ORDINANCE NO. 1561

AN ORDINANCE REPEALING AND REPLACING CHAPTER 13.04 OF THE MUNICIPAL CODE OF THE CITY OF BLUFFTON, INDIANA

WHEREAS, the Common Council of the City of Bluffton has authority under the Acts of the Indiana General Assembly to make all necessary regulations for the preservation of the rights, property, health, safety and welfare of its citizens and the Council finds that the interests of the citizens of the City of Bluffton would be best served by amending, repealing, and/or replacing certain ordinances of the Municipal Code of the City of Bluffton, Indiana; and

WHEREAS, the Indiana General Assembly has repealed the utility receipts tax in HEA 1002 and requires municipalities to adjust their rates to account for the removal of this tax.

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLUFFTON, INDIANA AS FOLLOWS:

Section 1: Chapter 13.04 of the Municipal Code of Bluffton, Indiana shall be completely repealed and replaced with the Chapter 13.04 attached hereto as Exhibit A which shall be enforced as an ordinance of the City of Bluffton, Indiana.

Section 2: If any part of this Ordinance shall be found by any competent court of proper jurisdiction to be unconstitutional or otherwise unenforceable, said unenforceable provision shall be deemed severed from the remainder of the ordinance and the remaining provisions of this Ordinance shall remain in full force and effect.

Section 3: This Ordinance shall take effect and be in force upon adoption and publication as required by law.

Adopted by the Common Council of the City of Bluffton, Indiana, this 2nd day of August 2022, by the following vote:

AYES 5, to-wit:	NAYS ___, to-wit:	ABSENT ___, to-wit:

Mayor John S. Whicker, Presiding Officer

ATTEST:

Tamara D. Runyon
Tamara D. Runyon, IAMC, MMC, CPFA
City Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, at 6:30 o'clock p.m. this 2nd day of August 2022.

Tamara D. Runyon, IAMC, MMC, CPFA
City Clerk-Treasurer

Approved by me this 2ND day of August, 2022.

Mayor John S. Whicker

"Exhibit A"

13.04.010 RULES AND REGULATIONS SET BY BOARD OF PUBLIC WORKS

Rules and regulations for the use of electricity and the protection of equipment of equipment as well as the fees for non-recurring charges shall be set by the Board of Public Works.

13.04.020 EMERGENCY RULES AND REGULATIONS FOR THE CURTAILMENT OF ELECTRIC SERVICE

When an emergency exists which requires the reduction of load or curtailment of electric service, then the plan prepared by the Public Service Commission of Indiana and the Indiana Municipal Electric Association shall be used.

13.04.030 RATE RS - ELECTRIC RESIDENTIAL SERVICE AVAILABILITY

Availability. Residential Services shall be available for single phase residential service including residential lighting, residential space heating, household appliances, refrigeration and cooking appliances, water heating and small motors not exceeding three (3) horsepower individual capacity.

Character of Service. Alternating current, sixty Hertz, single phase, at a voltage of approximately 120/240 volts three wire.

Rate	
Customer Charge	$3.87 per meter per month
Energy Charge	
For the first 500 KWH	$0.062658 per
For all the KWH above 500 KWH	0.053087 per KWH
Minimum Charge	
The minimum monthly charge shall be the Customer Charge	

13.04.040 RATE CS - ELECTRIC COMMERCIAL SERVICE

Availability. Commercial Service shall be available for any light and/or power purpose with a Monthly Maximum Load of 149 kilowatts, or under. Customer must be located on or adjacent to a distribution line of the utility which is adequate and suitable for supplying the service required.

Character of Service. Alternating current, sixty Hertz, at any standard single phase and/or polyphase voltage supplied by Utility in locality for which the service is requested.

Rate	
Customer Charge:	
Single-Phase	$7.71 per meter per month

Three Phase	$9.76 per meter per month
Energy Charge	
For the first 500 KWH	$0.08266 per KWH
For the next 2000 KWH	$0.072846 per KWH
For all the KWH above 2500 KWH	$0.060353 per KWH
Minimum Charge	
The minimum monthly charge shall be the Customer Charge	

Special Terms and Conditions. A customer which has equipment installed having intermittent or violently fluctuating characteristics such as welders, cranes, etc. and which has combined input capacity in excess of 50 KVA, service will be permitted under this rate schedule, provided, however, that such service will be provided only through a separate transformer bank and with separate metering, and billed separately.

13.04.050 RATE MS ELECTRIC MUNICIPAL SERVICE

Availability. Municipal Service shall be available for any light and/or power purpose of a metered municipal customer.

Character of Service. Alternating current, sixty hertz, at a standard single phase and/or polyphase voltage supplied by Utility in the locality for which the service is requested.

Rate	
Customer Charge	$7.28 per meter per month
Energy Charge	$0.06154 per KWH for all KWH
Minimum Charge	
The minimum monthly charge shall be the Customer Charge.	

13.04.060 RATE GS ELECTRIC GENERAL SERVICE

Availability. General Service shall be available through one meter to any customer having a Maximum Load of 150 kilowatts or more. The applicant must be adjacent to the Utility's distribution line that is adequate and suitable for supplying the service requested.

Character of Service. Alternating current having a frequency of sixty Hertz, and furnished at a voltage which is standard with the Utility in the area served.

Rate	
Maximum Load Charge (monthly)	
Each kilowatt of Billing Maximum Load	$8.32 per kilowatt
Energy Charge (in addition to the Maximum Load charge)	
For all energy used per month	$0.032651 per KWH
Minimum Charge	
The minimum monthly charge shall be the Maximum Load Charge.	

