVERNING ELECTRIC SERVICE**

INTRODUCTION

This section of the *City's Tariff* contains the rules and regulations governing electric service.

PART I

DEFINITIONS AND CLASSIFICATIONS

1.01 Definitions:

The following definitions set forth standard interpretations of certain terms used in these Rules and Regulations:

- | | |
|------------------------------|---|
| (1) City: | The City of Wauchula, Florida |
| (2) Customer: | The user of the City's electric service. |
| (3) Service: | The supply by the City of electricity to the Customer, including the readiness and availability of electrical energy at the Customer's Point of Delivery at the required voltage and frequency whether or not utilized by the Customer. |
| (4) Service Drop: | That portion of the City's facilities, between the pole or underground cable and the point of attachment at the service entrance, which brings the service from the City's supply lines to the Customer. |
| (5) Service Entrance: | Wires and enclosures owned by the Customer and connecting the Customer's installation to the service drop. |
| (6) Customer's Installation: | Wires, enclosures, switches, appliances and other apparatus, including the service entrance, forming the Customer's facilities utilizing service for any purpose on the Customer's side of the point of delivery. |

- (7) Point of Delivery: The point of attachment where the City's service drop is connected to the Customer's service entrance.
- (8) Connected Load: The total rated capacity in horsepower (H.P.), and/or kilowatts (kw), and/or kilovolt amperes (kVA), of all electric equipment, appliances, apparatus and other current consuming devices which are connected in and to the Customer's installation and which may utilize service.
- (9) Maximum Demand: Highest integrated reading of Customer's electrical power requirements measured in kilowatts during the interval of time specified in the Rate Schedules.
- (10) Temporary Service: The supply of electricity by the City to the Customer for construction purposes; or for fairs, displays, exhibits and similar services; and for other services which will be in use for less than a year.
- (11) Rate Schedules: The applicable schedules of rates and charges for service rendered which, are on file with the Florida Public Service Commission.

1.02 Service Classifications:

Service is classified for rate application purposes according to one of the following which best describes the Customer's electric service requirements:

- (1) Residential Service (RS-1): Applicable to residential Customer's in a single dwelling house, a mobile home, or individually metered single apartment unit or other unit having housekeeping facilities, occupied by one family or household as a residence. The premises of such single dwelling may include an additional apartment with separate housekeeping facilities, as well as a garage and other separate structures where they are occupied or used solely by the members or servants of such family or household. The incidental power service that will be supplied under this rate is normally limited to single phase motors with starting currents that do not exceed the following amounts:

	<u>115V</u>	<u>230V</u>
Frequently (automatic) starting motors:	20 amps	55 amps
Infrequently (manual) started motors:	40 amps	110 amps

Where three-phase service is available, air-conditioning loads up to ten (ten) hp will be permitted hereunder. The residential rate shall not apply to service to institutions such as clubs, hotels, boardinghouses, tourist facilities and all other commercial establishments.

Also, for energy used in commonly owned facilities in condominium and cooperative apartment buildings subject to the following criteria:

- (a) 100% of the energy is used exclusively for the co-owners benefit.
 - (b) None of the energy is used in any endeavor, which sells or rents a commodity or provides service for a fee.
 - (c) Each point of delivery will be separately metered and billed.
 - (d) A responsible legal entity is established as the Customer to whom the City can render its bill(s) for said service.
- (2) General Service Non-Demand: General service non-demand shall be available to all commercial and church customers served from existing distribution lines of the City whose average monthly consumption for the preceding twelve (12) calendar months is less than 20,000 kWh. It is applicable to all commercial business for lighting, heating, cooking, refrigeration, air-conditioning and power service. Applicability shall include retail stores, filling stations, garages, boardinghouses, hotels, motels, restaurants, cafes, theaters, laundries, dry cleaners, apartment houses, offices, etc.
- (3) General Service Demand: General service demand shall be available to all customers, where the average monthly use for the preceding twelve (12) calendar months is 20,000 kWh or greater. It is applicable to industrial customers engaged in the manufacture of a finished product, the extraction, fabrication or processing of a raw material, or the transportation or preservation of raw material or a finished product for use as a motive power, or for other power requirements where the average monthly use is 20,000 kWh or more. The character of serve to be A-C, sixty (60) cycles, three phase, at a voltage availability in the vicinity. At the utility's option, energy may be metered at secondary voltage.
- (4) Outdoor Lighting Service: Outdoor light service shall be available to all classes of electric customers. It is applicable by application of electric customers to City for area lighting service and to exchange present mercury vapor lights in area service to high-pressure sodium vapor lights. The City furnishes, installs and maintains all the materials, poles, fixtures, and lights on a non-metered electric service for a monthly rental service fee which is then included on the customer's monthly electric service billing.
- (5) Temporary Service: Applicable to any customer for temporary service such as construction, fairs, displays, exhibits and similar temporary purposes.

1.03 Rate Applications:

The Customer shall be billed in accordance with the regular rate schedule applicable to the Customer class for which service is rendered. The City will, upon request, advise any Customer as to the rate schedule most advantageous to his service requirements but does not assume responsibility for its selection in the event of changes in the Customer's requirements. All rate schedules are contained in the City's Rate Tariffs and are available for inspection at the City. A Customer shall, upon request, be furnished a copy of the rate schedule applicable to his service.

PART II

AVAILABILITY AND ESTABLISHMENT OF SERVICE

2.01 Application for Service:

Information may be obtained from the City as to the availability of service at the location where it is desired, and application for such service should be made by the Customer at the earliest possible time so that details for furnishing service may be determined. Unless otherwise agreed in writing by the City, and except as provided in Part III hereof, applications will be accepted only upon the condition that the City shall be under no obligation to render service other than that character of service then available at the proposed Point of Delivery. Any such application or agreement shall be subject to all the provisions of these Rules and Regulations and of the Rate Schedules, and the terms and conditions thereof shall be binding upon the City as well as upon the Customer. In order to insure that capacity is available in City equipment to provide satisfactory service to the Customer, load data must be submitted with the application for service. Load data should include the anticipated Connected Load and the anticipated Maximum Demand.

2.02 Service Available:

The City's standards service voltage are as follows:

120v. 1 Ø
120/240 v. 1 Ø
120/208 v. 3 Ø 4w.
277/480 v. 3 Ø4w

Any request for non-standard service requires the express approval of the electric department.

2.03 Temporary Service:

The City will, where it has a source of supply readily available, furnish service for temporary installations as provided for in the City Rate Schedule TS-1.

