

CITY OF NAPOLEON

RULES, TERMS & CONDITIONS

GOVERNING

SALE OF ELECTRICAL SERVICE

NO. ELECTRICRULES-99

CITY OF NAPOLEON
255 WEST RIVERVIEW AVENUE
P.O. Box 151
NAPOLEON, OHIO 43545

HISTORY OF ELECTRIC RULES

From Passage of Ordinance No. 88-99

Rule 1: Amended Ordinance No. 68-00, passed August 7, 2000; Amended Ordinance No. 22-01, passed March 19, 2001; Amended Ordinance No. 83-01, passed July 16, 2001; Amended Ordinance No. 076-04, passed July 19, 2004 (Ordinance No. 99-03, passed December 1, 2003 and Ordinance No. 098-05, passed November 7, 2005, 2005, repealed prior sections).

Rule 2: Amended Ordinance No. 68-00, passed August 7, 2000; Amended Ordinance No. 22-01, passed March 19, 2001; Amended Ordinance No. 098-05, passed November 7, 2005 (Ordinance No. 99-03, passed December 1, 2003 and Ordinance No. 098-05, passed November 7, 2005 repealed prior sections).

Rule 3: Amended Ordinance No. 68-00, passed August 7, 2000; Amended Ordinance No. 22-01, passed March 19, 2001; Amended in part Ordinance No. 83-01, passed June 4, 2001; Amended in Ordinance No. 098-05, passed November 7, 2005 (Ordinance No. 99-03, passed December 1, 2003, repealed prior sections).

Rule 4: Amended Ordinance No. 22-01, passed March 19, 2001; Amended Ordinance No. 076-04, passed July 19, 2004.

Rule 5: Amended Ordinance No. 22-01, passed March 19, 2001; Amended in part Ordinance No. 83-01, passed July 16, 2001; Readopted in Ordinance No. 098-05, passed November 7, 2005.

Rule 6: No History.

Rule 7: Amended Ordinance No. 22-01, passed March 19, 2001.

Rule 8: Amended Ordinance No. 68-00, passed August 7, 2000; Amended Ordinance No. 89-00, passed August 21, 2000; Amended Ordinance No. 22-01, passed March 19, 2001 (Ordinance No. 99-03, passed December 1, 2003 repealed prior sections); Amended Ordinance No. 034-07, passed May 21, 2007.

Rule 9: Amended in part Ordinance No. 68-00, passed August 7, 2000; Amended Ordinance No. 83-01, passed July 16, 2001; Amended Ordinance No. 22-01, passed March 19, 2001; (Ordinance No. 098-05, passed November 7, 2005 repealed prior sections); Amended Ordinance No. 034-07, passed May 21, 2007.

Rule 10: No History.

Rule 11: No History.

Rule 12: Amended Ordinance No. 68-00, passed August 7, 2000; Amended Ordinance No. 22-01, passed March 19, 2001; Amended in part Ordinance No. 83-01, passed July 16, 2001;

Amended Ordinance No. 99-03, passed December 1, 2003; (Ordinance No. 098-05, passed November 7, 2005 repealed prior sections); Amended Ordinance No. 034-07, passed May 21, 2007.

Rule 13: Amended Ordinance No. 99-03, passed December 1, 2003; Amended Ordinance No. 034-07, passed May 21, 2007.

Rule 14: Amended Ordinance No. 22-01, passed March 19, 2001; Amended 99-03, passed December 1, 2003; Ordinance No. 076-04 passed July 19, 2004; (Ordinance No. 098-05 passed November 7, 2005 repealed prior sections); Amended Ordinance No. 034-07, passed May 21, 2007; Amended Ordinance No. 034-07, passed April 4, 2011.

Rule 15: Amended Resolution No. 119-07, passed January 7, 2008.

Rule 16: Amended Ordinance No. 68-00, passed August 7, 2000.

Rule 17: Amended in part Ordinance No. 68-00, passed August 7, 2000; Amended Ordinance No. 22-01, passed March 19, 2001; Amended Ordinance No. 99-03, passed December 1, 2003; Readopted Ordinance No. 098-05, passed November 7, 2005.

Rule 18: No History.

Rule 19: Amended Ordinance No. 99-03, passed December 1, 2003.

Rule 20: No History.

Rule 21: No History.

Rule 22: Amended Ordinance No. 68-00, passed August 7, 2000.

Rule 23: No History.

Rule 24: No History.

Rule 25: Amended Ordinance No. 68-00, passed August 7, 2000; Amended Ordinance No. 005-09, passed January 19, 2009.

Rule 26: Amended Ordinance No. 22-01, passed March 19, 2001; Amended Ordinance No. 99-03, passed December 1, 2003; Amended Ordinance No. 056-04, passed April 19, 2004; Readopted by Ordinance No. 098-05, passed November 7, 2005.

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RULES, TERMS AND CONDITIONS GOVERNING THE SALE OF ELECTRICAL SERVICE

RULE 1 DEFINITIONS

ALTERNATE POWER SOURCE CONNECTION

Any arrangement whereby another electrical system, other than the City's, is connected to the City's system.

APARTMENT COMPLEXES

Any structure or facility, excepting a single family house, containing one (1), two (2), or more family dwelling units that is contained within a primary structure or facility used for the place of abode of one (1) or more persons living together; a multiple dwelling or complex.

APPLICANT

A person who requests or makes an application for service.

APPLICATION FOR SERVICE

A request to the City to enter into a contractual agreement for electric service.

APPROVED

Acceptance by the City.

BILLING CYCLE

The time between meter readings. Generally a thirty (30) day period determined by the billing date.

CIRCUIT EXTENSION

The facilities, (poles, fixtures, wires, and appurtenances) as are necessary for delivering electric energy for general use along highways or City's right-of-way to one (1) or more customers so located that they cannot be adequately supplied from the City's existing distribution system.

CITY

City of Napoleon, Ohio also when the context clearly indicates, means the utility service of the City. For purposes of liability, City means, its officials, officer's, employees or agents. The City Manager being the authorized person of the City who shall manage, conduct, and control the electrical works of a municipal corporation, furnish supplies of electricity, and appoint any necessary officer and agent. The City Finance Director having the duties of assessing and collecting rents and charges associated with the municipal electrical works.

CITY FINANCE DIRECTOR

The City Finance Director of the City of Napoleon, Ohio, or his/her designated representative.

CITY MANAGER

The City Manager of the City of Napoleon, Ohio, or his/her designated representative.

COMMERCIAL RATE

The rate as established in the City legislation as the commercial rate.

