

ORDINANCE NO. 1078-09-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, AMENDING ARTICLE 13.05, "ELECTRICITY" OF THE CITY OF HONDO CODE OF ORDINANCES, BY REPEALING SECTIONS 13.05.001-13.05.043 AND REPLACING WITH AMENDED SECTIONS SET FORTH HEREIN; AND REPEALING ORDINANCES NOS. 933-05-10, 997-09-13 AND THE RATE SCHEDULE IN APPENDIX A, SECTION A13.076, "RATES" IN ITS ENTIRETY.

WHEREAS, in order to have more comprehensive and well-defined regulations of electrical services set forth in the City's Electricity Ordinance, the City Council of the City of Hondo, has determined that Sections 13.05.001-13.05.043 of Article 13.05, "Electricity" of the City's Code of Ordinances (as codified in 1995 Code, Sec. 11.1600 et. seq) should be repealed and replaced with the amended sections set forth in this Ordinance No. 1078-09-15, which includes a reduction in rate classes from 13 to 6, streamlines grouping of customers by demand, establishes rates that work towards meeting the City's cost of service, improves recovery of fixed costs, and establishes base rate charges.

WHEREAS, in accord with the comprehensive change to the Electricity Ordinance, the City Council of the City of Hondo has determined that electrical rates should be specified and located in this Ordinance 1078-09-15, instead of listed by reference in Appendix A and therefore, repealing Ordinance No. 933-05-10; Ordinance No. 997-09-13; and Section A13.076, "Rates" in Appendix A are necessary.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS:

Section 1. That the Sections 13.05.001-13.05.043 of Article 13.05 "Electricity" of the City of Hondo Code of Ordinances are hereby repealed. All previous Ordinances in conflict with this Ordinance 1078-09-15, be and the same are hereby repealed to the extent of said conflict.

Section 2. ARTICLE 13.05 "ELECTRICITY" of The City of Hondo Code of Ordinances is amended in its entirety as follows:

ARTICLE 13.05 ELECTRICITY

Sec. 13.05.001 - Application for service; payment-guaranty deposit.

(a) No application for electric service furnished by the city shall be considered unless made by the owner of the property to be served on his own responsibility or by a tenant when accompanied by a deposit sufficient to ensure prompt payment of any account which might be rendered for services and inspection fees, such deposit to be sufficient to cover the first month's bill, which payment is a payment-guarantee deposit. This payment-guarantee deposit may be waived if, in the discretion of the city manager, no deposit is required. After a consumer, who has made the payment-guarantee deposit provided for in this subsection, has utilized electric service for a period of three years, and has not been disconnected for nonpayment during that period, the deposit shall be refunded three years from the date of application for service. The payment-guarantee deposit may be returned before three years of electric service if the city manager determines that the payment-guarantee deposit is no longer necessary to ensure payment of the customer's bill.

(b) If a customer can provide a letter of credit for a period over one year from another utility company, no deposit will be required. If a customer who presented a letter of credit has his services terminated for nonpayment, he may be required to provide a deposit. If a customer has more than one dwelling and has established credit, any additional dwelling may not require a deposit.

(c) Whenever a tenant makes an application for electrical service, he may, in lieu of the cash deposit set

forth in Subsection (a) of this section, deposit a bond as identified in Appendix A, payable to the city, indemnifying and guaranteeing the city for the amount of any accrued and unpaid accounts of such applicant, to be executed by such applicant and two good and sufficient sureties approved by the mayor or by a corporation authorized under the laws of the state to issue and execute guaranty and indemnity bonds. Such bond shall be conditioned that the applicant shall well and truly pay his account rendered when due in conformity with the ordinances of the city.

Sec. 13.05.002 - Electric service charges to customers.

(a) All customers for electric service to be furnished by the city will pay a service charge to the city for the installation by the city of the electric meter and the associated elements necessary to supply the energy required by the customer.

(b) Standard installation charges shall be as established by the city council and set forth in Appendix A to this Code for the following service types, and these charges shall be paid in full prior to any work by the city electric department:

- (1) Connection or reconnection only (minimum charge).
- (2) New single phase service, 100 amp.
- (3) New single phase service, 200 amp.

(c) For all other service installations, the service charge will be based on the electrical components required for the electric service to be installed. If a transformer is required, the fee will be based on the cost of the required transformer. Fees shall be established by the city council and set forth in Appendix A. The transformer costs are subject to budget appropriation. Fees will be reviewed by city staff on a calendar basis. If existing service requires an increase in transformer size and/or additional materials, a credit will not be given for the existing transformer or materials. If work by the city electric department to install an electric service is required outside of normal working hours, charges for overtime labor will also apply

Sec. 13.05.003 - Rates prescribed.

(a) *Generally.* The rates for electric power furnished by the city to its consumers shall be as provided in this section.

(b) ***Residential service***

(1) *Availability.* The residential service rate is available in the electric service area of the city, under standards, terms, and policies prescribed by the city.

(2) *Applicability.*

a. This rate is applicable to all alternating current service, to individually metered residential dwellings receiving electric service through a permanent meter installation.

b. This rate is not applicable to service for resale, for service for hotels, rooming houses, boardinghouses, motels, dormitories, apartments, duplexes metered through one meter or to premises used for other than residential purposes.

c. When a portion of a residence served through one meter is used for nonresidential services, this rate is not applicable. However, if the wiring is so arranged that the service for residential purposes and nonresidential purposes are separately metered, this rate is applicable to the service supplied for residential purposes.

d. This rate is not applicable where another source of energy is used for the same purpose or an equivalent purpose as the energy furnished directly by the city, except that such other

source of energy may be used during temporary failure of the city.

(3) *Type of service.* The service available under this schedule is single-phase, 60 hertz, alternating current service at available secondary voltages. Three-phase service may be available at the discretion of the city.

(4) *Base rate charges.* Each customer receiving electric service under this rate classification shall be billed for the following base rate charges as established by the city council and in Appendix A to this Code:

- a. Customer charge, per meter. \$15.00
- b. Energy charge, per kWh, for all kWh. \$0.1137

(5) *Minimum bill.* The minimum monthly bill shall be the highest of the following:

- a. The customer charge.
- b. The minimum monthly charge as established in accordance with the line and service extension policy.

(6) *Billing adjustment.*

- a. In addition to the base rate charges and power cost recovery charges, the customer shall be billed for all taxes, road use fees, franchise fees, or taxes applicable to the sale of electricity.

(7) *Senior citizen discount.*

- a. The senior citizen discount shall be equal to a 10 percent reduction on the customer charge and a 10 percent reduction on the energy charge.
- b. To be eligible for the senior citizen discount, the account holder must be able to demonstrate, according to the standards, terms, and policies of the city, that they are 65 years of age or older.

(8) *Extra-territorial jurisdiction rate.*

- a. The Extra-Territorial Jurisdiction (ETJ) rate shall be equal to two times the customer charge plus the energy charge, per kWh, for all kWh.
- b. Customers will be placed on the ETJ rate when the service address for the account is outside the city limits but within the Public Utility Commission of Texas defined service territory for the electric utility.

(9) *Conditions of service.*

- a. The service to the customer shall be subject to the rules, regulations, and policies of the city.
- b. The customer's electric wiring facilities shall conform to the National Electrical Safety Code or to city, state and local codes and ordinances if more stringent than the National Electrical Safety Code.
- c. The customer shall not resell or share electric service with others.
- d. If the city should at any time become subject to the jurisdiction of any governmental body, this subsection shall be subject to such changes or modifications as may be ordered or required by such body.

- e. Special conditions of service shall be covered in an agreement for electric service.

(10) *Payment extensions*

- a. A customer unable to present the balance due in an account within twenty-five (25) days may apply for an extension to avoid service interruption. The customer shall demonstrate, by application to the city that an unusual financial condition exists to necessitate such an extension. An extension that is granted shall automatically become a payment agreement. An application for extension shall be accompanied by twenty percent (20%) of the amount of the bill and shall include the ten-percent (10%) late penalty.
- b. An approved extension agreement shall allow 10 days for the customer to present the account balance in full. No extension shall be granted after 5:00 p.m. on the business day preceding the scheduled date for disconnect orders to be issued, and no further extensions shall be granted during the same billing cycle. Failure to comply with an extension agreement shall cause service interruption to the address on the account, and the customer shall be subject to all methods and fees relevant to disconnects for failure to pay.
- c. Customers shall be allowed two extensions per calendar year, subject to the considerations outlined in this section. The city complies with the public utility commission rules and regulations concerning disconnects for customers on life support systems.

(11) *Terms of payment.* The rates listed in this subsection are net, payable 15 days after being rendered. The gross rates are ten percent higher than the net rates listed. If the current monthly bill is not paid and received at City Hall within 15 days after being rendered, the gross rates shall apply.

(12) *Administrative fee due to late payment.* The failure to pay all bills for electric energy furnished to any customer within the time stipulated for such payment shall be deemed notice for the discontinuance of electric service, and electricity shall be cut off and shall not be cut on again until all bills, including penalties, are paid in full, together with an appropriate administrative fee as established by the city council and set forth in Appendix A to this Code for regular hours reconnection or for after-hours reconnection, plus any applicable deposit fee. The electric service shall be discontinued as to all uses therefor for those customers who fail to pay for the charges as provided in this subsection within 10 days after the date stipulated for such payment.

(13) *Connection fee.* An appropriate fee as established by the city council and set forth in Appendix A to this Code shall be assessed for all new service connections or when services are transferred to a new location. The fee shall be sufficient to cover the cost of making the service connection or transfer.

(c) *Small commercial service*

(1) *Availability.* The small commercial service rate is available in the electric service area of the city under standards, terms and policies prescribed by the city.

(2) *Applicability.*

- a. This rate is applicable to all nonresidential customers and multiple-dwelling unit residential customers billed through one meter whose peak demand does not exceed 25 kW. Service will be furnished under this rate schedule subject to the established rules and regulations of the city covering this type of service.
- b. This rate is not applicable where another source of energy is used for the same purpose or an equivalent purpose as the energy furnished directly by the city except that such other source of energy may be used during temporary failure of the City.

(3) *Type of service.* The service available under this schedule is 60 hertz, alternating current service. Available secondary voltages are single-phase, 120/240 volts, or three-phase 120/240 volts,

120/208 volts, 240/480 volts or 277/480 volts as available at the point of service and at the discretion of the City. Three-phase customers served through underground primary and pad-mounted transformers shall receive service at 120/208 volts or 277/480 volts.

(4) *Base rate charges.* Each customer receiving electric service under this rate classification shall be billed for the following base rate charges as established by the city council and in Appendix A to this Code:

- a. Customer charge, per meter. \$30.00
- b. Energy charge, per kWh, for all kWh. \$0.1267

(5) *Peak demand.* Demand meters may be installed on any small commercial customer at the discretion of the city electric department if:

- a. The installed load would indicate that peak demands over 25 kW might be experienced; or
- b. The monthly energy consumption load exceeds 10,000 kWh. A customer on this schedule whose peak demand exceeds 25 kW during any 12-month period shall be billed under the schedule for large power commercial customers for the next 12-month period beginning with the current month.

(6) *Minimum bill.* The minimum bill shall be the highest of the following:

- a. The customer charge.
- b. The minimum monthly charge as established in accordance with the line and service extension policy.

(7) *Billing adjustment.*

- a. In addition to the base rate charges and power cost recovery charges, the customer shall be billed for all taxes, road use fees, franchise fees, or taxes applicable to the sale of electricity.

(8) *Extra-territorial jurisdiction rate.*

- a. The Extra-Territorial Jurisdiction (ETJ) rate shall be equal to two times the customer charge plus the energy charge, per kWh, for all kWh.
- b. Customers will be placed on the ETJ rate when the service address for the account is outside the city limits but within the Public Utility Commission of Texas defined service territory for the electric utility.

(9) *Conditions of service.*

- a. The service to the customer shall be subject to the rules, regulations, and policies of the city.
- b. The customer's electric wiring facilities shall conform to the National Electrical Safety Code or to city, state and local codes and ordinances if more stringent than the National Electrical Safety Code.
- c. The customer shall not resell nor share electric service with others.
- d. If the city should at any time become subject to the jurisdiction of any governmental body, this subsection shall be subject to such changes or modifications as may be ordered by such body.

e. Special conditions of service shall be covered in an agreement for electric service.

(10) *Terms of payment.* The rates listed in this subsection are net, payable 15 days after being rendered. The gross rates are ten percent higher than the net rates listed. If the current monthly bill is not paid and received at city hall within 15 days after being rendered, the gross rates shall apply.

(11) *Administrative fee due to late payment.* The failure to pay all bills for electric energy furnished to any customer within the time stipulated for such payment shall be deemed notice for the discontinuance of electric service, and electricity shall be cut off and shall not be cut on again until all bills, including penalties, are paid in full, together with an appropriate administrative fee as established by the city council and set forth in Appendix A to this Code for regular hours reconnection or for after-hours reconnection, plus any applicable deposit fee. The electric service shall be discontinued as to all uses therefor for those customers who fail to pay for the charges as provided in this subsection within 10 days after the date stipulated for such payment.

(d) ***Medium commercial service***

(1) *Availability.* This rate is available in the electric service area in the city under standards, terms and policies prescribed by the city.

(2) *Applicability.*

a. This rate is applicable to all commercial and industrial customers whose service is taken through one meter at one point of delivery and where the peak demand is greater than 25 kW and less than 100 kW.

b. This rate is not applicable where another source of energy is used for the same purpose or an equivalent purpose as the energy furnished directly by the city, except that such other source of energy may be used during temporary failure of the city.

(3) *Type of service.* The type of service available under this rate is 60 hertz alternating current service. Available secondary voltages are single-phase, 120/240 volts, or three-phase 120/240 volts, 120/208 volts, 240/480 volts, 277/480 volts. Volts of 2400/4160 may also be utilized if available at the point of service and at the discretion of the city. Primary service of 7200/12470 volts may also be available. Three-phase customers served through underground primary and pad-mounted transformers shall receive service at 120/208 volts or 277/480 volts.

(4) *Base rate charges.* Each customer receiving electric service under this rate classification shall be billed for the following base rate charges as established by the city council and in Appendix A to this Code:

a. Customer charge, per meter.	\$60.00
b. Demand charge, per kW, for all peak demand.	\$4.25
c. Energy charge, per kWh, for all kWh.	\$0.1237

(5) *Peak demand.* The peak demand shall be the maximum 15-minute measured kW in the month. If at any time a customer on this schedule receives services without a peak demand in excess of 25 kW month during any 12-month period, the schedule for small commercial service customers shall apply beginning with the first month succeeding such 12-month period. A customer on this schedule whose peak demand exceeds 100 kW for any billing period during any 12-month period shall be billed under the schedule for large commercial customers for the next 12-month period beginning with the current month.

(6) *Minimum bill.* The minimum bill shall be the customer charge plus the demand charge.

(7) *Billing adjustment.*

a. In addition to the base rate charges and power cost recovery charges, the customer shall be billed for all taxes, road uses fees, franchise fees, or taxes applicable to the sale of electricity.

(8) *Extra-territorial jurisdiction rate.*

a. The Extra-Territorial Jurisdiction (ETJ) rate shall be equal to two times the customer charge plus the energy charge, per kWh, for all kWh plus the demand charge, per kW, for all peak demand.

b. Customers will be placed on the ETJ rate when the service address for the account is outside the city limits but within the Public Utility Commission of Texas defined service territory for the electric utility.

(9) *Conditions of service.*

a. The service to the customer shall be subject to the rules, regulations, and policies of the city.

b. The customer's electric wiring facilities shall conform to the National Electrical Safety Code or to city, state and local codes and ordinances if more stringent than the National Electrical Safety Code.

c. The customer shall not resell or share electric service with others.

d. If the city should at any time become subject to the jurisdiction of any governmental body, this subsection shall be subject to such changes or modifications as may be ordered or required by such body.

e. Special conditions of service shall be covered in an agreement for electric service.