PART III

NEW SERVICE EXTENSIONS AND UNDERGROUND RESIDENTIAL
DISTRIBUTION

3.01 Contribution In Aid of Construction:

Where an extension to existing distribution facilities is required to provide service to a Customer the City shall require a Contribution in Aid of Construction (CIAC).

3.02 Route and Easement

In making line extensions hereunder, the City shall select the point of service and route. The City will not use private property for any such extension unless an easement suitable to the City is granted by the owner of such private property to the City, without cost, in accordance with the following provisions:

- (1) Private Property of Customer: Where more than one pole or primary u.g. circuit is located on a customer's property for the sole purpose of supplying service to such customer, an easements for all such poles and for any related facilities, including guys, overhead distribution circuits and overhang, must be furnished by the Customer, and the route of the service line across the Customer's property must be cleared of uses, undergrowth, and other obstructions to access by the City's vehicles and equipment, prior to installation of the service line by the City.
- (2) Private Property of Third Party: Where, in order to provide service to a customer, City facilities are to cross over or be located upon private property not owned by such customer, or where service to such customer is to be provided from existing City facilities so situated, an easement for all such facilities involved, including poles, guys, overhead distribution circuits, as well as conduits substructures and underground distribution circuits will be required.

- (3) Acquisition, Form and Cost: All such grants shall be obtained by the Customer upon a form acceptable to the City, properly executed by the grantor, and shall be made without cost to the City.

3.03 Installation by Customer:

The Customer's installation shall, in its entirety, be installed and maintained in accordance with the requirements of local ordinances pertaining thereto, or of authorities having jurisdiction thereover, or in the absence of such local ordinances or authorities in accordance with the requirements of the National Electrical Safety Code as set forth in Handbook H-43 of the National Bureau of Standards in its present form, or as subsequently revised, amended or superseded; provided, however, that service to any customer over lines and facilities not owned by the City shall be at the sole option of the City. Customer installations shall be in accordance with the following provisions:

- (1) Inspection by City: The City requires that all wiring installations be inspected and approved by an authorized electrical inspector. The City will not render service until such inspection has been made and formal notice from the inspecting authority of its approval has been received by the City Electric Services Department.

3.04 Special Service Requirements:

Where the Customer requests a more costly service arrangement than that provided by the City in accordance with its standard design, such as a remote point of delivery, excess transformer capacity, or any other special requirements, the City will provide such service if feasible and the Customer shall pay the cost in excess of the estimated cost of the standard design.

3.05 Relocation or Modification of Existing Facilities:

When, in the judgment of the City a change in the use or layout of the Customer's premises makes the relocation or modification of the City's existing facilities necessary, or when such relocation or modification is requested by the Customer and is consistent with sound utility practices, the City will relocate or modify such facilities in a manner acceptable to the City.

The Customer shall pay the City for all cost associated with any such relocation or modification based on an invoice prepared by the City in accordance with standard estimation procedures, and if the relocation or modification is made at the Customer's request, such payment shall be made in advance.

PART IV

TERMS AND CONDITIONS OF SERVICE

4.01 Service Connection:

The City's connection with the Customer's service entrance shall be made with such service drop and shall be backed up by such transformers and related facilities and equipment as may be necessary to supply adequate electric service to the Customer in accordance with the load data furnished by the Customer at the time of applying for service.

4.02 Access to Customer Premise:

The duly authorized agents of the City shall have access at all hours to the premise of the Customer for the purpose of inspecting the Customer's installation; for installing, maintaining, inspecting or removing the City's property; for reading meters; and for other purposes incident to the rendition or termination of service to the Customer. In acting hereunder, neither the City nor its authorized agents shall be liable for trespass.

4.03 Protection of City Equipment:

The Customer shall provide proper protection for the City's equipment and facilities located on the Customer's premise, and shall permit no one but the City's agents or persons authorized by law, to have access to the City's equipment or facilities.

4.04 Continuity of Service:

The City will use reasonable diligence at all times to provide continuous service at the agreed nominal voltage, and shall not be liable to the Customer for the complete or partial failure or interruption of service, or for fluctuations in voltage, resulting from causes beyond its control or through the ordinary negligence of its employees, servants, or agents. The City shall not be liable for any act or omission caused directly or indirectly by strikes, labor troubles, accidents, litigation, shutdowns for repairs or adjustments, interference by Federal or State Governments, acts of God, or other causes beyond its control. The City shall not guarantee an uninterrupted supply of electricity and shall have the right to shut off the electricity at any time for the purpose of making repairs or extensions or for other purposes incidental to the electric supply, and will not be responsible for any damage resulting therefrom. The City shall have the right to turn off electric service at the main for the protection of the City where the consumer has been found to be using electricity illegally and to assess the regular schedule of fees for restoration of service.

- (1) **Priority of Curtailment:** In an emergency, the City may interrupt, curtail, or suspend electric service to all or some of its Customers; provided the City is acting in good faith and exercising reasonable care and diligence. The selection by the City of the Customers to be interrupted, curtailed, or suspended shall be conclusive on all parties concerned, and the City shall not be held liable with respect to any such interruption, curtailment, or suspension.
- (2) **Restoration of Service:** In the event of an interruption, curtailment or suspension of electric service from any cause, the City reserves the right to solely determine the method of restoration of service and in establishing the priority of restoration within the shortest time practicable consistent with safety. The City shall not be held to be in default of rendering adequate electric service because of the City's preservation of system integrity for priority in the restoration of customer service.
- (3) **Notification of Interruptions:** Whenever service is interrupted, curtailed, or suspended for the purpose of performing planned construction work on lines or equipment, the work shall be done at a time, if at all practicable, which will cause the least inconvenience to the Customers, and the City shall attempt to notify in advance (except in cases of emergency) those Customers who the City knows may be affected.

4.05 Indemnification by Customer:

The Customer shall indemnify, hold harmless and defend the City from and against any and all liability, proceedings, suits, costs or expense for loss, damage, death or injury to persons or property, in any manner directly or indirectly connected with, or growing out of the use or disposition of electricity by the Customer at or on the Customer's side of the Point of Delivery, unless such loss, damage, death or injury shall result from the sole negligence of the City.

4.06 Connection to Electric System After Disconnection From Such System or Other Utilities:

No applicant for electric service from the electric system of the City who has previously been disconnected from the electric system for nonpayment of electric charges or any other utility service shall be permitted to have a connection with the electric system until all such delinquent charges have been paid to the City, together with the amount of the applicable connection or reconnection charges as prescribed by ordinance, except as set forth in this section.

PART V

METERS

5.01 Installation and Maintenance of Meters:

The City shall have the right to connect and install or set meters of such sizes as the superintendent may determine, after consideration of all services to be served by the electric system of the City. All meters so installed shall be and remain the property of the City and shall be maintained and kept in repair by the department without cost to the user. All temporary electric service shall be metered and all charges imposed by this section shall apply thereto.

5.02 Meter Location, Etc.:

The meter location shall be as designated by the City. If a meter area is later enclosed the consumer shall, at his expense, have the meter facilities moved to an outside location. Meters for residents shall be outdoors. The City will provide meter and meter base for single-phase services of 200 amps or less. Charges will apply for meter, meter base and instrument transformers, if required, on all single-phase service above 200 amps and all three-phase services regardless of service size. The consumer shall furnish and install meter boards, service switches, and other equipment to form a complete wiring system. The number of meters shall be as determined by the electric department.

5.03 Maintenance of Meters:

The department shall maintain the proper operation of all meters. No repairs to meters shall be made other than by the electric department.

5.04 Meter Testing:

Upon written authorization for the testing, a City electric meter will be tested by the city and in the event the meter, when tested, is found to be not more than two percent fast, the expense of the test shall be paid by the customer in accordance with Rate Schedule RS-1. The meter testing fee shall be paid at the time of application or, at the option of the City, may be billed with the next regular monthly electric bill submitted to the customer.

5.05 Meter Seals:

All meters will be sealed by a representative of the City. Such meter seals must not be removed, destroyed or tampered with by any person other than an authorized representative of the City.

5.06 Tampering with Meters:

Unauthorized connections to and tampering with the City's meters or metering equipment, or indications or evidences thereof, shall subject the Customer to prosecution under the laws of the State of Florida, to adjustment of prior bills for services rendered and liability for payment of the adjusted amount, and to liability for reimbursement to the City of all extra expenses incurred by the City as a result thereof, and to discontinuance of service until such indebtedness has been paid.

PART VI

CUSTOMER UTILIZATION EQUIPMENT

6.01 General Principles:

The facilities of the City are designed and maintained to supply adequate service to all Customers using normal appliances and equipment included in the load data furnished by the Customers, and the City specifies only such requirements in respect of utilization equipment as are necessary to safeguard both the Customer and the City to the end that service may be rendered to all Customers with a maximum of safety and with a minimum of interruption or disturbance. Since the appliances and equipment installed or used by one Customer may very materially affect the adequacy and continuity of service to other Customers, and because the misuse of such appliances or equipment might constitute a fire hazard or endanger life, the Customer shall consult the City concerning the attachment of any special or heavy use appliances or equipment to the Customer's installation.

6.02 Protecting Customer Installation:

The Customer's installation shall be adequately protected with approved type fuses or circuit breakers in accordance with the requirements of local ordinances pertaining thereto, or of authorities having jurisdiction thereover or, in the absence of such local ordinances or authorities, the requirements of the National Electrical Safety Code; and, in order to safeguard both the property of the Customer and that of the City, the Customer shall not overload or overfuse any service or branch circuit thereof.

6.03 Limitations on Customer's Installation:

Customer utilization equipment should be selected and used with the view of obtaining the highest practicable power factor; and no appliance or device which, in the opinion of the City, is not properly constructed, controlled or protected, or may adversely affect the City's service to other Customers, shall be connected to the Customer's installation.

- (1) Voltage Fluctuation: All utilization equipment attached to the Customer's installation shall be such that starting and operating characteristics will not cause an instantaneous voltage drop of more than four percent of the standard voltage or cause objectionable flicker in other Customer's lighting.

- (2) Motor Regulation: All motors connected to the Customer's installation shall be equipped with satisfactory starting devices to prevent abnormal voltage fluctuations, and shall be provided with devices which will protect the motor installation against under-voltage, over-load, phase failure and short-circuit,
- (3) Power Factor Correction: Customers shall provide power factor correction apparatus satisfactory to the City on all low power factor lighting equipment, air conditioning equipment, and electric welding equipment.

6.04 Change in Customer's Installation:

Changes which in the opinion of the City would adversely affect the normal operation of the City's system or facilities shall not be made in the Customer's installation; and the Customer shall be liable for any damage resulting from a violation of this rule. Accordingly, the Customer shall give due notice to the City of any proposed changes in the Customer's installation involving substantial increases or changes in the Customer's electrical requirements since failure to do so may affect the quality of the Customer's service as well as that of the other Customers supplied from the same facilities.

6.05 Limiting Connected Load:

Where desirable or advisable, the Customer may arrange his wiring in such a manner that only a portion of the load may be served at one time. In such cases, the connected load to be used for the computation of charges shall be the largest load which can be served.

6.06 Accidental Grounds:

City assumes no responsibility for accidental grounds upon the Customer's installation, but the City will undertake, where practicable, to notify the Customer of such accidental grounds whenever the same are discovered by, or come to the attention of, the City.

PART VII
DEPOSITS

7.01 Deposit Requirement:

(a) Except as otherwise provided herein, prior to providing electric service, the City will require, and, at any time after commencement of service, the City may require, that the customer make a cash deposit to the City for the purpose of assuring the City for the payment of utility service(s). The City shall provide receipt for such deposit and any refund of deposit shall be to the person named in the receipt, or as the same may be lawfully assigned. The City will not pay interest on any deposit.

(b) The deposit for utility services described in subsection (a) above to be collected from a customer shall be calculated by doubling the average of the last 12 months of service for the customer or the account. If a new account is established, the City may estimate the twelve month average. An existing utility account shall become subject to the deposit requirement when the account is delinquent in payment for two billing cycles within the preceding 12 billing cycles for the account. If a deposit is currently held for such an account which is lower than the deposit required for new accounts, then the incremental increase in deposit shall be collected. The payment of the additional deposit as assessed herein is required for continued service.

(c) The deposit for residential rental and commercial accounts may be held by the City until final settlement of the customer's account. For any residential account, the deposit shall be held by the City until final settlement of the customer's account or until the customer's credit has been established. Twenty-four months of timely payment is prima facie evidence of satisfactory credit.

(d) A deposit shall be collected for each separate unit for which a deposit is required pursuant to this section. A deposit for a rental unit shall be refunded when the account is settled, or the deposit may be credited to tenant's final service bill.

(e) A deposit for an account may be waived in whole or in part for a customer if the customer of record for the new account has good credit.

(f) A recipient of a Main Street Wauchula, Inc., "one-half utility deposit" grant may choose to pay the balance of its utility deposit in 12 installments as an "add-on" to its monthly utility bill over the next 12 months, including the month of the "one-half utility deposit" grant award.

PART VIII

BILLING

8.01 Billing Period and Collection Procedure:

(1) Bills for electric service shall be rendered monthly by the City, payable on or before the due date as stated on the bill, without discount for prompt payment. If any bill shall not be paid on or before the due date, such bill shall become delinquent. Any payment on such bill made thereafter, except as otherwise described in this section, shall be subject to a collection fee of \$30.00. Such bills shall include the electric customer charges applicable to the month preceding the month in which the bills are rendered, all delinquent charges and all other charges due. Such exemption shall also apply to duly documented recipients of permanent and total Social Security disability benefits for the account holder. In all cases it shall be incumbent on the customer to so advise the city as to eligibility for such exemptions. Should such request be made but inadequate documentation be presented, upon such subsequent proof of age all late charges applied in the interim shall be forgiven and credited back to the customer.

(2) All bills shall be paid at City Hall, or the drop off locations provided by the City.

(3) The City shall have the right to transfer a delinquent electric bill at one address to the account of the same consumer at another address, and shall have the right to refuse to furnish electric service or to discontinue furnishing electric service at the latter address for nonpayment of the transferred bill.

(4) Where the meter cannot be accessed by the meter reader, the City may estimate the customer's bill.

(5) Notwithstanding anything in this section to the contrary, each City user of electricity that has an electric meter shall be billed the applicable charge for each billing period.

8.02 Prorated Monthly Bills:

A normal monthly bill will be prorated (based on actual number of days vs. thirty (30)) if the meter reading date is advanced or postponed more than five (5) days from the scheduled read date.

All other types of bills (including initial, final, or reroute) will be prorated if they cover more or less than a regular monthly billing period (including the five (5) day reading range).

8.03 Measurement and Evidence of Consumption:

Power and energy shall be measured for each point of delivery by one meter for each type of service rendered; and the City's readings and records thereof shall be accepted and received, at all times and places as prima facia evidence of the quantity of electricity used by the Customer at the point of delivery.

- (1) **Conjunctive Billing:** The City does not permit conjunctive billing. Each point of delivery to the same customer constitutes a separate service, and bills for two (2) or more points of delivery to the same customer shall be calculated separately for each point of delivery; however, where more than one (1) meter is used to measure the same type of service, although only one point of delivery is involved, each such meter shall be calculated and billed separately, as though it were a separate service, until such time as the Customer rearranges his facilities to take all of the same type of service through a single meter.
- (2) **Unread Meters:** When the City is unable to read a meter due to circumstances beyond the control of the City, such as inaccessibility of meters because of flood or stormy conditions, the City may render a minimum or estimated bill.

8.04 Delinquent Bills:

Bills for utility services shall be considered due and payable when mailed and shall be considered delinquent as specified in the bill and service shall be subject to disconnection after the delinquent date.

If the account information is maintained by the City, or if the City has actual knowledge of a user other than the customer of record, the City shall provide a pre-termination notice by mail or hand delivery notifying the actual user, if known to the City, that utility service shall be discontinued.

A customer of record shall notify the City at least three working days prior to a requested disconnection of any utility service.

8.05 Vacating or Change of Occupancy:

In the event of any change of ownership or occupancy of any premises served by the electric system of the City, such new owner or occupant shall immediately notify the City of such change in writing. If any such new owner or occupant shall fail to give such notice, or shall fail to apply for electric service, and if the prior owner or occupant shall have failed to terminate his contract with the City for electric service, then the use of the electric service of the electric system of the City shall be deemed to be an acceptance by such new owner or occupant of all of the contract obligation of the prior owner or occupant to the City, and such new owner or occupant shall continue to be subject to all of the provisions of this article as fully and completely as if such new owner or occupant had applied for electric service and such application had been accepted by the City.

PART IX

LIMITATIONS OF SERVICE

9.01 Confinement of Customer's Use:

Electric service furnished to a customer shall be rendered directly to the Customer through the City's individual meter and shall be solely for the Customer's own use.

9.02 Resales Prohibited:

The City shall not be required to sell electricity to any customer for resale and, no customer shall be permitted to resell any electric energy purchased from the City.

9.03 Sub-Metering:

Where individual metering is not required and master metering is used in lieu thereof, reasonable apportionment methods, including sub-metering, may be used by the customer solely for the purpose of allocating the cost of the electricity billed by the City. Any fees or charges collected by a customer for electricity billed to the customer's account by the City, whether based on the use of sub-metering or any other allocation method, shall be determined in a manner which reimburses the customer for no more than the customer's actual cost of the electricity billed by the City.

9.04 Crossing Public Ways Prohibited — Exception:

No customer shall extend electric lines or facilities across or under a street or other public way in order to make electric energy available through one meter to a structure or facility on an adjacent track of land, except under the following conditions:

- (1) said structure or facility on adjacent land is at all times operated and utilized by the same customer for the same business or enterprise;
- (2) electric service through such single meter is utilized solely by such customer;
- (3) such single-meter electric service is otherwise permissible under applicable City rules and regulations and applicable rate schedule;
- (4) customer obtains written approval from the City on plans, and any extension or revision thereof, for such single-meter service arrangement; and

- (5) customer obtains and keeps currently effective any and all required permits from required public authorities for crossing of public ways with Customer's electric facilities.

9.05 Attachments to Poles Prohibited:

Customers and others are forbidden to use the City's poles or other facilities for the purpose of fastening or supporting wires, signs, or things of any nature, or to locate any such things in such proximity to the City's facilities as to cause, or to be likely to cause, interference with the City's operations or a dangerous condition, The City shall have the right to remove any unauthorized attachments without notice and without liability for damages arising from such removal.

PART X

DISCONTINUANCE AND WITHHOLDING OF SERVICE

10.01 Grounds for Discontinuance or Withholding of Service:

The City may refuse or discontinue service to a customer under any of the conditions provided for under Section 25-6.105 of the Rules of the Florida Public Service Commission applicable to public utilities which are regulated by the Commission, and may refuse or discontinue service for the following additional reasons:

- (1) For misrepresentation or concealment in the application as to the premises, or fixtures to be furnished with electric service, or the use to be made of such service.
- (2) For waste or excessive use of electricity through improper or imperfect wiring, fixtures or appliances or in any other manner.
- (3) For refusal or neglect to comply with any requirement of the department as to meter or service connection maintenance alteration or renewal or other requirement relating to the electric services of the City.
- (4) For the use of electric services for or in connection with or for the benefit of any other user or purpose than that in the application.
- (5) For any interference or tampering, whether by act of commission or omission, with the meter measuring the electric supply, or with seals of any meter, or with any other portion of the electric system which was or is required by the department for controlling or regulating the electric service.
- (6) Where meter reader is consistently annoyed by vicious dogs.
- (7) The City shall have the right to discontinue electric service in cases where an illegal connection is found and to assess an average electric bill for such period as it has been established that the user has been receiving electric service without payment for such service. In addition, the customer shall pay a tampering fee of \$300.00 plus the reconnection fee and any other applicable charges and/or damage.