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COMMERCIAL USER

Any person contracted or being served with the Commercial Service.

COMMERCIAL SERVICE

Applicable and available to multiple dwelling units containing two (2) or more living quarters or dwelling units such as manufactured housing (mobile homes) or apartment complexes when master metered; also applicable and available to commercial, business, professional, industrial, agricultural, and other similar pursuits requiring electrical service. Commercial service may also mean commercial service demand.

CONNECTION

Defined as an electrical service connection.

CONNECTION CHARGE

When applicable, that amount paid by each new premises to be connected or reconnected to the electrical distribution system.

CONSUMED

Utility service used or otherwise expended by the customer or others after entering any line, conduit, meter, appurtenance or structure that is under the control or ownership of the customer, property owner, or tenant; or where the utility service is used or otherwise expended due to lines or appurtenances not being properly installed or maintained by the customer, property owner or tenant when there is a duty to do so; or any utility service that passes through any utility meter installed for monitoring purposes.

CONSUMER

Any person who is the ultimate user of electrical service from the City. A consumer is any person which receives electric service at one (1) location from the City under one (1) rate classification, contract, or schedule. If service is supplied to a customer at more than one (1) location, each location shall be counted as a separate customer unless the consumptions are combined before the bill is calculated.

CUSTOMER

Any person as herein defined, using services of the City's municipal system and may include the owner, tenant, or lessee of the property being served. May also mean, the owner or person in control of any commercial or industrial premises supplied by or in any manner connected to, the municipal system.

CUSTOMER CHARGE

An amount determined by the City through legislation. "Customer Charge" means a charge resulting from connections to the system, regardless of usage. The charge recovers a reasonable approximation of costs associated with a portion of lines, service drops, meters, meter reading, billing customer information and records.

RULES, TERMS AND CONDITIONS GOVERNING THE SALE OF ELECTRICAL SERVICE

CUSTOMER'S ELECTRICAL SYSTEM

Any electrical system, located on the customer's premises, supplied by, or in any manner connected to the municipal system.

DELIVERY POINT

The point at which service is delivered by City to customer and shall be the point at which the customer's facilities are connected to the City's facilities and is the terminate end of electrical service by the City.

DEMAND

The rate at which electric energy is delivered expressed in kilowatts, or kilovolt amperes.

DWELLING UNIT

The house, manufactured home (mobile home), apartment or other structure in which a person may or does live, reside or habitates.

EASEMENT

An acquired legal right for the specific use of land owned by others.

ELECTRICAL SERVICE

The furnishing of electricity and/or lines therefore.

ELECTRIC SUPERINTENDENT

The Electrical Superintendent of the City of Napoleon, Ohio or his/her designated representative.

ELECTRICAL SYSTEM

The electrical system considered as made up of two (2) parts: the municipal system (electric system) and the customer's electrical system. The municipal system shall consist of the City's source facilities and distribution system, including all facilities of the electrical system, under control of the City. The source shall include all components of the facilities utilized in the production, storage and delivery of electricity to the public distribution system. The public distribution system shall include the network of apparatuses used for delivery of electricity from the source to the customer's electrical system. The customer's electrical system shall include those parts of the facilities beyond the delivery point which are utilized in conveying electricity from the public distribution system to points of use.

ELECTRICAL WORKS

The structures, equipment, and processes required to deliver and carry away the municipal's electricity.

ELECTRIC

Available heat in electricity; electric energy is measured by the kilowatt hour, which is equivalent to 3,412.97 BTU.

ENERGY CHARGE

The charge for the actual amount of electricity used based on KWH for all electric accounts. Based in part on recovery of demand and/or energy costs.

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EXTEND ELECTRICAL SERVICE

The providing of electrical service outside the corporate limits by the furnishing of electrical service including when requiring the necessary lines therefore.

FORCE MAJEURE

Any cause beyond the control of the parties, including, but not limited to, failure of facilities (both direct and indirect), necessary maintenance, damage to the machinery or electrical distribution lines of the City, acts of nature, including but not limited to, flood, earthquake, storm, lightning, fire, epidemic, pestilence, the public enemy, terrorist act, war, riot, civil disturbance, labor disturbance, sabotage, and restraint or action by court or public authority, which by due diligence and foresight either party, as the case may be, could not reasonably have been expected to avoid; provided however, that the party suffering such disability shall use due diligence to remove the same with all deliberate speed and provided further, nothing contained herein shall be construed to require a party to settle a labor dispute.

GROSS CHARGE

Gross charge per month per service will be the sum of all costs for electrical service as specified in the customer's bill as the gross charge, plus any delinquent charge.

INDUSTRIAL RATE

The rate established in City legislation as the "industrial rate".

INDUSTRIAL USER(S)

Establishment(s) that contract for and is being served with the industrial service.

INDUSTRIAL SERVICE

Applicable and available for service to customers with contracted measured demands of 1,500 KW or greater and used for non residential purposes.

KILOVOLT (KV)

1,000 volts

KVA

Shall mean Kilovolt ampere, 1000 volt-amperes.

KW

Shall mean Kilowatt, 1000 watts.

KWH

Shall mean Kilowatt-hour, the basic unit of electric energy equal to one (1) kilowatt of power supplied to or taken from an electric circuit steadily for one (1) hour.

LARGE POWER RATE

The rate established in City legislation as the "large power rate".

LARGE POWER USERS

Establishment(s) that contract for and is being served with the large power service.

RULES, TERMS AND CONDITIONS GOVERNING THE SALE OF ELECTRICAL SERVICE

LARGE POWER SERVICE

Applicable and available for service to customers with contracted measured demands of 50 KW or greater and less than 1,500 KW having an average monthly usage of 300 or more KWH (less amount of KWH may qualify at request of customer and approval of City) per 1 KW of demand over a twelve month calendar year and used for non residential purposes.

MASTER METERED

One (1) electric meter metering multiple service points or users.

METER

A device for measuring and registering a quantity over a period of time.

MINIMUM BILLING DEMAND

As applied to large power and industrial service accounts, being an amount determined by the City through legislation for electrical service that sets the minimum billing demand. When the customer has an actual demand of less than the legislated minimum demand, their bill will be determined as if their demand was the legislated or contracted amount.

MUNICIPAL SYSTEM

The electrical transmission and distribution system owned or under the control of the City of Napoleon, Ohio.

MUNICIPALITY

The City of Napoleon, Ohio.

NEW ADJACENT RURAL CUSTOMER

An electric customer not presently being served by the City whose premises are less than six hundred (600') feet from the existing Municipal System.