(10) *Terms of payment.* The rates listed in this subsection are net, payable 15 days after being rendered. The gross rates are ten percent higher than the net rates listed. If the current monthly bill is not paid and received at city hall within 15 days after being rendered, the gross rates shall apply.

(11) *Administrative fee due to late payment.* The failure to pay all bills for electric energy furnished to any customer within the time stipulated for such payment shall be deemed notice for the discontinuance of electric service, and electricity shall be cut off and shall not be cut on again until all bills, including penalties, are paid in full, together with an appropriate administrative fee as established by the city council and set forth in Appendix A to this Code for regular hours reconnection or for after-hours reconnection, plus any applicable deposit fee. The electric service shall be discontinued as to all uses therefor for those customers who fail to pay for the charges as provided in this subsection within 10 days after the date stipulated for such payment.

(12) *Power factor.* A power factor charge may be applied to customers whose power factor is less than 97 percent lagging, as determined by the appropriate metering or calculation of the customer's power factor. If the power factor is determined to be less than 97 percent lagging, the power factor charge for the corresponding billing period shall be calculated by adjusting the billed demand to achieve 97 percent power factor. Metering devices necessary for measuring a customer's power factor may be installed at the discretion of the city without notice.

(e) *Large commercial service*

(1) *Availability.* This rate is available in the electric service area of the city under standards, terms and policies prescribed by the city.

(2) *Applicability.*

- a. This rate is applicable to all commercial and industrial customers whose service is taken through one meter at one point of delivery and where the peak demand is greater than 100 kW and less than or equal to 1,000 kW.
- b. This rate is not applicable where another source of energy is used for the same purpose or an equivalent purpose as the energy furnished directly by the city, except that such other source of energy may be used during temporary failure of the city.

(3) *Type of service.* The type of service available under this rate is 60 hertz alternating current service. Available secondary voltages are single-phase, 120/240 volts, or three-phase 120/240 volts, 120/208 volts, 240/480 volts, 277/480 volts. Volts of 2400/4160 may also be utilized if available at the point of service and at the discretion of the city. Primary service of 7200/12470 volts may also be available. Three-phase customers served through underground primary and pad-mounted transformers shall receive service at 120/208 volts or 277/480 volts.

(4) *Base rate charges.* Each customer receiving electric service under this rate classification shall be billed for the following base rate charges as established by the city council and in Appendix A to this Code:

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|--|----------|
| a. Customer charge, per meter. | \$400.00 |
| b. Demand charge, per kW, for all peak demand. | \$4.50 |
| c. Energy charge, per kWh, for all kWh. | \$0.1137 |

(5) *Peak demand.* The peak demand shall be the maximum 15-minute measured kW in the month. If at any time a customer on this schedule receives services without a peak demand in excess of 100 kW month during any 12-month period, the schedule for medium commercial service customers shall apply beginning with the first month succeeding such 12-month period. A customer on this schedule whose peak demand exceeds 1,000 kW for any billing period during any 12-month period shall be billed under the schedule for industrial customers for the next 12-month period beginning with the current month.

(6) *Minimum bill.* The minimum bill shall be the customer charge plus the demand charge.

(7) *Billing adjustment.*

- a. In addition to the base rate charges and power cost recovery charges, the customer shall be billed for all taxes, road use fees, franchise fees, or taxes applicable to the sale of electricity.

(8) *Extra-territorial jurisdiction rate.*

- a. The Extra-Territorial Jurisdiction (ETJ) rate shall be equal to two times the customer charge plus the energy charge, per kWh, for all kWh plus the demand charge, per kW, for all peak demand.
- b. Customers will be placed on the ETJ rate when the service address for the account is outside the city limits but within the Public Utility Commission of Texas defined service territory for the electric utility.

(9) *Conditions of service.*

- a. The services to the customer shall be subject to the rules, regulations, and policies of the city.
- b. The customer's electric wiring facilities shall conform to the National Electrical Safety Code or to city, state and local codes and ordinances, if more stringent than the National

Electrical Safety Code.

