

## **ORDINANCE NO. 20120524-141**

### **AN ORDINANCE AMENDING ORDINANCE NO. 20110912-007 TO CLOSE THE LARGE PRIMARY SERVICE – SPECIAL CONTRACT RIDER II AND LARGE PRIMARY SERVICE SPECIAL CONTRACT – INDUSTRIAL RIDER TO ADDITIONAL CUSTOMERS.**

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

**PART 1.** The Large Primary Service – Special Contract Rider II and Large Primary Service Special Contract – Industrial Rider in the Electric Rate Schedule of Ordinance No. 20110912-007 are amended to read:

CITY OF AUSTIN  
ELECTRIC RATE SCHEDULE  
LARGE PRIMARY SERVICE – SPECIAL CONTRACT RIDER II [(CLOSED)]

Definitions:

FULL REQUIREMENTS service means full and exclusive generation, transmission, and distribution, (i.e., “bundled”) service as presently supplied by City of Austin (sometimes referred to as City) to customer; provided, however, that the customer may self-generate up to 20 kW of its requirements from customer-owned, on-site renewable energy technology, subject to the terms and condition of the City of Austin’s Distributed Generation from Renewable Sources Rider.

Application:

This rate applies to a large primary service (LPS) customer that executes[d] a separate contract for this service on or after October 9, 2006, ~~in form and substance acceptable to the City of Austin~~ [but before May 24, 2012]. This rate is unavailable to customers that did not execute a contract for this service before May 24, 2012. The contract will require the customer to remain a full requirements customer of the City of Austin through May 31, 2015, on which date customer’s contract and the terms of this rider shall terminate; provided, however, that if the City of Austin subsequently adopts a tariff that provides more favorable rates, terms, or conditions than provided by this rider and which describes a customer class for which customer’s large primary service accounts qualify, customer may terminate its contract and receive service pursuant to such subsequent tariff. The City of Austin, acting by and through its Electric Utility Department, enters and executes the contract and assumes its obligation in its proprietary capacity as the owner and operator of a utility enterprise increasingly in competition with other power suppliers for the attraction and retention of industrial loads, and in order to induce customer to remain a customer of the City of Austin.

The Rider TOU – Thermal Energy Storage and the Optional Time-of-Use Rate may be attached to this rate.

Character of Service:

The Character of Service provided under this rate is alternating current, 60 cycles, single phase or three phase, in accordance with the Utilities Criteria Manual prescribed by the City of Austin and 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 (E):	<u>Winter</u> <u>Billing Months of</u> <u>November through April</u>	<u>Summer</u> <u>Billing Months of</u> <u>May through October</u>
Energy Rate (E)	1.11¢ per kWh, for all kWh	1.11¢ per kWh, for all kWh
Demand Rate (ELD)	\$11.40 per kW	\$12.54 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 customer's power factor during the interval of greatest use is less than 85%, Billing Demand shall be determined by multiplying the indicated demand by 85% and dividing by the lower peak power factor; provided, however, the power factor adjustment specified in this paragraph shall be superseded by any subsequent tariff or ordinance governing power factor that may be enacted or amended by the City of Austin from time to time.

Optional Time-Of-Use Rate:

At the option of the customer, a separate agreement may be entered into between the City and the customer for a time-of-use incentive rate. The customer shall permit the City to install all equipment necessary for time-of-use metering and to permit reasonable access to all electric service facilities installed by the City for inspection, maintenance, repair, removal, or data recording purposes.

	<u>Winter</u> <u>Billing Months of</u> <u>November through April</u>	<u>Summer</u> <u>Billing Months of</u> <u>May through October</u>
Energy Rate (E )		
On-Peak	1.71¢ per kWh	2.41¢ per kWh
Off-Peak	(.29)¢ per kWh	.56¢ per kWh

Demand Rate (ELD)

On-Peak	\$11.40 per kW	\$12.54 per kW
Off-Peak	\$0.00 per kW	\$0.00 per kW

Billed demand will be based on the fifteen-minute interval of greatest use during an On-Peak period for the current billing month. All other adjustments will be included as described above (See Billing Demand).

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

On-Peak: 1:00 p.m. to 9:00 p.m., Monday through Friday; May 1 through October 31. 8:00 a.m. to 10:00 p.m., Monday through Sunday; November 1 through April 30.

Off-Peak: 9:00 p.m. to 1:00 p.m., Monday through Friday; all day Saturday, Sunday, Memorial Day, Independence Day, and Labor Day; May 1 through October 31. 10:00 p.m. to 8:00 a.m. Monday through Sunday; November 1 through April 30.

Terms and Conditions:

The special contract rate is effective on the first day of the customer's billing cycle following the date that a separate contract under this tariff has been executed between the City of Austin and the customer, and shall be in effect through May 31, 2015.