10.02 Notice of Discontinuance:

The City will give the Customer as much written notice of discontinuance of service as may be reasonably practical.

10.03 Liability for Discontinuance:

Whenever the City shall have the right to discontinue service to a customer, such right may be exercised without any liability for loss, damage, or injury resulting directly or indirectly from lack of electric service; and the City shall be under no obligation or duty to ascertain whether such discontinuance would be likely to result in any such loss, damage, or injury.

10.04 Reconnection:

Service may be reconnected after those conditions which caused service to be discontinued have been corrected. A service charge may be applicable as provided for under City Ordinance.

10.05 Customer's Deposit:

Where valid conditions exist, service may be discontinued whether or not the amount of the Customer's deposit is sufficient to cover the Customers bill; and, where said deposit has been applied toward the settlement of such bill, service will not be reconnected until a satisfactory deposit is restored.

RESALE SERVICE

There shall be no resale, or delivery to another, of electrical energy by any customer of the City of Wauchula, Florida.

CONTINUITY OF SERVICE

The City will use reasonable diligence at all times to provide continuous service at the agreed nominal voltage, and shall not be liable to the customer or any other party for complete or partial failure or interruption of service, or for fluctuations in voltage, resulting from causes beyond its control, or through the ordinary negligence of its employees, servants, or agents, nor shall the City be liable for the direct or indirect consequences of interruptions or curtailments made in accordance with the provisions of its rate schedules for interruptible, curtailable, and load management service. The City shall not be liable for any act or omission caused directly or indirectly by strikes, labor troubles, accidents, litigation, shutdowns, or repairs or adjustments, interference by federal, state, or municipal governments, acts of God, or other causes beyond its control.

CRITERIA AND CHARGES FOR FURNISHING SERVICE

(a) Service extension criteria. Where an extension to existing City facilities (other than a service drop) is required to provide electrical service to a customer, the City shall not be required to make such extension unless, in its judgment, the estimated revenues to be derived from such applying customer, together with such additional revenues as may be reasonably anticipated from other prospective customers to be served from such extension, shall be sufficient to afford a fair and reasonable return on the cost of making such extension; and, for the purposes hereof, the cost-to-revenue ratios specified below shall be deemed sufficient to provide such a return.

Subject to the terms and conditions in this chapter, the City will, at its own cost and expense, make any necessary overhead line extension to provide service to a customer under the conditions stated below.

(1) Residential: Where the cost of such extension does not exceed three (3) times the estimated annual revenue, i.e., revenue for three (3) years, to be derived from the customer.

(2) Commercial: Where the cost of such extension does not exceed three (3) times the estimated annual revenue, i.e., revenue for three (3) years, to be derived from the customer.

(3) Industrial: Where the cost of such extension does not exceed three (3) times the estimated annual revenue, i.e., revenue for three (3) years, to be derived from the customer.

(b) Payment of guarantee of extension by customer. Where the cost of any overhead line extension exceeds the cost-to-revenue ratio stipulated in subsection (a) above, the City may require the customer, as a condition precedent to making such extension, either to advance the City a sum of money in cash for construction costs, or to guarantee the City certain annual minimum revenues, sufficient in amount to make up the deficiency in meeting the criteria specified in subsection (a) above.

(c) Service drops which are not covered in subsection (a) above shall mean any single phase three (3) wire service of standard 120/240 volt service. The customer shall pay to the City the sum provided by section 22-34 for all such new services to any new installation.

RETURNED CHECKS

When a check is returned to the City which has been dishonored by a bank, there shall be a fee for collection of the returned check as allowed by statute; and the service of the customer for whose account the check was rendered shall be subject to disconnection in the same manner as outlined in section 22-20. If a check or bank draft has been dishonored by a bank on the same utility account or from the same customer, payment by check may no longer be accepted.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

METER READING AND BILLING

The complete control of the meter reading and the billing department shall be vested in the City Manager. Charges for City utility services shall be billed to each customer on substantially a monthly basis, and may be consolidated on a single bill. The City Manager is authorized to adopt a billing schedule which will facilitate the orderly billing and collection of such charges.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

City of Wauchula,
Florida

Original Sheet No. 8.00
Cancels First Revised Sheet No. 7.00

DOMESTIC MOTOR LOADS

Domestic users of electrical energy that use motors rated five (5) horsepower (HP) or less are entitled to be connected to their domestic meters. Domestic customers using motors rated larger than five (5) horsepower (HP) shall pay a General Service Non-Demand rate for such use.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

NEW BUSINESS CONTRACTS

The City Commission is hereby authorized and empowered to enter into contracts with new business enterprises to furnish electricity, water, sewer, or solid waste at a lower rate than herein specified provided that such electricity, water, sewer, or solid waste shall be for a limited and definite period of time.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

City of Wauchula,
Florida

Original Sheet No. 10.00
Cancels First Revised Sheet No. 9.00

LIST OF COMMUNITIES SERVED

The electric distributions system of the City of Wauchula, Florida, serves the City of Wauchula, Florida and the territory outside the Corporate City Limits of the City of Wauchula, Florida, within the Boundary Line shown on the map of the electric service area, FIRST REVISED SHEET NO. 4.00.

All rate schedules offered by the City of Wauchula, Florida, are available to all customers within the service area.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

INDEX OF RATE SCHEDULES

<u>Description</u>	<u>Sheet No.</u>
Residential	11.01
Small Commercial Service	11.015
General Service Non-Demand	11.02-11.03
General Service Demand	11.04
Irrigation	11.05
Special Rates	11.06

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

RESIDENTIAL SERVICE

AVAILABILITY: Available throughout the area served by the utility.

APPLICABILITY: Applicable to any single family dwelling unit served individually through a single electrical meter and computed on the kWh consumed per month.

CHARACTER OF SERVICE: As available at the option of the utility.

LIMITATIONS: All service shall be through one meter. Standby or resale service not permitted.

RESIDENTIAL RATE:

<u>Minimum</u> Customer Service Charge	\$9.10
<u>Energy</u> All kWh	\$/kWh 0.0784

MINIMUM BILL: Customer Service Charge

TERMS OF PAYMENT: See ORIGINAL SHEET NO. 14.00

POWER COST ADJUSTMENT: See ORIGINAL SHEET 12.00

CITY UTILITY TAX AND OUTSIDE CITY SURCHARGE: See ORIGINAL SHEET NO. 16.00.

