

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ELECTRIC RATE SCHEDULE IN EXHIBIT A TO ORDINANCE NO. 20100913-004 TO EXTEND THE LOW-INCOME RESIDENTIAL FUEL CHARGE, ELIMINATE THE REQUIREMENT OF A WRITTEN CONTRACT FOR THE INDEPENDENT SCHOOL DISTRICTS TIME-OF-USE RATE, AND INCLUDE PRIMARY SERVICE CUSTOMERS IN THE COINCIDENT LOAD SPECIAL CONTRACT RIDER .

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Residential Service Tariff in Exhibit A to Ordinance No. 20100913-004, Austin Energy's Electric Rate Schedule, is amended to read:

CITY OF AUSTIN
ELECTRIC RATE SCHEDULE
RESIDENTIAL SERVICE

Application:

This rate is applicable to electric service required by residential customers in single-family dwellings, mobile homes, town houses, or individually metered apartment units. When a portion of a residence or household unit is used for non-residential purposes only as defined by Section 13-2-260 of the Austin City Code, this rate may be applied.

This rate is further applicable to any church, synagogue or other public place which is used for the purpose of conducting group religious worship services and whose demand for power does not qualify the facility for the general service – demand (E06) rate. This rate also applies to any church, synagogue or other place of public group religious worship services that would otherwise qualify under the general service – demand (E06) rate unless such customer opts in writing to receive service under the general service – demand (E06) rate as of the beginning of the following monthly billing period. Such option shall be binding for a period of not less than twelve months. This rate is not applicable for service to any dormitory, school, child care facility, lodge, gymnasium, meeting hall, office, or any other indoor or outdoor facility which is not used by the public for group religious worship services.

1 The customer charge shall be waived if the customer or a person residing in the
2 household of a customer is either a certified recipient of Supplemental Security Income
3 (SSI); an aged, blind, or disabled Medicaid recipient; or has been receiving assistance
4 under one of the Travis County energy assistance programs (CEAP, FEMA, or
5 ENTERP) or the Travis County Hospital District Medical Assistance Program (MAP)
6 within the last twelve months. In addition, customers who qualify for the customer
7 charge waiver shall be charged [an amount equal to the Batch 1 Green Power Charge in
8 lieu of the residential fuel charge. This charge shall be applied to the customer's total
9 metered monthly usage. However, this charge may be applied to a prorated usage per
10 customer so as not to exceed the total 100,000 MWh allocated to this program. If the
11 Batch 1 Green Power Charge exceeds the residential fuel charge, the residential fuel
12 charge will be applied to the customer's total metered monthly usage. Austin Energy
13 will re-evaluate the availability of energy allocated to this program as needed. The
14 charge will only be applicable until March 1, 2011, the last date through which the
15 Batch 1 Green Power Charge will be valid. A customer who receives the charge equal
16 to the Batch 1 Green Power Charge but becomes ineligible for the customer charge
17 waiver is not eligible to receive the charge equal to the Batch 1 Green Power Charge,
18 but may participate in the GreenChoice[®] program by signing up for the GreenChoice[®]
19 Batch and Green Power Charge in place through the GreenChoice[®] Energy Rider.
20 Austin Energy will determine if a participant is eligible to continue to receive the
21 customer charge waiver and the charge equal to the Batch 1 Green Power Charge by
22 contacting each participant through a mail-out sent between October 1 and January 31]
23 a fuel rate of \$0.017 per kilowatt hour in lieu of the rate set forth in the Fuel
24 Adjustment Clause.

25 26 Character of Service:

27
28 The Character of Service provided under this rate shall be alternating current, 60
29 cycles, single phase or three phase, in accordance with the Utilities Criteria Manual
30 prescribed by the City of Austin which may be amended from time to time. Electric
31 service of one standard character will be delivered to one point of service on the
32 customer's premises and measured through one meter.

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34 **PART 2.** The Independent School District Time-of-Use Tariff in Exhibit A to Ordinance
35 No. 20100913-004, Austin Energy's Electric Rate Schedule, is amended to read:

36 CITY OF AUSTIN 37 ELECTRIC RATE SCHEDULE 38 INDEPENDENT SCHOOL DISTRICTS TIME-OF-USE 39

40 Application:
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[This rate is applicable to electric service required by all accounts in any independent school district upon execution of a separate contract for service under this rate.]

This rate is applicable to an independent school district account [customer] whose demand for power meets or exceeds 20 kilowatts for any month within the most recent six summer billing months or as determined by the City of Austin. This rate classification shall be applied for a term of not less than one year (twelve months) following the month in which the criteria are met. If a customer has made significant changes in its connected load which would prevent that customer from meeting or exceeding 20 kilowatts in any summer billing month and if the change has been certified by the Electric Utility, the City of Austin may waive the one year requirement.

Rider TOU – Thermal Energy Storage may be attached to this rate.

Character of Service:

The Character of Service provided under this rate shall be alternating current, 60 cycles, single phase or three phase, in accordance with the Utilities Criteria Manual prescribed by the City of Austin which may be amended from time to time. Electric service of one standard character will be delivered to one point of service on the customer's premises and measured through one meter.

Rate (E23):

	Winter Billing Months of November through April	Summer Billing Months of May through October
On-Peak Energy Rate (E23)	2.47¢ per kWh, for all kWh	2.72¢ per kWh, for all kWh
Off-Peak Energy Rate (E23)	1.99¢ per kWh, for all kWh	2.02¢ per kWh, for all kWh
Demand Rate (ELD)		
On-Peak	\$5.68 per kW	\$7.95 per kW
Off-Peak	\$0.00 per kW	\$0.00 per kW

Fuel Adjustment Clause (FAC) - plus an adjustment for variable costs, calculated according to the Fuel Adjustment Clause Tariff, multiplied by all kWh.