NEW NON-ADJACENT RURAL CUSTOMER

An electric customer not presently being served by the City whose premises are equal to or greater than six hundred (600') feet from the existing Municipal System.

NEW CONNECTION

An electrical connection that did not previously exist, an improvement or upgrade of an existing electrical connection, or a replacement of an existing electrical service connection.

NET CHARGE

Net charge per month per service will be the sum of all costs for electrical service as specified in the customer's bill as the net charge, less any delinquent charge.

NONRESIDENTIAL

That which is not otherwise considered residential, normally commercial, large power or industrial.

NON-INDUSTRIAL USERS

All users of the electrical facilities not classified as an "Industrial User" as defined herein.

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OUPS

The Ohio Utility Protection Service.

OUT OF CITY SERVICES

Services related to electric utility outside the corporate limits of the City; also known as non-City services.

PERSON

Any state, agency, institution, political subdivision, individual, corporation, partnership, business trust, estate, trust, association, or other legal entity.

PREMISES

The real property where electrical service is requested, required, or used.

PROPERTY OWNER

Person or entity owning the real estate where electrical service is requested, required, or used; may at times when the text clearly indicates, be considered a customer.

PROPERTY

The real property where electrical service is requested, required, or used.

R.C.

The Ohio Revised Code.

RESIDENTIAL RATE

The rate as established in City legislation as the "residential rate".

RESIDENTIAL USER

Any person that contracts for and is being served with residential service.

RESIDENTIAL SERVICE

Service that is applicable and available to residential users at the residential rate. Applicable and available to persons that live in or occupy single family dwelling units, or houses whether in a form of a house, or multiple apartments when individually metered, used strictly for "residential" or "domestic" purposes. Domestic purposes also includes agricultural pursuits where service is taken through one (1) meter primarily for residential purposes and secondary for the usual farm uses outside the home, but it is not extended to operations of a commercial nature or operations such as processing, preparing or distributing products not raised or produced on the farm, unless such operation is incidental to the usual domestic and farm uses. Is not applicable where more than one (1) dwelling unit (such as an apartment complex or manufactured home park (mobile home park)) is served through a single meter, except as may otherwise be provided by rule or the rate ordinance.

RURAL CUSTOMER

A customer that is located outside the corporation limits of the City.

RULES, TERMS AND CONDITIONS GOVERNING THE SALE OF ELECTRICAL SERVICE

TEMPORARY SERVICE

The electrical service to an establishment that is not installed to minimum specifications and is non-permanent in character. Such service is short term or emergency in nature.

TENANT

Any person as herein defined who contracts for electrical service of the City or who receives the same but does not own or possess legal title to the property for which the person has requested or receives the utility service, but rents or leases the premises served. When the context clearly indicates may also mean consumer or customer.

THESE RULES

Means all Rules, Terms and Conditions contained herein as the "City of Napoleon Rules, Terms and Conditions Governing the Sale of Electrical Service". "Rule" means the entire Rule, Term and Condition, including "Sub Rules" found within, unless a particular "Sub Rule" or "provision" is specifically identified.

UTILITY DEPARTMENT

Utility Department of the City for water, sewer, electric, refuse and billing. Also means the Department of Utility Collections.

RULE 2 RESIDENTIAL ELECTRICAL SERVICE

Rule 2.1 Availability Of Residential Electric Service

Residential electrical service is available to persons having a premises that qualifies for "residential service" as provided in these rules and/or the rate ordinance. Such service shall be considered available where municipal electric lines are installed or lines are authorized or contracted for use by the City, and when approved by the City. For availability of electrical service outside the corporation limits see rule titled "Rural Line Extensions".

Rule 2.2 Service Connections

The City will, when requested to furnish service, designate the location of its delivery point. When a customer desires that energy be delivered at a point or in a manner other than designated by the City, the customer shall pay the additional cost of same.

Rule 2.3 Overhead Systems

For overhead connections, the customer's wiring must extend at least 24 inches beyond the weather head and pursuant to City standards.

Rule 2.4 Underground Systems

- (A) Where service is supplied from an underground distribution system which has been installed within the limits of the City streets or right-of-ways, the customer shall make arrangements with the City for the City to supply and install a continuous run of cable conductors from the cable pole, junction box, or pad mounted transformer to the meter base installed on the exterior building wall. The customer shall install the proper conduit meter base and all necessary apparatuses pursuant to City specifications.
- (B) When a customer desires an underground system instead of an overhead system, the customer shall deposit with the City the amount being the estimated difference between the cost of the underground facilities so requested and the cost of the overhead facilities which would ordinarily be installed. Upon receipt of this deposit, the City will install the underground facilities and will own, operate, and maintain the same; however, the customer shall, upon invoice, make the remaining payment being based on the difference between the estimated amount on deposit and the actual cost if such amount exists. Should the deposit be in excess of the actual cost, such excess amount shall be promptly credited to the customer.
- (C) When a customer desires to replace an overhead system with an underground service, the customer, shall pay the City the estimated cost of the underground facilities so requested. Upon receipt of payment, the City

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will install the underground facilities and will own, operate, and maintain the same.

Rule 2.5 Relocation Of City's Facilities At Customer's Request

Whenever at customer's request, the City's facilities located on customer's premises or on the City's right-of-way are relocated solely to suit the convenience of customer, the customer shall reimburse the City for the entire cost incurred in making such change.

Rule 2.6 Grounding Requirements

All inside wiring must be grounded in accordance with the requirements of the National Electrical Code and the requirements of any local inspection service authorized by the State of Ohio or the City.

Rule 2.7 Residential Electrical Rate

Residential electrical rate shall be the rate schedule as established in legislation of the City.

Rule 2.8 Dwelling Unit

Except as provided for in Rule 3.3 (Multiple Establishments), all dwelling unit(s) desiring to receive the residential rate, after the effective date of these Rules, shall be individually metered before electrical service is established.

Rule 2.9 Use Of Service

Residential service and rates are applicable and available strictly for residential (domestic) use.

Rule 2.10 Minimum Charge Per Month

The minimum charge for residential accounts shall be not less than the sum of all applicable electrical service charges, including, but not limited to, any customer charge. Disconnection of service will affect customer's liability to pay the applicable minimum charge; however, reconnection of electrical service shall be subject to City's charge for such service, as established by the City and as may be amended from time to time.

Rule 2.11 Out Of City Services

Any service (electrical) outside the corporate City limits shall be only by written contract.