SMALL COMMERCIAL SERVICE

AVAILABILITY: Available throughout the area served by the utility.

APPLICABILITY: Applicable to any small commercial customer whose preceding 12 month average monthly energy consumption does not exceed 100 kWh, or any customary home occupation customer, and whose principal business is the sale of products or service without materially changing the composition, appearance or character of the goods or service sold.

CHARACTER OF SERVICE: As available at the option of the utility.

LIMITATIONS: All service shall be through one meter. Standby or resale service not permitted.

RESIDENTIAL RATE:

<u>Minimum</u> Customer Service Charge	\$9.10
<u>Energy</u> All kWh	\$/kWh 0.0784

MINIMUM BILL: Customer Service Charge

TERMS OF PAYMENT: See ORIGINAL SHEET NO. 14.00

POWER COST ADJUSTMENT: See ORIGINAL SHEET NO. 12.00

SALES AND USAGE TAX: See ORIGINAL SHEET NO. 15.00

CITY UTILITY TAX AND OUTSIDE CITY SURCHARGE: See ORIGINAL SHEET NO. 16.00.

GENERAL SERVICE NON-DEMAND

AVAILABILITY: Available throughout the area served by the utility.

APPLICABILITY: Applicable to any commercial, rural commercial, industrial or irrigation customer whose preceding 12 month average monthly energy consumption does not exceed 20,000 kWh, and whose principal business is the sale of products or service without materially changing the composition, appearance or character of the goods or service sold.

CHARACTER OF SERVICE: As available at the option of the utility.

LIMITATIONS: All service shall be through one meter. Standby or resale service not permitted.

COMMERCIAL RATE:

<u>Minimum</u> Customer Service Charge	\$26.60
<u>Energy</u> All kWh	\$/kWh 0.0794

MINIMUM BILL: Customer Service Charge

TERMS OF PAYMENT: See ORIGINAL SHEET NO. 14.00

POWER COST ADJUSTMENT: See ORIGINAL SHEET 12.00

SALES AND USAGE TAX: See ORIGINAL SHEET 15.00

CITY UTILITY TAX AND OUTSIDE CITY SURCHARGE: See ORIGINAL SHEET
16.00

GENERAL SERVICE NON-DEMAND (CONT'D)

TRANSFORMER CHARGE: Customers whose service is essentially seasonal in nature shall, in addition to the General Service Non-Demand Rate, pay a monthly Transformer Charge equivalent to 14% per annum of the cost of transformers and necessary equipment in connection therewith, payable monthly, except in those cases where transformers are used jointly, in which case, the cost of the transformers and pertinent equipment shall be computed in proportion to the share each such user has in said transformers. In lieu of this charge, a user may purchase or repay the City for the transformers used at the current market price.

IRRIGATION SERVICE CHARGE: Customers requiring service for irrigation purposes who require the installation of poles, lines, transformers and other necessary equipment, shall pay for the costs of such installations if the projected revenue return for providing service to such customer over the following 36 months after installation is estimated by the City, in its judgment, to be less than the cost of installing such equipment. The title to all such poles, lines and equipment to furnish electricity to the user shall vest in the City of Wauchula. Where more than one user is connected to a line at the time of installation, the cost of such installation shall be prorated among the users.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

GENERAL SERVICE DEMAND RATES

AVAILABILITY: Available throughout the area served by the utility.

APPLICABILITY: Applicable to any customer of the Utility whose principal business is the sale of a new product assembled, manufactured, converted or produced from raw or other materials, or any customer whose preceding 12 month average consumption exceeds 20,000 kWh, and who has an operable demand meter installed. Any customer eligible for General Service Demand rates but does not have, as determined by the City, an operable demand meter in place, shall be billed under the General service Non-Demand rate category until such time as an operable demand meter can be installed.

CHARACTER OF SERVICE: As available at the option of the utility.

LIMITATIONS: All service shall be through one meter. Standby or resale service not permitted.

GENERAL SERVICE DEMAND WITH PRIMARY METERING:

<u>Minimum</u> Customer Service Charge	\$65.00
<u>Demand</u> All kW*	<u>\$/kW</u> \$ 5.47
<u>Energy</u> All kWh	<u>\$/kWh</u> \$0.065

GENERAL SERVICE DEMAND WITH SECONDARY METERING:

<u>Minimum</u> Customer Service Charge	\$65.00
<u>Demand</u> All kW*	<u>\$/kW</u> \$ 5.53
<u>Energy</u> All kWh	<u>\$/kWh</u> \$0.066

*Demand Ratchet Clause: Demand shall be charged at \$5.47 per kW for primary metering and \$5.53 per kW for secondary metering for the present billing month's highest kW demand or 75% of the highest monthly kW demand in the preceding 11 months, whichever is greatest.

MINIMUM BILL: Customer Service Charge plus Demand Charge

TERMS OF PAYMENT: See ORIGINAL SHEET NO. 14.00

POWER COST ADJUSTMENT: See ORIGINAL SHEET NO. 12.00

SALES AND USAGE TAX: See ORIGINAL SHEET NO. 15.00

CITY UTILITY TAX AND OUTSIDE CITY SURCHARGE: See ORIGINAL SHEET NO. 16.00.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

IRRIGATION SERVICE

Minimum:

Customer Service Charge \$26.60

Energy:

All kWh \$/kWh
\$ 0.078

Installation Charge: Users of electrical energy for irrigation purposes who require the installation of poles, lines, transformers and other necessary equipment, shall pay for the costs of such installations if the projected revenue return for providing service to such customer over the following 36 months after installation is estimated by the City, in its judgment, to be less than the cost of installing such equipment. The title to all such poles, lines and equipment to furnish electricity to the user shall vest in the City of Wauchula. Where more than one user is connected to a line at the time of installation, the cost of such installation shall be prorated among the users.

MINIMUM BILL: Customer Service Charge

TERMS OF PAYMENT: See ORIGINAL SHEET NO. 14.00

POWER COST ADJUSTMENT: See ORIGINAL SHEET NO. 12.00

SALES AND USAGE TAX: See ORIGINAL SHEET NO. 15.00

CITY UTILITY TAX: See ORIGINAL SHEET NO. 16.00.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

SPECIAL RATES

SECURITY LIGHTS:

There shall be a monthly charge for yard lights as set by ordinance for:

100 watt	\$ 13.50
250 watt	\$ 18.00
350 watt	\$ 23.00
1000 watt	\$ 40.00

(2) When there is an existing pole, there shall be an installation charge for yard light fixtures of \$75.00.

(3) When it is necessary to install a pole for a yard light, there shall be an installation charge for pole and yard lights and fixtures of \$250.00.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

POWER COST ADJUSTMENT

A Power Cost Adjustment shall be applied to each and every electric customer within and without the city limits of the City of Wauchula and shall be applied to each kilowatt hour supplied. The Power Cost Adjustment (PCA) will be determined each month by the City. This factor is designed to recover the cost of bulk power supply and related expenses actually incurred by the City to provide electric service to its customers. If the PCA under-recovers the actual costs of bulk power supply and related expenses, the City will increase the PCA to collect the under recovery. If the PCA over-recovers actual costs of bulk power supply and related expenses, the City will decrease the PCA to credit back to customers the over-recovery. In order to stabilize fluctuations in the PCA, the City Manager may determine to phase in such increases or decreases over time. In no case, however, will cumulative under or over collections be allowed to exceed 10% of the fiscal year's annual Bulk Power Supply Budget (account number 410 555-54960) without appropriate adjustments to the PCA.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

CHARGES FOR ELECTRIC SERVICE CONNECTION AND DISCONNECTION

INSTALLATION CHARGE: There shall be an installation charge for electric service as follows:

Temporary Service	\$250.00
Permanent Service	\$150.00

COLLECTION FEE: If a collector calls on an account for collection purposes, the account may be settlement by payment of account plus a Thirty Dollar (\$30.00) collection fee.

DISCONNECT FEE: \$45.00

RECONNECTION CHARGE: There shall be a reconnection charge of Sixty Dollars (\$60.00) for services which have been disconnected for nonpayment of utilities bill.

AFTER-HOURS CHARGE: There shall be a charge of One Hundred Dollars (\$100.00) for all connections made after regular working hours.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

City of Wauchula,
Florida

Original Sheet No. 14.00
Cancels Fourth Revised Sheet No. 13.00

TERMS OF PAYMENT

Bills for utility services shall be considered due and payable when mailed and shall be considered delinquent as specified in the bill and service shall be subject to disconnection after the delinquent date.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

City of Wauchula,
Florida

Original Sheet No. 15.00
Cancels Second Revised Sheet No. 14.00

SALES AND USAGE TAX

There shall be collected on commercial accounts Sales and Usage Tax, as required by the Florida Department of Revenue, Chapter 212 of the Florida Statutes or any amendments which may be added to Chapter 212 of the Florida Statutes.

FLORIDA GROSS RECEIPTS TAX

There shall be collected on all charges for electricity, Florida Gross Receipts tax in accordance with Florida Statutes.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

City of Wauchula,
Florida

Original Sheet No. 16.00
Cancels Third Revised Sheet No. 15.00

CITY UTILITY TAX AND OUTSIDE CITY SURCHARGE

There shall be collected as required by Chapter 18, Article III, of this Code, a City utility tax on all charges for electrical energy and water used inside the City limits. There shall also be collected a surcharge on all charges for electrical energy used outside the City limits, which shall be ten percent (10%) on all charges for electrical energy.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

QUALIFYING FACILITY TRANSMISSION TARIFF

1. AVAILABILITY

1.1 Transmission service hereunder is available over the City of Wauchula (the "City") transmission and distribution facilities to or from existing points of delivery and such other points as may be established on the City's system. Firm and nonfirm transmission service is available where and so long as the City's facilities have adequate capacity to permit the transmission requested by the Qualifying Facility ("QF") on a technically feasible basis without adversely affecting the adequacy, reliability, or cost of providing electric service to the City's retail and other customers.

1.2 Firm transmission service for capacity and energy shall be provided on a continuous basis for a specified quantity of power to be transmitted for the duration of an agreed upon commitment period so long as there is sufficient unused capacity on the City's system to provide such service.

1.3 Nonfirm transmission service for as-available energy shall be provided on a when-, as-, and if-available basis and such service is interruptible at the sole option of the City. The City will provide notification of interruptions of nonfirm transmission service at least one hour prior to such interruption, to the extent possible.

1.4 In the event the QF fails to interrupt or curtail its use of Nonfirm transmission service within one hour upon notification to do so by the City, ~~then such service shall for billing purposes only be considered as~~ Firm transmission service and billed as such by the City for the current and succeeding eleven billing months, but shall in all other respects still be considered as Nonfirm transmission service. Nonfirm service is not available for transmission of firm power.

1.5 A Letter of Commitment shall be required between the QF and the City specifying the quantity of power to be transmitted (the "Contract Demand"), the period of time for which such deliveries are requested, and the type of service requested (i.e., firm or nonfirm). Prior to entering

into such Letter of Commitment, the City may perform or may have performed, at the expense of the QF, load flow and stability studies of its system to determine whether or not the requested service will adversely affect the adequacy, reliability, or cost of providing electric service to the City's retail and other customers. If the requested transmission service would require the City to install new facilities, would cause it to install facilities significantly earlier than it would otherwise do, or otherwise cause it to incur exceptional expense, the City reserves the right to decline to provide service under this tariff and, at its option, may offer transmission service under a compensatory contract. Such compensatory contract would, to the extent appropriate in the circumstances, follow the provisions of this transmission service tariff and its associated terms and conditions.

2. APPLICABILITY

2.1 This tariff shall apply to transmission service for any QF to which the City is directly or indirectly electrically interconnected for delivery of power generated by the QF to another electric utility. For purposes of this tariff, Qualifying Facility ("QF") means a cogeneration or small power production facility which is a qualifying facility under Subpart B of the Federal Energy Regulatory Commission's regulations under the Public Utilities Regulatory Policies Act of 1978, Section 201, with regard to cogeneration and small power production.

2.2 Service under this tariff is not available for the transmission of electrical power generated by the QF at one location to the facilities of the QF at another location or for transmission to any entity that is not an electric utility.

3. CHARACTER OF SERVICE

The service under this tariff is 60 cycle, alternating current of the phase and nominal voltage desired by the QF, provided that the electric service of the voltage desired by the QF is available in the area in which service is desired.

4. LIMITATION OF SERVICE

4.1 For both firm and nonfirm transmission service provided hereunder, the City maintains the right at any time to deny, curtail, or discontinue transmission service:

4.1.1 For interruptions or reductions due to Force Majeure;

4.1.2 For interruptions or reductions due to action instituted by automatic or manual control resulting in disconnection for the purpose of maintaining overall reliability and continuity of the City's electric system or for the purpose of protecting the City's generation or distribution facilities;

4.1.3 For temporary interruptions or reductions which, in the sole opinion of the City, are necessary or desirable for the purpose of maintenance, repairs, replacements, or installation of equipment, or investigation and inspection;

4.1.4 For intentional failure of the QF to comply with the provisions of this Agreement; or

4.1.5 If the City determines that the provision of such service would adversely affect the adequacy, reliability, or cost of providing electric service to the City's retail or other customers.

4.2 Prior to entering into a Letter of Commitment for transmission service under this tariff, should the QF be located within the City's electric system, the City and the QF shall have executed a Parallel Operation Agreement covering the interconnected operations of the City's and the QF's resources. Such agreement shall include, but not be limited to, the following topics:

4.2.1 Cost of interconnecting with the QF including specifically assigned costs to be paid by the QF, and any additional administrative and general expenses incurred by the City to be paid by the QF,

4.2.2 Safety and Technical Standards for Parallel Operation,

4.2.3 Automatic and manual disconnection requirements,

4.2.4 Output compatibility,

4.2.5 Inadvertent energy flows,

4.2.6 Protective equipment requirements,

4.2.7 Metering provisions, including type, ownership, location, access and testing,

4.2.8 Indemnification, force majeure, insurance and term, and

4.2.9 Reactive power penalty clause.

4.3 Prior to entering into a Letter of Commitment for transmission service under this tariff, if a QF is not located within the City's electric system and requires transmission services over the City's electric system, the QF shall provide the City a copy of all executed agreements required to transmit capacity and energy for the QF's generating facilities to and from the City's electric system and execute an agreement with the City addressing the above listed items as appropriate. The execution of an agreement under this tariff shall not create an obligation by the City with respect to other parties.

5. TRANSMISSION RATES

5.1 Firm and nonfirm transmission rates shall be developed when service is initially requested by a QF based on the City's projected revenue requirements associated with providing transmission service including the expense accounts 560-573, 580-584, 588-595, and 598 (or accounts with similar contents) and/or other appropriate accounts, if any, plus an allocable portion of administrative and general expenses, including insurance expense, debt service on indebtedness allocable to the distribution or transmission system, applicable taxes, and a transfer to the City's General Fund, and any other applicable costs.

5.2 For developing the monthly rate per kW for firm transmission service, projected revenue requirements shall be divided by the sum of the projected monthly peak kW demands placed on the City's distribution and transmission system (which would include for each month a QF's Contract Demand in kW as established in its Letter of Commitment) for the period for which the projected revenue requirements were developed. For developing the rate per kWh for nonfirm transmission service, projected revenue requirements shall be divided by the total projected generation level kWh of energy transmitted by the City's system for the period for which the projected revenue requirements were developed.

6. LOSSES

The City shall receive power from the QF for delivery and shall deliver at the City's interconnection points with other utilities such amount received less an amount attributable to losses. These losses will

be based on the City's most recent annual data for the applicable system average loss percentage factor. If, in the City's sole judgement, the use of average losses would not result in equitable compensation for losses incurred, incremental losses attributed to the transaction may be used. When incremental losses are to be used, the QF shall be so advised at least 30 days prior to the transaction.

7. VOLTAGE LEVEL ADJUSTMENTS

Transmission rates developed in Section 5 under this tariff shall be calculated to account for voltage level adjustments, if any.

8. DETERMINATION OF BILLING DEMAND

Monthly charges for firm transmission service shall be based on the monthly rate per kW determined in Section 5 multiplied by the Contract Demand in kW established in the Letter of Commitment. Monthly charges for nonfirm transmission service shall be based on the rate per kWh determined in Section 5 multiplied by the QF's scheduled or metered, as appropriate, transmission service for the month.

9. TERMS OF PAYMENT

Bills for transmission service shall be rendered monthly. All such bills shall be due and payable within ten (10) days from the date of mailing. Any amount due and unpaid after the due date shall be termed delinquent and there shall be added interest of one percent (1%) per month and an additional one percent (1%) for each month thereafter. Any amounts including interest unpaid sixty (60) days after due date shall be subject to such collection procedures including legal action as may be considered appropriate by the City in its sole opinion, and all costs associated with such collection efforts including but not limited to Attorney's Fees shall be paid by the QF.

10. POWER FACTOR

It shall be the responsibility of the QF receiving transmission services to supply enough reactive power to maintain the power factor of transmitted power as near unity as practicable.

11. SCHEDULED DELIVERIES

It shall be the responsibility of the QF to arrange a satisfactory schedule for transmitted power and energy, up to the level of the Contract Demand, and to notify the City of such schedule prior to commencement of the transaction. The QF shall furnish the City a 24-hour schedule by noon of the prior day. The amount scheduled to be delivered will be rounded to the nearest whole kW for dispatching purposes only.

12. CONTINUITY OF TRANSMISSION SERVICE

The City does not guarantee that the transmission service delivered hereunder will be free from interruption or impairment, and the City shall not be liable for damages resulting therefrom.

13. NO DEDICATION OF FACILITIES

Any undertaking by one party to the other party under any provision of this tariff shall not constitute the dedication of the system or any portion thereof, of any party to the public or to the other party, and it is understood and agreed that any such undertaking by any party shall cease upon termination of this tariff.

14. LIABILITY

Each party hereto expressly agrees to indemnify and save harmless and defend the other against all claims, demands, costs, or expense for loss, damage or injury to persons or property in any manner directly or indirectly connected with or growing out of, the generation, transmission, distribution, or use of electric capacity and energy on its own side of the point of delivery hereunder, unless such claim or demand shall arise out of or result from the negligence or willful misconduct of the other party, its agents, servants, or employees provided, however, that neither party hereby assumes responsibility for damage or injury to employees of the other party whenever said other party's employees are on first party's premises. Further, this agreement in no way creates a contractual relationship of one party with the customer of another party; neither does it create a duty thereto.

Issued By: Terry Atchley, City Manager
Effective Date: May 1, 2014

15. TRANSMISSION BY THIRD PARTIES AND BACKUP GENERATION SERVICES

The QF is responsible for all necessary transmission arrangements with any third parties and for backup generation services and shall also be responsible for all costs associated with transmission by other parties and for backup generation services.

16. CHANGES IN TARIFF

The City may change the provisions of this transmission tariff, including the rates and associated terms and conditions, by notifying the QF in writing of such changes at least sixty (60) days in advance.

17. NOTICE

Any notice, demand, or request required or authorized by this tariff shall be deemed properly given if mailed, postage prepaid to the Superintendent of Public Works, City Hall, P.O. Box 818, Wauchula, Florida 33873. Such notice, demand, or request must then be acknowledged and consented to by the City in writing, or by phone call to (designated person and title). The designation of the person to be notified or the address of such person may be changed by the City at any time, or from time to time by similar notice.