- c. The customer shall not resell or share electric service with others.
- d. If the city should at any time become subject to the jurisdiction of any governmental body, this subsection shall be subject to such changes or modifications as may be ordered or required by such body.
- e. Special conditions of service shall be covered in an agreement for electric service.

(10) *Terms of payment.* The rates listed in this subsection are net, payable 15 days after being rendered. The gross rates are ten percent higher than the net rates listed. If the current monthly bill is not paid and received at city hall within 15 days after being rendered, the gross rates shall apply.

(11) *Administrative fee due to late payment.* The failure to pay all bills for electric energy furnished to any customer within the time stipulated for such payment shall be deemed notice for the discontinuance of electric service, and electricity shall be cut off and shall not be cut on again until all bills, including penalties, are paid in full, together with an appropriate administrative fee as established by the city council and set forth in Appendix A to this Code for regular hours reconnection or for after-hours reconnection, plus any applicable deposit fee. The electric service shall be discontinued as to all uses therefor for those customers who fail to pay for the charges as provided in this subsection within 10 days after the date stipulated for such payment.

(12) *Power factor.* A power factor charge may be applied to customers whose power factor is less than 97 percent lagging, as determined by the appropriate metering or calculation of the customer's power factor. If the power factor is determined to be less than 97 percent lagging, the power factor charge for the corresponding billing period shall be calculated by adjusting the billed demand to achieve 97 percent power factor. Metering devices necessary for measuring a customer's power factor may be installed at the discretion of the city without notice. Metering devices necessary to measure a customer's power factor may be installed at the discretion of the city without notice.

(f) ***Industrial service***

(1) *Availability.* This rate is available in the electric service area of the city under standards, terms and policies prescribed by the city.

(2) *Applicability.*

a. This rate is applicable to all commercial and industrial customers whose service is taken through one meter at one point of delivery and where the peak demand is greater than 1,000 kW.

b. This rate is not applicable where another source of energy is used for the same purpose or an equivalent purpose as the energy furnished directly by the city, except that such other source of energy may be used during temporary failure of the city.

(3) *Type of service.* The type of service available under this rate is 60 hertz alternating current service. Available secondary voltages are single-phase, 120/240 volts, or three-phase 120/240 volts, 120/208 volts, 240/480 volts, 277/480 volts. Volts of 2400/4160 may also be utilized if available at the point of service and at the discretion of the city. Primary service of 7200/12470 volts may also be available. Three-phase customers served through underground primary and pad-mounted transformers shall receive service at 120/208 volts or 277/480 volts.

(4) *Base rate charges.* Each customer receiving electric service under this rate classification shall be billed for the following base rate charges as established by the city council and in Appendix A to this Code:

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|----|---|-----------|
| a. | Customer charge, per meter. | \$1000.00 |
| b. | Demand charge, per kW, for all peak demand. | \$5.00 |
| c. | Energy charge, per kWh, for all kWh. | \$0.1007 |

(5) *Peak demand.* The peak demand shall be the maximum 15-minute measured kW in the month. If at any time a customer on this schedule receives service without a peak demand in excess of 1,000 kW for any month during any 12-month period, the schedule for large commercial customers shall apply beginning with the first month succeeding such 12-month period.

(6) *Minimum bill.* The minimum bill shall be the customer charge plus the demand charge.

(7) *Billing adjustment.*

- a. In addition to the base rate charges and power cost recovery charges, the customer shall be billed for all taxes, road use fees, franchise fees, or taxes applicable to the sale of electricity.

(8) *Extra-territorial jurisdiction rate.*

- a. The Extra-Territorial Jurisdiction (ETJ) rate shall be equal to two times the customer charge plus the energy charge, per kWh, for all kWh plus the demand charge, per kW, for all peak demand.
- b. Customers will be placed on the ETJ rate when the service address for the account is outside the city limits but within the Public Utility Commission of Texas defined service territory for the electric utility.

(9) *Conditions of service.*

- a. The services to the customer shall be subject to the rules, regulations, and policies of the city.
- b. The customer's electric wiring facilities shall conform to the National Electrical Safety Code or to city, state and local codes and ordinances, if more stringent than the National Electrical Safety Code.
- c. The customer shall not resell or share electric service with others.
- d. If the city should at any time become subject to the jurisdiction of any governmental body, this subsection shall be subject to such changes or modifications as may be ordered or required by such body.
- e. Special conditions of service shall be covered in an agreement for electric service.

(10) *Terms of payment.* The rates listed in this subsection are net, payable 15 days after being rendered. The gross rates are ten percent higher than the net rates listed. If the current monthly bill is not paid and received at city hall within 15 days after being rendered, the gross rates shall apply.

(11) *Administrative fee due to late payment.* The failure to pay all bills for electric energy furnished to any customer within the time stipulated for such payment shall be deemed notice for the discontinuance of electric service, and electricity shall be cut off and shall not be cut on again until all bills, including penalties, are paid in full, together with an appropriate administrative fee as established by the city council and set forth in Appendix A to this Code for regular hours reconnection or for after-hours reconnection, plus any applicable deposit fee. The electric service shall be discontinued as to all uses therefor for those customers who fail to pay for the charges as provided in this subsection within 10 days after the date stipulated for such payment.

(12) *Power factor.* A power factor charge may be applied to customers whose power factor is less than 97 percent lagging, as determined by the appropriate metering or calculation of the customer's power factor. If the power factor is determined to be less than 97 percent lagging, the power factor charge for the corresponding billing period shall be calculated by adjusting the billed demand to achieve 97 percent power factor. Metering devices necessary for measuring a customer's power factor may be installed at the discretion of the city without notice. Metering devices necessary to measure a customer's power factor may be installed at the discretion of the city without notice.

(g) *Pump irrigation service*

(1) *Availability.* The pump irrigation service rate is available in the electric service area of the city under standards, terms and policies prescribed by the city.

(2) *Applicability.*

a. This rate is applicable to all customers where the primary use on the account is for irrigation for agricultural purposes. Service will be furnished under this rate schedule subject to the established rules and regulations of the city covering this type of service.

b. This rate is not applicable where another source of energy is used for the same purpose or an equivalent purpose as the energy furnished directly by the city except that such other source of energy may be used during temporary failure of the City.

(3) *Type of service.* The service available under this schedule is 60 hertz, alternating current service. Available secondary voltages are single-phase, 120/240 volts, or three-phase 120/240 volts, 120/208 volts, 240/480 volts or 277/480 volts as available at the point of service and at the discretion of the City. Three-phase customers served through underground primary and pad-mounted transformers shall receive service at 120/208 volts or 277/480 volts.

(4) *Base rate charges.* Each customer receiving electric service under this rate classification shall be billed for the following base rate charges as established by the city council and in Appendix A to this Code:

a. Customer charge, per meter.	\$50.00
b. Demand charge, per kW, for all peak demand.	\$3.00
c. Energy charge, per kWh, for all kWh.	\$0.0967

(5) *Peak demand.* The peak demand shall be the maximum 15-minute measured kW in the month.

(6) *Minimum bill.* The minimum bill shall be the highest of the following:

a. The customer charge.

b. The minimum monthly charge as established in accordance with the line and service extension policy.

(7) *Billing adjustment.*

a. In addition to the base rate charges and power cost recovery charges, the customer shall be billed for all taxes, road use fees, franchise fees, or taxes applicable to the sale of electricity.

(8) *Extra-territorial jurisdiction rate.*

a. The Extra-Territorial Jurisdiction (ETJ) rate shall be equal to two times the customer charge plus the energy charge, per kWh, for all kWh plus the demand charge, per kW, for all peak demand.

b. Customers will be placed on the ETJ rate when the service address for the account is outside the city limits but within the Public Utility Commission of Texas defined service territory for the electric utility.

(9) *Conditions of service.*

a. The service to the customer shall be subject to the rules, regulations, and policies of the city.

b. The customer's electric wiring facilities shall conform to the National Electrical Safety Code or to city, state and local codes and ordinances if more stringent than the National Electrical Safety Code.

c. The customer shall not resell nor share electric service with others.

d. If the city should at any time become subject to the jurisdiction of any governmental body, this subsection shall be subject to such changes or modifications as may be ordered by such body.

e. Special conditions of service shall be covered in an agreement for electric service.

(10) *Terms of payment.* The rates listed in this subsection are net, payable 15 days after being rendered. The gross rates are ten percent higher than the net rates listed. If the current monthly bill is not paid and received at city hall within 15 days after being rendered, the gross rates shall apply.

(11) *Administrative fee due to late payment.* The failure to pay all bills for electric energy furnished to any customer within the time stipulated for such payment shall be deemed notice for the discontinuance of electric service, and electricity shall be cut off and shall not be cut on again until all bills, including penalties, are paid in full, together with an appropriate administrative fee as established by the city council and set forth in Appendix A to this Code for regular hours reconnection or for after-hours reconnection, plus any applicable deposit fee. The electric service shall be discontinued as to all uses therefor for those customers who fail to pay for the charges as provided in this subsection within 10 days after the date stipulated for such payment.

Sec. Sec. 13.05.004 - Changing rates; rebates and refunds prohibited.

The rates in this division cannot be changed, altered or varied except by city council action. No officer, agent or employee of the city or its electric department shall have authority to give, grant or permit any changes, variations, rebates or refunds on bills for electric energy supplied.

Sec. 13.05.005 - Penalty

Any person, firm, partnership, association of persons or corporation, or any agent or employee thereof, who shall violate any of the rules, regulations or provisions of this division, or any part hereof, by any act, either of commission or omission, or cause the same to be done, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty provision found in section 1.01.009 of this code for each violation. Each violation of each part or any part of this division shall be and constitutes a separate offense, and, where such violation is a continued act, each day such violation is continued, or permitted to continue, shall be and constitutes a separate offense and shall be punished accordingly.

Sec. 13.05.006 - Meter testing charges.

Customers who question the accuracy of their electric meter may request that a test be made of the meter to determine its accuracy. To perform the test, the city shall require in advance an appropriate deposit as established by the city council and set forth in Appendix A to this Code to cover the cost to the city of the test. If the test results show that the meter is within accepted accuracy limits, the city shall retain the deposit.

If the test results show that the meter is not within accepted accuracy limits, the city shall refund the deposit to the customer.

Sec. 13.05.006 - Amount of charge when meter is out of order.

Whenever an electric meter is found to be out of order or not registering correctly, the charge or bill for that particular billing period shall be based on the average daily consumption when the meter was working correctly.

Sec. 13.05.007 – Pole Disconnect Fee, Illegal Reconnection of Service, and Tampering with meters.

Any person who tampers with electric meters by breaking the seal thereon, or attaching wire, or other device which would permit the flow of unmetered or unauthorized electricity to the benefit of the premises where said meters are located, or to any person, shall be assessed a fee set forth in Appendix A and shall also subject to the penalty provisions set forth in Sec. 13.05.005 herein.

Sec. 13.05.008 – Partial Payments.

Partial payments shall not be accepted. Charges for electric services are included with the billing for water, wastewater and garbage services, also provided by the city, and such charges are due and payable concurrently. Payment for electric usage only would be considered a partial payment and shall not be accepted as such.

Section 3. Ordinance No. 933-05-10; Ordinance No. 997-09-13 and the Rate Schedule in Appendix A of the Hondo Code of Ordinances, Section A13.076, “Rates” are hereby repealed in their entirety.

Section 4. The electric service base rate change shall be applied to the November 2015 billing cycle for the billing period beginning October 8, 2015.

Section 5. This ordinance shall take effect on September 28, 2015.

Section 6. If for any reason any section, paragraph, subsection, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a Court of competent jurisdiction it shall not affect any other section, paragraph, subsection, clause, phrase, work or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subsection, clause, phrase, work, or provision hereof be given full force and effect for its purpose.

PASSED AND APPROVED by the City Council of the City of Hondo this 28th day of September, 2015.



JAMES W. DANNER, MAYOR

ATTEST:

Gloria Colbath, City Secretary