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

This Special Contract Rider shall be extended to all of an LPS customer's accounts having a maximum demand of at least 500 kW.

Upon request, customers receiving service under this Special Contract Rider will be provided dual feed service with reserve capacity and maintenance under the long term contract provisions of this Special Contract Rider, except that the customer will be responsible for the initial assessment fee, customer requested changes to the initial assessment, and facilities design and construction costs, as established in the fee schedule. Dual feed service with reserve capacity is electric service provided to the customer's premise(s) through two (or more) independent distribution feeders, with one feeder in normal service and the other in back-up service. Capacity is reserved for the second feeder, and is placed into service upon an outage of the primary feeder

If it is determined at any time by the City of Austin that the customer violated the provisions of this tariff or the contract implementing the tariff, then the customer will be immediately billed on the LPS rate schedule, or as amended, from the date service was first commenced under this tariff. The difference, plus interest at one percent (1%) per month, or the maximum allowable legal interest rate, whichever is less, from the date service was first commenced under this tariff, shall immediately become due by customer to the City of Austin.

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

CITY OF AUSTIN  
ELECTRIC RATE SCHEDULE  
LARGE PRIMARY SERVICE SPECIAL CONTRACT – INDUSTRIAL RIDER [(CLOSED)]

Application:

This rate applies to electric service to any customer that qualifies for service and ~~has~~-executed a contract under the Large Primary Service – Special Contract Rider I or II and thereafter has (1) reached a billing demand of at least 25,000 kilowatts during any two months within the previous six months, ~~and~~-(2) maintained an average load factor of at least 85% during the previous six months [and (3) received service under this rider before May 24, 2012. This rate is unavailable to customers that did not receive service under this rider before May 24, 2012]. Any action by the customer resulting in measurable reduction in peak demand or energy use may be taken into account by the City, in its sole discretion, when applying the demand and load factor requirements of this tariff. The City will also take into account up to 20 kilowatts of power generated by customer-owned, on-site renewable energy technology in accordance with the Distributed Generation from Renewable Sources Rider, when applying the demand requirement of this tariff.

The customer shall continue to receive service under the Large Primary Service – Special Contract Rider I or II tariff, as applicable, and comply with the terms of its Large Primary Service Special Contract; provided, that customer at its option shall receive the energy and billing demand rates specified by this Rider for accounts which meet criteria (1) and (2) above, so long as this Rider remains in effect.

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

Monthly Rate:

Rate (E):	Winter Billing Months of November through April	Summer Billing Months of May through October
Energy Rate	1.08¢ per kWh, for all kWh	1.08¢ per kWh, for all kWh
Demand Rate (ELD)	\$11.12 per kW	\$12.23 per kW

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

Optional Time-Of-Use Rate:

	Winter Billing Months of November through April	Summer Billing Months of May through October
Energy Rate		
On-Peak	1.67¢ per kWh	2.35¢ per kWh
Off-Peak	(.30)¢ per kWh	.55¢ per kWh
Demand Rate		
On-Peak	\$11.12 per kW	\$12.23 per kW

Off-Peak

\$0.00 per kW

\$0.00 per kW

Billed demand will be based on the fifteen-minute interval of greatest use during an On-Peak period for the current billing month. All other adjustments will be included as described above (See Billing Demand).

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

On-Peak: 1:00 p.m. to 9:00 p.m., Monday through Friday; May 1 through October 31. 8:00 a.m. to 10:00 p.m., Monday through Sunday; November 1 through April 30.

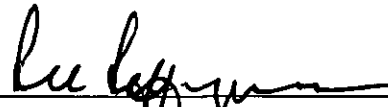
Off-Peak: 9:00 p.m. to 1:00 p.m., Monday through Friday; all day Saturday, Sunday, Memorial Day, Independence Day, and Labor Day; May 1 through October 31. 10:00 p.m. to 8:00 a.m. Monday through Sunday; November 1 through April 30.

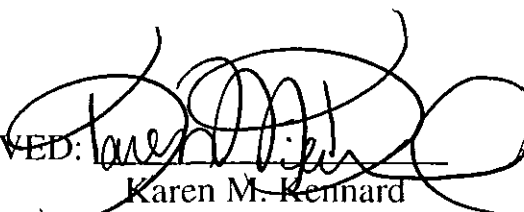
**PART 2.** This ordinance takes effect on June 4, 2012.

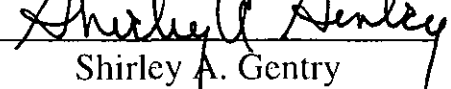
**PASSED AND APPROVED**

\_\_\_\_\_, May 24, 2012

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Lee Leffingwell  
Mayor

APPROVED:   
\_\_\_\_\_  
Karen M. Kennard  
City Attorney

ATTEST:   
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Shirley A. Gentry  
City Clerk