Measurement of Maximum Load and Energy: Maximum Load shall be measured by suitable instruments, and, in any month, the maximum load shall be the average number of kilowatts in the 15- minute interval during which the energy metered is greater than in any other 15- minute interval in such month. For the purpose of billing, the Billing Maximum Load shall be the greater of the maximum load for the month or 150 kilowatts.

Energy shall be measured by suitable integrating instruments.

Metering Adjustment: If service is metered at a voltage of approximately 480 volts or lower, the maximum load and energy measurements shall be increased by two percent (2%) to convert such measurements to the equivalent of metering at the Utility's primary voltage.

Equipment Adjustment: When customer furnishes and maintains the complete substation equipment, including any and all transformers, and/or switches and/or the equipment necessary to take his entire service at the primary voltage of the transmission or distribution line from which service is to be received, a credit of 0.33 per kilowatt of Billing Maximum Load will be applied to each month's net bill.

Special Terms and Conditions: A customer which has equipment installed having intermittent of violently fluctuating characteristics such as welders and cranes and which has combined input capacity in excess of 50 KVA, will be permitted service under this rate schedule, provided, however, that such service will be provided only through a separate transformer bank and with separate metering, and billed separately.

13.04.080 RATE OF OUTDOOR LIGHTING SERVICE

Availability. Outdoor lighting service shall be available only for continuous year- round service for outdoor lighting to any customer located adjacent to an electric distribution line of Utility that is adequate and suitable for supplying the service requested.

Character of Service. Outdoor Lighting Service using lamps available under this rate schedule.

Rate	
Type of Lamp	Rate per Lamp per Month
175 watt mercury vapor	$5.74
250 watt mercury vapor	$12.78

Hours of Lighting: All lamps shall burn approximately one-half hour after sunset until approximately one-half hour before sunrise each day in the year, approximately 4,000 hours per annum.

Ownership of System: All facilities installed by the Utility for service hereunder including fixtures, controls, poles, transformers, secondary lines, lamps and other equipment shall be owned and maintained by the Utility. All service and necessary maintenance will be performed only during regularly scheduled working hours of the Utility. Non-operative lamps

will normally be restored to service within two working days after notification by customer.

When customer requests that a lamp be mounted on customer's building or pole, customer shall waive any claim for damages caused by such installation and/or removal of secondary lamp support.

Additional Facilities: This rate schedule is based on lighting fixtures which can be installed on an existing distribution type wood pole or other supporting device and served from existing secondary facilities, with not more than one span of secondary. If additional facilities are required to furnish service, the Utility will install, operate and maintain such facilities. The labor, materials, and overhead cost of installation of such additional facilities and maintenance expense thereof shall be at the customer's expense.

13.04.090 FUEL COST ADJUSTMENT (APPLICABLE TO RATES RS. CS. GS. AND MS)

The energy charges set forth in the above rate schedules shall be increased or decreased, to the nearest 0.001 mill ($0.000001) per KWH. in accordance with the following adjustment factor:

Adjustment Factor = F/S - 0.01612 Where:

A. "F" is the estimated expense of the month immediately following the current calendar month and consisting of the following costs:

   1. The average cost of fossil fuel consumed in the Company's own plants, such cost being only those items listed in Account 151 of the Federal Energy Regulatory Commission's Uniform System of Accounts for Class A and B Public Utilities and Licensees;
   2. The actual identifiable fossil and nuclear fuel costs associated with energy purchased for reasons other than identified in (c) below;
   3. The net energy cost. exclusive of capacity or demand charges, of energy purchased on an economic dispatch basis, and energy purchased as a result of a scheduled outage, where the costs thereof are less than the Utility's fuel cost of replacement net generation from its own system at that time; less
   4. The cost of fossil fuel recovered through intersystem sales including fuel costs related to economy energy sales and other energy sold on an economic dispatch basis.

B. "S" is the estimated kilowatt-hour sales for the same estimated period set forth in "F", consisting of the net sum in kilowatt-hours of:

   1. net generation;
   2. purchases;
   3. interchange-in; less
   4. inter-system sales; and less
   5. energy losses and company use.

The adjustment factor shall be modified each calendar month to reflect the difference between the incremental fuel cost billed and the incremental fuel cost actually experienced during the period.

The factor as computed above shall be further modified to allow the recovery of gross receipts taxes and other similar revenue based tax charges occasioned by the fuel cost charge revenues.

The fuel cost charge shall be per kilowatt-hour

NOTICE OF A PUBLIC HEARING
ON PROPOSED RATES AND CHARGES

Property owners, ratepayers and other interested parties in, served by or to be served by the Electric Utility of the City of Bluffton are hereby notified that Ordinance No. 1561, amending the rates and charges for services to be rendered by the Electric Utility, was introduced at a meeting of the City Council held on July 5, 2022. At a meeting of the City Council to be held at 6:00 p.m. (local time) on August 2, 2022, in the Bluffton City Hall, 128 East Market Street, Bluffton, Indiana 46714, there will be a public hearing on the matter of the rates and charges, and consideration of adoption of said Ordinance No. 1561, which provides in part:

13.04.030 RATE RS ELECTRIC RESIDENTIAL SERVICE AVAILABILITY

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At such hearing and prior to final adoption of said Ordinance, all interested parties may appear and be heard. A copy of Ordinance No. 1561 may be examined at the office of the Clerk-Treasurer.

Dated this 1st day of July 2022.

Tamara D Runyon

Tamara D. Runyon, IAMC, MMC
Municipal Clerk Treasurer