Rule 2.12 Connection Charge

The initial establishment of electrical service may be subject to a connection charge as established by the City and as may be amended from time to time.

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Rule 2.13 Direct Connection Required To City's Electrical System

For properties located within the City using electricity other than self generated power, direct connection is required to the City's electrical system unless otherwise contrary to the law.

Rule 2.14 Residential Service

- (A) Except as otherwise may be provided by these Rules, individual residences shall be served individually with single-phase service under the residential rate schedule, Customer may not take service for two (2) or more detached residences through a single point of delivery under any schedule, irrespective of common ownership of the several residences, except that in the case of an apartment house, with a number of individual apartments, the landlord shall have the choice of providing separate wiring for each apartment so that the City may supply each apartment separately under the residential rate schedule, or of purchasing the entire service through a single meter under the appropriate commercial rate schedule without sub metering the service to the apartments.
- (B) The residential rate schedule may cease to apply to that portion of a residence which becomes regularly used for business, professional, institutional or gainful purposes or which requires three-phase service, unless for agricultural purpose. Under these circumstances, customer shall have the choice of:
 - (1) Separating the wiring so that the residential portion of the premises is served through a separate meter under the residential rate schedule and the other uses as enumerated above are served through a separate meter or meters under the appropriate commercial service rate schedule, or
 - (2) Taking the entire service under the appropriate commercial service rate schedule.
 - (3) Making arrangements acceptable to the City Manager for appropriate billing.
- (C) Except as otherwise provided, detached building or buildings, actually appurtenant to the residence, such as a garage, stable or barn, shall be served by an extension of the customer's residence wiring through the residence meter, unless otherwise approved by the City. Regardless, hallways and other common facilities of an apartment and condominium building or complex will be billed on the commercial service rate when metering is possible.

RULE 3 NONRESIDENTIAL ELECTRICAL SERVICE

Rule 3.1 Availability Residential Electric Service

Nonresidential electrical service is available to persons having a premises that qualifies for "nonresidential service" as provided in these rules and/or the rate ordinance. Such service shall be considered available where municipal electric lines are installed or lines are authorized or contracted for use by the City, and when approved by the City. For availability of electrical service outside the corporation limits see rule titled "Rural Line Extensions".

Rule 3.2 Nonresidential Electrical Rate

Nonresidential electrical rate shall be the rate schedule as established in legislation of the City ie. any commercial service, large power service or industrial service.

Rule 3.3 Multiple Establishments (Metering)

All individual businesses, establishments or activities located on the same premises established after the effective date of these Rules having six (6) or less apartments, dwellings, manufactured homes (mobile homes), or the like, shall be individually metered and connected. Any such premises having more than six (6) apartments, dwellings, manufactured homes (mobile homes), or the like, may be mastered metered upon approval by the City Manager; said approval not to be unreasonably withheld; such decision appealable in accordance with the appeal procedure established in these Rules. (See Appeals Process.) Except as otherwise provided, all establishments shall be metered before service is established; when applicable, this will include separate delivery points and connection charges. (If an apartment or manufactured home is located on a premises of which more than six (6) apartments or manufactured homes or a combination thereof, then it shall be considered also a multiple establishment.)

Rule 3.4 Minimum Charge Per Month

The minimum charge shall be not less than the sum of all applicable electrical service charges, including, but not limited to, any customer charge. Disconnection of service will eliminate customer's liability to pay the applicable minimum charge; however, reconnection of electrical service shall be subject to the City's charge for such service, as established by the City and as may be amended from time to time.

Rule 3.5 Special Line Extensions

All new special line extensions shall be paid for by the owner/customers involved and in accordance with the provisions set forth herein. If the

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City deems it necessary to install oversize lines, then the City may pay the difference in cost.

Rule 3.6 Connection Charge

The initial establishment of electrical service may be subject to a connection charge as may be established by the City and as may be amended from time to time.

Rule 3.7 Direct Connection Required To City's Electrical System

Absent a franchise agreement with the City, for properties within the City using electricity other than self generating electricity, direct connection is required to the City's electrical system unless otherwise contrary to law.

Rule 3.8 Energy Reduction Program

Commercial, large power and industrial customers of the City's electric utility that have a backup power source or the ability to reduce electric consumption by a minimum of 100 kilowatts to their facility(s) during peak times, and have agreed to do so in writing with the City, within one (1) hour of notification to do so by the City, shall have applied to the customer's net monthly electrical invoice, a one half percent (1/2%) credit, for each increment of 100 KW of electrical consumption reduction as selected in advance by the customer and as approved by the City. The credit shall be calculated prior to the inclusion of any KWH tax into the net amount. The City will exercise this program when conditions indicate the electric utility is approaching a peak condition, has reached a peak condition, or in declaration of emergency conditions, as determined in the sole discretion of the City Manager. Normal peak hours shall be defined as 8:00 a.m. to 8:00 p.m., and off peak hours shall be defined as 8:01 p.m. to 7:59 a.m. The credit provided for in this Section shall occur whether or not curtailment has been requested so long as the customer fully complies with the requirements of the program and maintains enrolled in the program for a minimum period of twelve (12) rolling continuous months and thereafter may be reenrolled for like periods; however, in the event the customer should: (1) Have early termination from participation in the program for customer convenience; (2) Violates or be in default of any requirement of the program; or, (3) be terminated by the City from the program or from electrical service for cause, then any amounts so credited by the City from the onset of each enrollment period shall be reimbursed by the customer or user of the program, to the City, within sixty (60) days of notice of termination, violation or default, as determined by the City Manager. For customers or users having a current utility account with the City, the Finance Director, in his or her sole discretion, may add the amount due into the customer or user's current utility bill. Failure to pay any amount due under this provision shall constitute grounds for disconnect. The City may terminate this program with thirty (30) days notice, with or without cause. In the event of early termination by the

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City, at no fault of the customer, the customer may retain all credits given up to the date of termination. Data metering devices shall be installed and maintained at customer's expense.

Rule 3.9 City Exempt

The metering of City of Napoleon owned and operated street lighting, and use of electricity by City of Napoleon administration or any of its respective departments shall not be required as they are exempt from electrical fees.

RULE 4 INSTALLATION OF ELECTRICAL SERVICE

Rule 4.1 General Rules

- (A) Necessary electrical service connections shall be as provided pursuant to these Rules after the required cash payment of any required installation costs of service and required security deposit(s) has been made and after the customer has fulfilled customer's portion necessary for the completion of the service.
- (B) The City will not be required to furnish service to the customer or property owner until a reasonable time after the application has been accepted by the City Utility Department.
- (C) The City will operate, maintain and repair the service line and appurtenances extending up to the delivery point. The property owner shall be responsible for the maintenance of all lines entering the property owner's property from the delivery point.
- (D) Normal maintenance and repair of the meter will be done by the City at City's expense; however, extraordinary maintenance and repairs caused by negligence on the part of the customer, shall be paid for by the customer, including, but not limited to, the cost of all labor and the meter.

Rule 4.2 Connection & Service Line Installation

- (A) The City will install the necessary equipment to connect into the City's electrical supply and will furnish, install and maintain the service line extending up to the delivery point. The fee for installation may be as established by the City, as may be amended from time to time, governing utilities. The cost of the installation of the necessary connection, if any, will be paid by the requesting customer.
- (B) In all cases where there is a new connection of electrical service being installed, every property owner will be required, at property owner's expense, to install at that time the meter base, weather head and incidentals thereto in accordance with City standards.

Rule 4.3 Location And Maintenance Of City's Equipment

The City shall have the right to construct its poles, lines and circuits on the property, and to place its transformers and other apparatus on the property at a point or points convenient for such purpose, as required to serve such customer.

Rule 4.4 Meter Installation

The property owner shall furnish a suitable space for the installation of necessary measuring instruments so that the latter may be protected from injury by the elements or through the negligence or deliberate acts of the customer or of any employee of the same. The City will furnish, install,

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and maintain the meter, to be installed outside the building. The meter will be kept in a place readily accessible for purposes of reading by utility personnel, not to be fenced.

Rule 4.5 Alternate Power Source Connections Prohibited

- (A) Except as otherwise provided herein, due to possible damage to the City's electrical supply, no alternate power source connections whatsoever will be permitted between another electrical supply system and the City's electrical supply system unless written permission is received from the Electrical Superintendent.
- (B) No connections of any kind whatsoever will be permitted that would make it possible for any foreign electrical supply to enter the City's electrical system.
- (C) The City has the right to refuse to furnish service or to discontinue service after an unauthorized alternate power source connection has been established.
- (D) The customer shall not be permitted to operate their own generating equipment in parallel with the City's service except by written permission of the Electrical Superintendent in accordance with City standards.

Rule 4.6 Installation Of Service

- (A) The City may immediately refuse service or discontinue service whenever the installation is of such nature that it would jeopardize or otherwise affect the service to customers.
- (B) All installations shall conform to City rules or code or other governmental authority having jurisdiction over the same, and regular electrical service shall not be established until installation is inspected and approved by the City.
- (C) All installations shall meet the specifications of the Electrical Superintendent or other person so designated by the City Manager, before service is established or reconnected.
- (D) The service line and all connections extending from the delivery point to and throughout the property owner's premises shall be installed, owned, operated and maintained by the property owner. Said service line extending to the meter shall conform to and be installed in accordance with City specifications.
- (E) When customers install service entrance facilities which have capacity and layout specified by the City and/or install and use certain utilization equipment specified by the City, the City may, at City's discretion, provide or offer to own certain facilities on the customer's side of the delivery point.

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- (F) All properties being served shall be responsible for maintaining and keeping their connections in good repair, at the property owner's expense. All service lines shall be located according to the National Electrical Code as amended from time to time, and the requirements of any local inspection service authorized by the State of Ohio or the City, to protect same from damage.
- (G) The owner of a property to be served shall install in the property owner's electrical system a suitable protection device, the installation of which shall be approved by the City, so as to prevent damage to the City's system.
- (H) If the meter is damaged by the deliberate or negligent acts or omissions of a customer, normal wear and usage excepted, the customer shall be charged the amount of repair. The amount shall be considered an additional electrical bill of the customer for the succeeding month and shall be due and payable within the payment period specified for bills. If said amount is not paid within the time provided for the payment of such bill, the electrical service may be disconnected as in other cases for nonpayment of bill.
- (I) When any unauthorized alternate power source connections exist, the City may immediately shut off without notice, its electrical service to the customer involved, in which event service will not be reestablished until the condition, at the property owner's/customer's expense, is corrected to the City's satisfaction.
- (J) If problems occur on the City's side prior to the delivery point, or in the electrical meter, the City Utility Department should be called. If the problem is on the customer's side of the delivery point a private electrician should be contacted for service at the customer's expense.

Rule 4.7 Digging And/Or Marking Excavation Site

When electrical service locating is desired, persons desiring the same shall physically mark the proposed excavation site with white paint, flags, or other acceptable marking methods utilized by the industry and approved by the City. Excavation, the applicant, or property owner must call the OUPS forty-eight (48) hours prior to commencement of digging. Damages resulting from failure to contact the OUPS forty-eight (48) hours prior to digging will be at the expense of the person digging or causing the same to be done. When the City locates service at the excavation site, all cost associated therewith, including time and material, shall be at the expense of the person proposing the excavation if they fail to properly mark the excavation site.

RULE 5 SPECIAL SERVICE AND EXTENSION

Rule 5.1 Temporary Service

Whenever the service requested by the property owner/customer is temporary, special short term or emergency, the written application or contract for such service shall specify the period of service and the character of service. The property owner/customer shall pay for all electricity used and all extra charges, including deposits, if any, as determined by the Utility Department, involved in connection, installation and removal of the service together with all material, labor and other expenses incidental thereto. The customer is also required to take the service under the commercial electric service schedule.

Rule 5.2 Special Line Extensions For Temporary Service

Special extensions for temporary service of the City's electrical lines will be made only where the property owner/customer pays the entire costs of such extensions. Where a property owner/customer or group of property owners/customers pay for the cost of a special extension, the terms and security of payments shall be as prescribed by the City and must meet the approval of the City.

Rule 5.3 Second Meters

When approved by the City, a second meter may be installed on a premises utilizing City electricity. The Customer shall pay all cost associated with installation, including time and material therefore, and shall be charged the standard electrical rate applicable to the particular type premises.

Rule 5.4 Seasonal Electric Service

Except as otherwise provided in Rule 3.4, electrical service is available for seasonal use of electricity. Notwithstanding other charges, the customer is required to pay the established cost of connection and disconnection.

Rule 5.5 Outdoor Lighting Service

Outdoor lighting service is available to all customers. Customer's desiring non-metered outdoor lighting, furnished by the City, shall sign a separate contract agreeing to utilize said service for a minimum of two (2) years. In the event that the customer defaults the agreement, the customer shall be responsible to pay a fee for the cost of installation and/or removal. Outdoor lighting service shall be at a rate established in the City's rate ordinance. For purpose of power consumption associated with the kilowatt hour tax the following shall apply:

X watts x 30 days x 11 hrs. divided by 1,000 = Y KWH

X watts = the size of the installed bulb measured in watts

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Y KWH = the calculated kilowatt hours of energy consumed by the bulb
(rounded to the nearest whole number)

RULE 6 ACCESS TO PREMISES

Any identified representative or employee of the City Utility Department shall at all reasonable hours have access to the premises of the customer for the purpose of installing, examining, reading, removing, testing, replacing or otherwise disposing of its apparatus and property involving the City's electrical system and for the reason of potential hazards for alternate power source connection control; also to ascertain that compliance is given concerning all requirements as set forth in these Rules. Also, any identified representative shall have the power to take action as deemed appropriate to the situation to avert any public calamity or emergency. The City may apply to a court of competent jurisdiction for an administrative search warrant if the facts of the situation suggest this to be an appropriate action.

RULE 7 ELECTRICAL USE

Rule 7.1 By Customer

- (A) The schedules for electric energy given herein are classified by the character of use of such energy and are not available for service except as provided therein.
- (B) The City will assist the customer in selecting a rate schedule, but the customer shall be responsible for selecting the rate for electric energy that is applicable to their requirements, subject to qualified use and availability. The failure to make such selection shall cause an automatic default as follows:
 - (1) For strictly Residential Use - Residential Service Rate; or
 - (2) All other use - Commercial Service-Demand Rate, whichever is more applicable.
- (C) The City and its officials, officer's, employees or agents shall not be held liable for any damages as is related to a rate schedule or default.
- (D) With particular reference to power customers it shall be understood that, upon the expiration of a contract, the customer may elect to renew the contract upon the same or another schedule published by the City and applicable to the customer's requirements, except that in no case shall the City be required to maintain transmission, switching or transformation equipment (either for voltage or form of current change) different from or in addition to that generally furnished to other customers receiving electrical supply under the terms of the schedule elected by the customer.
- (E) A customer may not change from one schedule to another, unless the use qualifies for change in schedule, and except by order or the consent of the City.
- (F) The service connections, transformers, meters and appurtenances supplied by the City for each customer have a definite capacity and no additions to the equipment, or load connected thereto, will be allowed except by consent of the City. Any damage of City owned equipment as a result of customer overloading City equipment shall be borne by the customer.
- (G) The customer shall install only motors, apparatus or appliances which are suitable for operation with the character of the service supplied by the City, and which shall not be detrimental to the service supplied, and the electric power must not be used in such a manner as to cause unprovided for voltage fluctuations or disturbances in the City's transmission or distribution systems. The Electrical Superintendent shall be the sole judge as to the suitability of apparatus or appliances, and also as to whether the operation of such apparatus or appliances is or will be detrimental to its general service.

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- (H) No attachment of any kind whatsoever may be made to the City's lines, poles, crossarms, structures or other facilities without the express written consent of the City.
- (I) All apparatus used by the customer shall be of such type as to secure the highest practicable commercial efficiency, power factor and the proper balancing of phases. Motors which are frequently started or motors arranged for automatic control, must be of a type to give maximum starting torque with minimum current flow, and must be of a type, and equipped with controlling devices, approved by the City. The customer agrees to notify the City of any increase or decrease in their connected load.
- (J) The City will not supply service to customers who have other sources of energy supply except under the rule regarding alternate power sources which specifically provide for same.
- (K) Resale of energy will be permitted only by written consent of the City.
- (L) Measuring device(s) for demand metering of any service ie. residential service, commercial service, large power service, or industrial service, may be required by the City at any time as a condition of new or continued service.

RULE 8 CONTRACT FOR ELECTRICAL SERVICE

- (A) Contract for electrical service shall be made in writing at the office of the City Utility Department on its standard form. The owner/customer assumes the risk of damages resulting from activation of electrical service as a result of customer not properly preparing for the activation.
- (B) All contracts involving an original or new service line installation shall be made by and only in the name of the property owner. By such contract the "property owner" shall agree and commit him/herself to all rules and charges relating to the furnishing and utilization of electrical service, except to charges related to daily usage in cases when the utility is removed from the owner's name. Provisions may be contained therein addressing a reasonable deposit, as determined by the finance director, and reacquiring service. Subsequent contract for service maybe made by the tenant occupying the premises to be served with electricity. Once a tenant becomes the customer the owner restricts his/her authority to order disconnection of service.
- (C) Where the customer's installation requirements for electrical service are unusual, the utility requires a suitable contract and deposit from the customer so as to protect the City's investment required to render the service involved.
- (D) There shall be set forth in the contract, the class of service to be furnished i.e., residential, commercial, large power or industrial as defined herein. The term of the contracts shall be as follows: residential (month to month); commercial (month to month); large power (annual); and industrial (five year). Except as otherwise may be provided, any contract for service made for residential and commercial customers shall be construed as being for an initial term of one (1) month with an automatic renewal for the same duration of time after the initial term and any subsequent term, unless otherwise agreed to in writing by the parties, or unless otherwise terminated by the parties in accordance with the terms of a written contract; however, if no termination terms are contained in a written contract, then in accordance with these rules. Any contract for service for large power customers shall be construed as being for an initial term of one (1) year with an automatic renewal for the same duration of time after the initial term and any subsequent term, unless otherwise agreed to in writing by the parties, or unless otherwise terminated by the parties in accordance with the terms of a written contract; however, if no termination terms are contained in a written contract, then in accordance with these rules. Any contract for service for industrial customers shall be construed as a five (5) year contract and thereafter automatically renewed on a month to month basis, unless otherwise agreed to in writing by the parties, or unless otherwise terminated by the parties in accordance with the terms

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of a written contract; however, if no termination terms are contained in a written contract, then in accordance with these rules.

- (E) Except as otherwise provided, the City requires that all future dwelling units established after the effective date of these Rules, be individually connected and metered before electrical service is established.
- (F) The customer shall advise the Utility Department of the purpose for which the electricity will be used. The customer shall inform the Utility Department the probable quantity of electricity required in order that the Electrical Department can properly determine the necessary service line, meter and appurtenances required to adequately serve the customer up to the delivery point. The size of service line and metering requirement for any customer will be determined by the City up to the delivery point.

RULE 9 BILLING AND PAYMENT FOR SERVICE

Rule 9.1 Rules And Guidelines

- (A) Bills for electrical service will normally be rendered on a monthly billing cycle. All bills will be due and payable on or before the date specified due date on the bill. A contract for electricity will be considered a contract for all utilities being furnished and received; therefore, if all utility accounts of the customer are not so paid on the specified date, the gross charge shall be paid. Such gross charge shall be the net charge as shown on such bill plus a delinquent charge of ten (10%) percent. The City will allow at least fifteen (15) days between the date of the bill and the final payment date (due date) specified on the bill.
- (B) A returned check for payment due to non-sufficient funds or closed account constitutes nonpayment. A fee will be charged for all returned checks as set forth in the fee schedule.
- (C) Any electrical bill that is not paid on the due date will be considered delinquent and will result in the utility service(s) being discontinued to said premises, unless payment arrangements are made that are satisfactory to the utility department.
- (D) In the event of the stoppage of or the failure of any meter to register the full amount of electricity consumed, the customer will be billed for such billing period on an estimated consumption basis which will be based upon customer's normal use of electricity in a similar period during the time the meter was registering correctly.
- (E) In the case of a question arising as to the accuracy of the meter, the customer may request the Utility Department to test the meter. The City reserves the right to send the meter out for testing. At the request of the Customer, a special test shall be made, but if less than two (2%) percent inaccuracy is found, the requesting party shall pay for the test at a cost, not to exceed the charge for other similarly situated customers of the Municipality. Representatives of the parties may be present at all routine or special tests and whenever any readings for the purposes of settlements are taken from meters not having an automatic record. If any test of metering equipment discloses an inaccuracy exceeding two (2%) percent, the accounts of the parties shall be adjusted for the period, not exceeding thirty-six (36) months as determined by the City Manager who serves as the City's director of public service in accordance with City code, in conjunction with the Finance Director, based on history of use, that such inaccuracy is estimated to have existed. Should any metering equipment fail to register, the amounts of energy delivered shall be estimated from the best available data.
- (F) All residential meter readings and billings shall be for actual kWhrs used, or when actual can not be determined, estimated kWhrs used.

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- (G) For service involving a partial billing period of commercial, large power or industrial accounts, where either the initial billing period after service is first established or the final billing period up to the time of discontinuance of service by the customer is less than the regular billing period, the following billing procedure will apply:
- (1) When service is initially established to the customer or where the customer's account is being transferred from one (1) location to another and the period of service involves seven (7) days or less of the utility's regular billing period, the customer's initial usage at the new location will be carried over into the next succeeding regular billing period at that location and shall be combined with and be considered as part of the same.
 - (2) For all other service furnished for a partial billing period, including all final bills, the bill shall be calculated in accordance with the rate blocks and charges (including any customer charge) as set forth in the applicable rate schedule with no proration charges being made.
- (H) For service involving a partial billing period of residential accounts, said "customer charge" will be billed as follows:
- (1) Where the initial period of service is less than seven (7) days, the billing will be combined and made a part of the succeeding billing period.
 - (2) When requested by the customer, where the initial period of said service is from eight (8) to fifteen (15) days inclusive, the customer charge will be prorated and billed on a fifty (50%) percent basis. The energy charges shall be billed as is actually set forth in the rate schedule. Such proration of service request must be made to the Utility Department by the due date of the first billing after initiation of service or it will be considered waived.
 - (3) Where the initial period of service is sixteen (16) days or more and in all cases where a final bill is involved, the billing will be as set forth in the rate schedule with no proration of the customer charge or any charges whatsoever.

Rule 9.2 Budget Billing

- (A) Subject to having credit worthiness and a good payment history as determined by the Finance Director, year-round residential customers expected to use 9,600 kWhrs per year or more shall have the option of paying bills under the City's equal payment plan (Budget Plan), whereby the total service for the succeeding twelve (12) month period is estimated in advance, and bills are rendered monthly on the basis of one-twelfth of the twelve (12) month estimate. The City may at any time during the twelve (12) month period adjust the estimate so made, and the bills

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rendered in accordance with such estimate, to conform more nearly with the actual use of service being experienced. The normal equal payment period will be twelve months, commencing in any month selected by the City, but in those cases where billing is commenced during a month which leaves less than twelve months until the beginning of the next normal equal payment period to which the customer is assigned, payments shall be calculated on the basis of the months in such period.

- (B) In case the actual service used during any equal payment period exceeds the bills as rendered on the equal payment plan, the amount of such excess shall be paid on or before the due date of the bill covering the last month of the equal payment period in which such excess appears, or such excess may be added to the estimated use for the next normal equal payment period of twelve months, and shall be payable in equal monthly payments over such period, except that if the customer discontinues service with the City under the equal payment plan, any such excess not yet paid shall become payable immediately. In case the actual service used during the equal payment period is less than the amount paid under the equal payment plan during such period, the amount of such overpayment shall, at the option of the City, either be refunded to the customer or credited on his/her last bill for the period.
- (C) If a customer fails to pay bills as rendered on the equal payment plan, the City shall have the right to withdraw the plan with respect to such customer and to restore the customer to billing as provided for in the applicable schedules, in addition to any other rights which the City may have under such schedules in case of arrearage in payment of bills.

Rule 9.3 Payment Locations

Bills are payable in person or by mail at the City building or at any authorized and designated collection agency of the City, on or before the due date specified on the bill. Alleged failure to receive bills will not constitute excuse for nonpayment unless the City is notified in writing within the fifth (5th) business day of the subsequent month of the month of the billing cycle that such bill was not received, depending on and as it relates to the billing cycle. No reduction in late fees or penalty will be made unless customer can demonstrate, to the satisfaction of the City Finance Director, that failing to receive the bill was at the fault of the City. One (1) late fee may be waived by the Utility Department, upon approval of the City Manager or Finance Director, per calendar year, upon request of the customer, so long as a request for waiver is made within thirty (30) days of the late fee charge.

Rule 9.4 Alternative Payment Methods

Payment of utility bills by other than cash means, including but not limited to credit card payment, electronic payment, or internet payment is

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authorized subject to implementation and acceptance by the Finance Director.

RULE 10 RESPONSIBILITY OF BILLS BY PROPERTY OWNER

Upon the effective date of these Rules, in addition to other legal action allowed by law to collect unpaid charges, the City is entitled to follow the below procedure:

- (1) All bills and other charges due customers who are owners and occupy the premises served by electrical service, if not paid after same are due and payable, shall be certified to the Auditor of Henry County along with certification that the unpaid rents or charges have arisen pursuant to a service contract made directly with an owner who occupies the property served. Such shall be a lien on the property served, and the Auditor shall place same on the tax duplicate of the County, together with the interest and penalties allowed by law and to be collected by the County Treasurer. The lien shall be released only upon payment in full of the certified amount.
- (2) In addition, the City may disconnect the service and take any other measures authorized by State or local law or regulation until all bills for said premises have been paid in full.