Minimum Bill:

Customer will be assessed a monthly Minimum Bill of \$12.00 if the above calculations result in a charge of less than \$12.00.

Billing Demand:

The kilowatt demand during the fifteen-minute interval of greatest use during the current billing month as indicated or recorded by metering equipment installed by the City of Austin. When power factor during the interval of greatest use is less than 85 percent, Billing Demand shall be determined by multiplying the indicated demand by 85 percent and dividing by the lower peak power factor.

PART 3. The Coincident Load Special Contract Rider in Exhibit A to Ordinance No. 20100913-004, Austin Energy's Electric Rate Schedule, is amended to read:

CITY OF AUSTIN
ELECTRIC RATE SCHEDULE
COINCIDENT LOAD SPECIAL CONTRACT RIDER

Application:

This rate applies to any General Service – Demand or Primary Service customer that executes a separate contract, in form and substance acceptable to the City of Austin, for this service. The contract will require the customer to remain a “full requirements” customer of the City of Austin for a period of one year. This tariff is specifically designed for General Service – Demand and Primary Service customers that have a peak demand during the system's off-peak period (midnight to 8 AM) that is significantly higher than their on-peak demand.

Character of Service:

The Character of Service provided under this rate shall be altering current, 60 cycles, single phase or three phase, in accordance with the Utilities Criteria Manual prescribed by the City of Austin which may be amended from time to time. Electric service of one standard character will be delivered to one point on the customer's premises and measured through one meter.

Monthly Rate:

Rate:

Winter
Billing Months of

Summer
Billing Months of

November through April

May through October

Energy Rate

1.45¢ per kWh
for all kWh

1.45¢ per kWh
for all kWh

Demand Rates:

Coincident Peak

\$8.35 per kW

\$9.10 per kW

Non-coincident Peak Rate

7.50 per kW

8.25 per kW

Customer Charge

\$250.00

\$250.00

Fuel Adjustment Clause (FAC) – plus an adjustment for variable costs, calculated according to the Fuel Adjustment Clause Tariff, multiplied by all kWh.

When the power factor during the interval of greatest use is less than 85%, each Demand charge shall be determined by multiplying the indicated demand by 85% and dividing by the lower peak power factor.

Minimum Bill: Customer will be assessed a monthly Minimum Bill of \$250.00 if the above calculations result in a charge of less than \$250.00.

Definitions:

“Peak Period” is the time period during the billing month that a customer’s non-coincident peak demand may be set. The time periods are: 8:00 a.m. to midnight, Monday through Friday: May 1 through October 31, 8:00 a.m. to midnight, Monday through Sunday: November 1 through April 30.

“Non-coincident peak demand” is the customer’s kilowatt demand during the fifteen-minute interval of greatest use during the peak period for the current billing month as indicated or recorded by metering equipment installed by the City of Austin.

“Coincident peak demand” is the customer’s kilowatt demand during the one hour interval of greatest use on the City of Austin retail system during each of the customer’s billing months.

“Full requirements” service shall refer to generation, transmission and distribution (i.e. “bundled”) service as presently supplied by the City of Austin to customer.

Terms and Conditions:

1 The Coincident Load Special Contract rider shall apply for a primary term of one year,
2 and year to year thereafter until terminated by not less than 90 days notice by either
3 party. The rate will begin when the first bill is rendered in the month following the
4 effective date of this tariff, provided a separate contract has been executed between the
5 City of Austin and the customer.

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7 Nothing in this tariff or the contract shall operate to prevent, prohibit, or delay the City
8 of Austin from recovering "stranded" costs from the customer, to the extent authorized
9 by law, including those described in the Public Utility Regulatory Act.

10
11 If, notwithstanding the foregoing paragraph, any subsequent legislation would in any
12 way operate to prevent, prohibit or delay recovery of the full amount, otherwise
13 authorized by law, of "stranded" costs through any surcharge or additional charge or
14 any new or revised rate level or element solely because of the existence or contents of
15 this tariff or the contract, then the contract rates specified in this tariff for energy,
16 demand and/or fuel shall be deemed to be changed by an amount designed to exactly
17 equal the revenue the City of Austin would otherwise recover but for the existence or
18 contents of this tariff or contract. Any change shall take effect on the same date that the
19 surcharge, additional charge or new or revised rate level or element would otherwise go
20 into effect. If necessary the change may take the form of a one-time charge, assessable
21 prior to or after customer switches generation suppliers. To the extent possible, while
22 still allowing full recovery of the otherwise authorized amount, the change shall be
23 incorporated into prospective monthly recurring charges.

24
25 The contract to be signed by customer shall explicitly incorporate the terms of the
26 preceding two paragraphs, and also provide that the results contemplated by the
27 paragraphs are essential and non-severable terms of the contract.

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29 Notwithstanding any provision of this tariff, neither customer nor the City of Austin
30 shall be precluded from challenging the legal validity of any statute, regulations, or
31 other provisions of law.

32
33 If it is determined at any time by the City of Austin that the customer has not acted
34 appropriately so that there can be compliance with the provisions of this tariff, then the
35 customer will be immediately billed on the General Service Demand rate schedule, or as
36 amended, from the date service was first commenced under this tariff. The difference,
37 plus interest at one percent (1%) per month, or the maximum allowable legal interest
38 rate, whichever is less, from the date service was first commenced under this tariff, shall
39 immediately become due by customer to the City of Austin.

40 The contract executed under this tariff shall address the rights of the City and the
41 customer relating to the transfer or assignment of rights under this tariff.

PART 4. This ordinance takes effect _____, 2010.

PASSED AND APPROVED

_____, 2010

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Lee Leffingwell
Mayor

APPROVED: _____
Karen Kennard
Acting City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk