

ORDINANCE NO. 10-23

AN ORDINANCE AMENDING CHAPTER 13 "UTILITIES" OF THE BRIDGEPORT CODE OF ORDINANCES TO ADD A NEW ARTICLE 13.1000 "ELECTRIC DISTRIBUTION LINE EXTENSION POLICY"; REPEALING SECTION 13.116 "EXTENSION OF ELECTRIC SERVICE"; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bridgeport, Texas, is a Type A general-law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Bridgeport maintains and operates a municipal electric utility certificated by the Public Utility Commission of Texas to provide electric utility service within its certificated territory; and

WHEREAS, the City Council of the City of Bridgeport deems it necessary and in the best interest of the public to adopt this ordinance to repeal Section 13.116 "Extension of Electric Service" of the Bridgeport Code of Ordinances, and to adopt a new Article 13.1000 establishing the City's Electric Distribution Line Extension Policy.

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

SECTION 1.

That Section 13.116 of the Bridgeport Code of Ordinances be and is hereby repealed.

SECTION 2.

That Chapter 13 "Utilities" of the Bridgeport Code of Ordinances is hereby amended to add a new Article 13.1000 "Electric Distribution Line Extension Policy" to read as follows:

"ARTICLE 13.1000 ELECTRIC DISTRIBUTION LINE EXTENSION POLICY"

Sec. 13.1001. Applicability and implementation.

- (a) The City of Bridgeport (the "City") will extend electric distribution facilities to all new development within its electric service area as assigned by the Public Utility Commission of Texas (PUCT). Electric distribution facilities shall be installed to meet all requirements and standards according to the

NEC (National Electric Code), NESC (National Electric Safety Code), and IEEE (Institute of Electrical and Electronics Engineers).

- (b) The provisions of this article apply to new development and new construction only and are not intended to apply to electrical connection of existing development or construction, or move-ins or move-outs.
- (c) The provisions of this article do not apply to the following residential, commercial or industrial developments: (1) developments for which a preliminary plat has been approved prior to January 1, 2011, provided that construction of all public infrastructure for such development has been completed and accepted by the City by January 1, 2013; (2) developments for which a final plat has been approved and filed prior to January 1, 2011, provided that construction of all public infrastructure for such development has been completed and accepted by the City by January 1, 2013; or (3) developments for which a developer agreement with contrary provisions has been approved.
- (d) The developer cost reimbursement provisions for overhead line extensions, underground line extensions and offsite easements of this article shall be implemented in phases in accordance with the following schedule:

Residential, commercial or industrial developments for which a preliminary or final plat is submitted after:

January 1, 2011 – 70% developer reimbursement, provided that construction of all public infrastructure for such development has been completed and accepted by the City by January 1, 2013; otherwise 100% developer reimbursement.

January 1, 2012 – 100% developer reimbursement

Sec. 13.1002. Overhead line extensions.

- (a) The City of Bridgeport will provide all labor and materials required to construct overhead electric line to provide service to new development. The Owner/Developer shall reimburse the City the applicable percentage of reimbursement as specified in Section 13.1001 of this article of the cost of construction of all of the onsite overhead electric line to serve the new development within the development boundaries as well as offsite overhead or underground electric lines directly attributed to the new development, excluding any facility or feeder upgrades. This construction cost shall include all normal labor, materials, and equipment to construct an overhead electric distribution line utilizing standard wood pole construction with anchors and guys. This cost shall also include any right-

of-way clearing and right-of-way acquisition required for construction, any engineering costs, and the cost of transformers. The Owner/Developer or builder is responsible for installing all facilities on the customer's side of the meter.

- (b) In addition to the applicable percentage of reimbursement as specified in Section 13.001 of this article required herein, if any non-standard designs, such as concrete or steel poles are requested, the Owner/Developer shall reimburse the City 100% of the cost difference for labor and materials between the standard wood pole design and the concrete or steel pole design. The Owner/Developer shall also reimburse the City for the engineering cost for the concrete or steel pole design.
- (c) The City will provide an estimated cost of construction for the project to the Owner/Developer. The Owner/Developer will provide payment for the applicable percentage of reimbursement based on this cost estimate. The City will not order material or schedule construction until payment has been received. If the estimated cost exceeds the actual cost, the difference between the actual and estimated costs will be refunded to the Owner/Developer. If the actual cost exceeds the estimated cost, the difference will be billed to the Owner/Developer. This true-up of cost will be calculated after the City has accepted all construction for the development and the electric system is energized.
- (d) The Owner/Developer of any building larger than 50,000 square feet or a platted residential subdivision with 25 lots or more shall be required to enter into a Developer Agreement with the City. For multi-phased residential subdivisions, the application of this requirement will be based on the total number of lots contained in all of the phases of the subdivision, as shown on the approved preliminary plat. This agreement shall determine the cost to the City and Owner/Developer for any system improvements to the existing electric system, line extensions to the development site, and any onsite electric system additions required to service the new development.

Sec. 13. 1003. Underground line extensions.

- (a) The City shall be responsible for furnishing labor, materials, and equipment to install the primary and secondary cable, pad mount switchgear, pad mount transformers, pad mount junction boxes, terminations, connectors, all cable accessories, pull boxes, pads, manholes, foundations, pedestals, and conduit. The Owner/Developer or builder is responsible for installing all facilities on the customer's side of the meter.

- (b) The Owner/Developer shall reimburse the City the applicable percentage of reimbursement as specified in Section 13.1001 of this article of the cost of construction of all of the onsite underground electric line to serve the new development within the development boundaries, as well as offsite underground or overhead electric lines directly attributed to the new development, excluding any facility or feeder upgrades, as well as engineering costs. The City will provide an estimated cost of construction for the project to the Owner/Developer. The Owner/Developer will provide payment for the applicable percentage of reimbursement based on this cost estimate. The City will not order material or schedule construction until payment has been received. If the estimated cost exceeds the actual cost, the difference between the actual and estimated costs will be refunded to the Owner/Developer. If the actual cost exceeds the estimated cost, the difference will be billed to the Owner/Developer. This true-up of cost will be calculated after the City has accepted all construction for the development and the electric system is energized. The City shall not be responsible for any electric facilities beyond the meter location.

- (c) Any building larger than 50,000 square feet or a platted residential subdivision with 25 lots or more shall be required to enter into a Developer Agreement with the City. For multi-phased residential subdivisions, the application of this requirement will be based on the total number of lots contained in all of the phases of the subdivision, as shown on the approved preliminary plat. This agreement shall determine the cost to the City and Owner/Developer for any system improvements to the existing electric system, line extensions to the development site, and any onsite electric system additions required to service the new development.

Sec. 13.1004. Dually Certificated Territory.

New development within territory that is certificated by the Public Utility Commission of Texas to both the City and to another electric utility ("dually certificated territory") will be connected in accordance with Section 13.1002 and Section 13.1003 of this article, unless the Owner/Developer has entered into a separate Electric Services Agreement or Developer Agreement with the City to determine electric line extension cost. Electric connect fees will be collected in the dually certified area.

Sec. 13.1005. Easements.

The Owner/Developer shall provide to the City at no cost all required onsite easements to install the electric facilities within the development. Easements shall be recorded by plat or instrument at the Wise County Court House by the Owner/Developer at the Owner/Developer's expense. Any offsite easements required to extend electric facilities to the development will be acquired by the

City and recorded at the Wise County Court House. The Owner/Developer shall reimburse the City the applicable percentage of the total cost of the offsite easement(s). This reimbursement shall include all payments to property owners, engineering fees, legal fees, and any related City expenses.

Sec. 13.1006. Street lighting.

The City shall be responsible for furnishing all required design services, labor, materials, and equipment to install street lighting to City specifications. The City will own, operate, and maintain the street lighting system after its installation. The Owner/Developer shall reimburse the City 100% of the cost of installing the street lighting system. The City will provide an estimated cost of installation for the street lighting system to the Owner/Developer. The Owner/Developer will provide payment for the 100% reimbursement based on this cost estimate. The City will not order materials or schedule installation until payment has been received. If the estimated cost exceeds the actual cost, the difference between the actual and estimated costs will be refunded to the Owner/Developer. If the actual cost exceeds the estimated cost, the difference will be billed to the Owner/Developer. This true-up of cost will be calculated after the City has accepted the street lighting system installation and placed it in service.

Sec. 13.1007. Electric line relocation and electric service upgrade.

