

ORDINANCE NO. 1130 E

AN ORDINANCE AMENDING "SCHEDULE NM" FOR NET METERING PURPOSES

WHEREAS, pursuant to C.R.S. §40-2-124, the City shall allow a customer-generator's retail electricity consumption to be offset by the electricity generated from eligible energy resources on the customer-generator's side of the meter that are interconnected with the facilities of the municipally owned utility; and,

WHEREAS, Electric Tariff Number 3 sheet 38-39 provides for excess generated energy credits to be carried over from month to month; and,

WHEREAS, the implementation of updated utility billing software does not allow for these credits to be carried over from month to month; and,

WHEREAS, Article VII, Sec. 3 of the *Charter of the City of Fort Morgan* gives City Council the "power by ordinance to fix and regulate rates, fares and charges for service by public utility corporations . . ."; and,

WHEREAS, all tariff changes must be adopted by ordinance; and,

WHEREAS, pursuant to C.R.S. §40-3.5-104 and the City's adopted tariff sheets, notice of this new rate schedule was given by the municipality at least 30 days prior to a Public Hearing held on the 6th day of November, 2012, at 6:00 p.m. at Historic City Hall located at 110 Main Street, Fort Morgan, CO 80701; and,

WHEREAS, the amended "Second Revised" Sheet Nos. 38 and 39 shall be incorporated as revised into the published tariff of electric rates of the City of Fort Morgan, Colorado;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE ELECTRICITY DISTRIBUTION ENTERPRISE OF THE CITY OF FORT MORGAN, COLORADO, THAT:

Section 1. Effective November 1, 2012, for all utility bills generated pursuant to Schedule NM on or after such date, the City hereby amends the NM Rate Schedule in the Rate Schedule for the Electric Supply Charge by the City of Fort Morgan to Residential, Commercial, and Municipal Customers, "Second Revised" Sheet Nos. 38 and 39, to no longer permit carryover of accrued generated energy credits from month to month, but instead require accrued generated energy credits to be paid/credited on a monthly basis.

Section 2. Repeal. All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or

prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the effective date of this Ordinance.

Section 3. Validity. If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

Section 4. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof.

Section 5. Certification. The City Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 6. Severability. In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

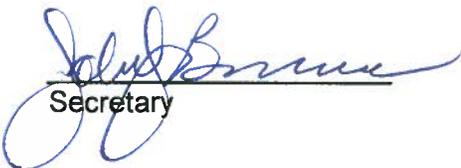
READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 2nd day of October, 2012.

THE BOARD OF DIRECTORS OF THE
ELECTRICITY DISTRIBUTION ENTERPRISE OF
THE CITY OF FORT MORGAN, COLORADO




By: Terry McAlister
President

ATTEST:


Secretary

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED the 6th day of November, 2012.



THE BOARD OF DIRECTORS OF THE ELECTRICITY DISTRIBUTION ENTERPRISE OF THE CITY OF FORT MORGAN, COLORADO


By: Terry McAlister
President

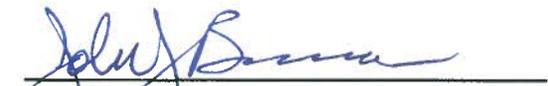
ATTEST:


Secretary

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, the duly appointed, qualified and acting Secretary of the City of Fort Morgan, Colorado, Electricity Distribution Enterprise, do hereby certify and attest that the foregoing **ORDINANCE NO. 1130** was, as a proposed Ordinance duly and legally presented to the Board of Directors of the Enterprise at a regular meeting of the Fort Morgan City Council on the 2nd day of October, 2012. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 6th day of October, 2012, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed Ordinance was again taken up and read a second time, duly and legally passed, approved and adopted by the Board of Directors of the Enterprise at a regular meeting of the City Council held on the 6th day of November, 2012. Within five (5) days after its final passage, said Ordinance was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.


City Clerk

Net Metering

Rate Credit Schedule NM

1.0 Availability

Available in the territory served by the Electric Department of the City of Fort Morgan at locations acceptable to the City.

2.0 Applicability

Service under this rate schedule will be provided to Customers, whose electric service is supplied by the Electric Department under the applicable Residential, Commercial or Industrial Service rate schedule that install an eligible System and execute an Interconnection Agreement to participate in the Program. The Program is available to Customers who own, operate, and maintain a photovoltaic generation system, as defined in the Agreement, or other renewable energy systems as approved by the Electric Department of the City of Fort Morgan in parallel with the Electric Department's electric system in accordance with that Agreement. Other forms of Renewable Energy as defined in § 40-2-124, et seq., C.R.S., may be considered under this rate schedule. The photovoltaic generation system or other approved System will be limited to a maximum design capacity of ten (10) kW alternation current (AC) for Residential Customers and twenty-five (25) kW AC for Commercial and Industrial Customers. Systems with a design capacity in excess of the foregoing design capacity limits are not eligible for this rate schedule.

3.0 Rate

"Net Metering" is, for billing purposes, the net consumption as measured at the Electric Department's service meter, such that the renewable energy production need not be separately measured by the service meter other than for informational purposes. In the event net metering is negative such that the System production is greater than the Customer's consumption in any month, the Electric Department will apply excess generation credits to the current month's statement or will otherwise be paid to the Customer in full.

Any excess generation credits accrued will be credited to the Customer's account based on the average wholesale cost of one (1) kWh as set, from time to time, by City Council. The current wholesale rate is as follows:

Per kWh.....\$0.0361

/s/ John Brennan

Signature of Issuing Officer

City Clerk

Issue Date November 6, 2012

Effective Date November 1, 2012

Net Metering**4.0 Monthly Rate**

All electric power and energy delivered to the Customer under this rate schedule will be received and paid for by the Customer at the applicable Residential, Commercial or Industrial Service rate schedule. All applicable Consumer, Demand and Flat Monthly Rate charges will apply and any excess generation credit(s) accrued will not be applied to said balances.

5.0 Terms and Conditions

All service under this Rate Schedule shall be subject to the General Terms and Conditions as contained in this tariff.

/s/ John Brennan

Signature of Issuing Officer
City Clerk

Issue Date November 6, 2012Effective Date November 1, 2012