- (a) The Owner/Developer shall reimburse the City 100% of the cost for any electric line relocation or electric service upgrade. This cost shall include labor, materials, equipment, and engineering fees. The City will provide an estimated cost of construction for the project to the Owner/Developer. The Owner/Developer shall provide payment for the reimbursement based on this cost estimate. The City will not order material or schedule construction until payment has been received. If the estimated cost exceeds the actual cost, the difference between the actual and estimated costs will be refunded to the Owner/Developer. If the actual cost exceeds the estimated cost, the difference will be billed to the Owner/Developer.
- (b) The Owner/Developer shall be required to provide to the City at no cost all onsite and offsite easements required for the electric line relocation or electric service upgrade.

Sec. 13.1008 Change in design cost.

After the City has issued the "Approved for Construction" design for the electric layout and the Owner/Developer requests or causes a re-design of the electric layout, the Owner/Developer shall reimburse the City all costs associated with the re-design. This is to include, but is not limited to, engineering fees, restocking of materials, delay construction charges, and shipping and storage fees for materials.

Sec. 13.1009. Location of electric utility meters.

Meters and service switches in conjunction with the meter shall be installed in accordance with the latest revision of the American National Standards Institute (ANSI), Incorporated, Standard C 12 (American National Code for Electricity Metering) or other standards as may be prescribed by the City and will be readily accessible for reading, testing, and inspection and where such activities will cause minimum interference and inconvenience to the Customer. If pole-mounted, the City shall provide and install the meter can and/or C.T. cabinet. If mounted on a building or structure, the Customer shall install the meter can and/or C.T. cabinet. Customers shall provide, without cost to the City; sufficient and proper space for installation of meters and other apparatus of the City; meter board; meter loop; safety service switches when required; and an adequate anchor for service drops. These things shall be provided at a location which is easily accessible to duly authorized employees of the City bearing proper credentials and identification. Such employees are authorized to enter any public or private property at any reasonable time for reading, testing, and inspecting all meter installations. If locked gates, vicious animals or other impediments prevent the employees from gaining access to the meter installation, the City shall estimate the electric usage for a maximum of two (2) months. After two (2) months, electric service shall be disconnected at the service pole until the problem is resolved.

Sec. 13.1010. Electric switchover policy.

The electric switchover process involves the City disconnecting its electric facilities and the connecting utility installing and/or purchasing or leasing electric facilities to serve a customer's consuming facility that is located in dually certificated territory. If a City electric utility customer whose consuming facility is located in dually-certificated territory requests in writing that its electric service be switched from the City electric facilities to the electric facilities of the other dually-certificated utility and those selling electric service through those facilities, this policy shall apply:

1. Prior to disconnection, the requesting customer shall have signed and delivered to the City an agreement, in a form and on terms and conditions that the City, in its judgment and discretion, determines reasonable effectuates the City's electric switchover policy, and shall have fulfilled all terms of such agreement, including payment of the non-refundable switchover fee provided for herein, payment of outstanding electric service charges, and provision of a new or increased security deposit for electric service charges that Customer may continue to incur for electric service from the City until the switchover is completed. The City will use reasonable diligence, subject to circumstances or events beyond its reasonable control, to perform the switchover as soon as reasonably

possible, and to coordinate with the dually-certificated utility to try to minimize any outages related to making the switchover.

2. The switchover fee consists of a charge per meter and, as applicable, an idle facilities charge, as set forth below. The charges shall be the amounts either set forth below or as calculated by the City, in its judgment and discretion, in accordance with the following:
 - a. The charge per meter is designed to include the cost of the disconnection, removal, and testing/re-calibration of each meter through which Customer's consuming facility is served, the cost of disconnection and removal of the service drop line used to serve the consuming facility, and the general and administrative expenses reasonably attributable or related to switching the customer and closing its account. Such costs are designed to include the labor charges for removing facilities, including a reasonable estimate of the direct labor cost (salary, insurance, pension, payroll taxes, etc.) for the time of persons needed to remove the facilities, an allocation of overhead for any necessary supervisory or engineering labor specific to the removal of the facilities, and any costs incurred for outside services necessitated by the switchover request. The charge per meter shall be as follows:

<u>Type of Customer</u>	<u>First Meter</u>	<u>Each Additional Meter</u>
Residential Service	\$500.00	\$250.00
Small Commercial Service (monthly kilowatt demand does not exceed 15 kW)	\$750.00	\$500.00
Medium Commercial Service (monthly kilowatt demand is between 16 kW and 100 kW)	\$1,000.00	\$750.00
Large Commercial Service (monthly kilowatt demand is between 101 kW and 250 kW)	\$1,500.00	\$1,000.00
Industrial Service (monthly kilowatt demand exceeds 250 kW)	\$2,000.00	\$1,500.00

- b. The idle facilities charge, if applicable as determined by the Infrastructure Services Director, will include the higher of the net book value or the replacement cost new of the City's facilities that are used to serve the consuming facility being switched, as well as

the easements for these facilities, including the costs, or a portion of the costs, pertaining to common facilities that are used, installed, or designed to serve more than one consuming facility, which are made idle as a result of the switchover request. Net book value is the original cost of facilities, less any contributions in aid of construction that apply to those facilities, less accumulated depreciation calculated using the depreciation rates that are currently used to book depreciation, and less any salvage value net of any salvage costs. Replacement cost new shall be based upon the new cost of like facilities for which information is available, plus the cost of acquiring easements for the facilities as if the easements were obtained at the time of the switchover requests. The removed meter and removed drop line will not normally be considered idled facilities, on the presumption that those can be used elsewhere on the City's electric system within a reasonable period of time, but they may be included in those circumstances in which the City determines, in the City's judgment and discretion, they cannot reasonably be used elsewhere on the City's electric system within a reasonable period of time.

3. To reasonably and conservatively protect the City from the financial loss that would arise from non-payment of electric service charges that the customer may continue to incur for electric service from the City until the switchover is completed, the customer must pay to the City in advance of the switchover a security deposit in the amount equal to the average monthly invoices rendered to the customer by the City for electric service during the preceding twelve months, as calculated by the City, in its judgment and discretion. If an account's existing security deposit exceeds the average monthly invoice amount, no additional security deposit shall be made. If the account's existing security deposit does not equal the average monthly invoice amount, the difference must be paid to the City in advance of the switchover.
4. The calculation of switchover fees and security deposit may involve the making of estimates. To the extent that there is a range of estimates for a particular calculation or calculation component, the estimate shall be that which the City, in its judgment and discretion, determines is a reasonable estimate that fairly compensates and protects the City and fairly limits the fee paid by the customer to the costs to the City which the switchover creates on a cost-causation basis.
5. If, in connection with any requested switchover subject to this policy, the purchase or lease of any idle and/or common facilities, either by the dually-certificated utility or by the requesting customer, is necessitated, such as if a group of consumers request switchovers, then (1) in the case of a purchase, the price shall be the amount that the City, in its judgment

and discretion, determines is the replacement cost new for the idle facilities and the common facilities in question, and (2) in the case of a lease the rental shall be the amount that the City, in its judgment and discretion, determines is a fair market rental for the idle facilities and the common facilities in question. In determining replacement cost new, the City shall consider the new cost of like facilities for which information is available, plus the cost of acquiring easements for the facilities as if the easements were obtained at the time of the switchover requests. In the event of such a purchase or lease, the idle facilities charge component of switchover fee calculation shall not include the purchased or leased idle and/or common facilities. The purchase or lease of any such idle and/or common facilities shall be effected through agreements and other documentation that the City, in its judgment and discretion, determines is reasonably necessary to effect such purchase or lease transactions and to reasonably effectuate the City's electric switchover policy, including indemnifying the City from liability for the facilities after the purchase or lease of the facilities. Before a customer can purchase or lease the facilities, it must prove to the City, in its judgment and discretion, that the customer has the financial resources to protect the City from liability risks resulting from the sale or lease.

Sec. 13.1011. Connect fees.

The Connect Fee shall be paid when application for electric service is submitted to City. The Connect Fee is in addition to the Overhead and Underground Line Extensions cost in Section 13.1002 and Section 13.1003:

- (a) The Residential Connect Fee is \$250.00 and includes service conductor and metering equipment costs.
- (b) The Commercial Connect Fee is \$500.00 and includes service conductor and metering equipment costs.
- (c) The Industrial Connect Fee is \$750.00 and includes service conductor and metering equipment costs.

Sec. 13.1012. Effective date.

The effective date of this policy shall be January 1, 2011."

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the City of Bridgeport, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense involving fire safety, zoning or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Bridgeport is hereby directed to publish the caption, penalty clause, and the effective date of this ordinance, in one issue of the official City newspaper as required by Section 52.011 of the Local Government Code.

SECTION 7.

This ordinance shall be in full force and effect on January 1, 2011, after its publication as required by law, and it is so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS, BY A VOTE OF 5 TO 0, ON THIS 20th DAY OF July, 2010.

APPROVED:



Keith McComis, Mayor

ATTEST:



Jessica McEachern, City Secretary