RULE 11 VOLUNTARY TERMINATION OF SERVICE & REPAIRS

Rule 11.1 Voluntary Termination Of Service

- (A) Requests for voluntary disconnection of electrical service must be made, in writing, at the City Utility Department and shall be approved by the customer contractually obligated to pay charges incurred at the service premises.
- (B) If the billing address and the service address are different, notification of the disconnection shall be given, in writing, to the service address premises no less than fourteen (14) days prior to the disconnection date. The customer may have this requirement waived by either demonstrating to the City's satisfaction that the premises are unoccupied or by bringing in a signed waiver form from the tenant(s) of the premises waiving their right to the fourteen (14) day notice. Mailing the notification regular U.S. Mail to the service premises shall constitute sufficient notice.
- (C) If the tenant actually residing on the service premises petitions the City not to disconnect, stating under oath that to the best of his/her knowledge he/she is a legal tenant of the service premises, disconnect shall not be made for a period of fourteen (14) days from said petition, in order for the alleged tenant to seek a court injunction as it relates to disconnect. During such fourteen (14) day period, the contracted customer shall be liable for all charges incurred; however, nothing in this provision shall be construed to bar recovery by the owner from the tenant of all incurred charges as may result from a civil proceeding. Any bonified co-owner or legal tenant may take steps to establish service in his/her name (for the purpose of this provision, a spouse would be considered a co-owner if legally occupying the service premises). The contract customer remains liable for all fees and charges up until the time of transfer of service into the co-owner or legal tenants name.
- (D) A customer who intends to move from the service premises or discontinue the use of electrical service or in any way terminate their liability hereunder, shall give the City's Utility Department a notice of such intention not later than forty-eight (48) hours before moving and the customer shall be liable for all electrical service and meter charges that may be used upon the service premises until such notice is given and the Utility Department has made the final meter reading.
- (E) Disconnect procedures contained in these Rules shall apply to this Rule so far as practical.

Rule 11.2 Disconnection For Private Repairs

If the purpose of the disconnection is for private repairs, except in emergency situations, repairs shall not be processed unless it is authorized by an adult person residing at the service premises (or their authorized

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agent) affected by the disconnection. A copy of such disconnection request shall be retained in the City's business records relating to the service premises(s) so affected. The City shall reconnect service disconnected for purpose of repair upon demand of either the customer or of an adult person (or authorized agent) residing at the service premises so affected, after any required inspection and approval of the City.

Rule 11.3 Disconnection For City Repairs

If the purpose of the disconnection is for City repairs, except in emergency situations where no notice is required, repairs shall not be processed unless reasonable notice has been given to those affected by the disconnection. Reasonable notice shall include, but not be limited to, any of the following; publication in a local newspaper, announcement on a local radio station, by personal contact, telephone contact, or knocking on the door with placement or furnishing of a door hanger.

RULE 12 DISCONTINUATION OF SERVICE

Rule 12.1 Right To Disconnect

- (A) The City has the right to discontinue the supply of electricity to furnish the same for any of the following reasons:
- (1) The nonpayment or untimely payment of any City owned or operated utility bill, including any other charges referred to herein, regardless of location or account.
 - (2) For refusing entry, or failing to allow access or entry, to a premises that is receiving utility service, for purpose of repair and/or replacing meters or appurtenances related to utilities, or for purpose of inspection, upgrade or reading of utility meters.
 - (3) For repairs or unavoidable shortage or interruptions in the source of supply.
 - (4) If the customer's electrical usage or requirements of connections are detrimental to the electrical service as supplied to other customers or to City's electrical system in general.
 - (5) For fraud or illegal diversion of electricity.
 - (6) For improper installation of a nature that would jeopardize or otherwise effect the service to customers.
 - (7) For installing any electrical line or apparatus in a manner that is contrary to these Rules or City specifications.
 - (8) Failing to timely pay an administrative fine or penalty related to a violation of the City's Rules, Terms and Conditions Governing the Sale of Electrical Service.
 - (9) Other just or reasonable cause; or,
 - (10) Violation of these Rules which is related to health, safety, or welfare of the citizens and/or customers as determined jointly by the City Manager and City Finance Director.
 - (11) For convenience, when the utility service is provided by the City outside the corporation limits.
- (B) Whenever service is discontinued for fraudulent reasons, nonpayment, or obstruction as to inspection, a charge may be made by the City to cover the cost of disconnecting and reconnection service when the same is again reestablished.
- (C) The City may establish trip fees for connections/disconnections related to customer maintenance.

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- (D) The City reserves the right to refuse any application for service if the applicant is indebted to the City for any service thereto fore rendered at any location, provided City advises the applicant of the same, and the City reserves the right to discontinue to serve any customer without notice in case of emergency or to prevent fraud upon the City.
- (E) Any discontinuance of service shall not terminate the contract between the City and the customer nor shall it abrogate any customer charge which may be effective.

Rule 12.2 Disconnect Procedures

The following procedure is established for disconnection of electrical service for any valid reason, except in the case of an emergency or maintenance disconnect, where notice under this rule may be dispensed with:

- (A) First, notice of disconnect will be furnished, in writing, to the contracted customer by personal service or by serving such notice via U.S. Regular mail to the last known address that is on file with the utility department at least fourteen (14) days prior to the scheduled disconnect date. If the billing address and service address are different, by also serving the premises being served with the utility at least fourteen (14) days prior to disconnect by door hanger, posting, personally serving an adult occupant, or by U.S. regular mail. Next, a second notice shall follow at least five (5) days in advance of the scheduled disconnect date in the same manner and form as the first notice.
- (B) The notices shall contain the following information:
 - (1) The proposed date of disconnection;
 - (2) The reason for termination;
 - (3) The amount left unpaid, if any;
 - (4) The action to be taken to cure the reason for disconnect;
 - (5) The potential reconnection fees such as trip charges;
 - (6) The right of the customer or consumer of the utility to a hearing and an appeal as to any disputed bill or proposed disconnect;
 - (7) The location, business hours, and telephone number of the utility representative that may be contacted to pay the bill or otherwise resolve disconnect issues and/or request a hearing to challenge the utility's department right to disconnect;
 - (8) That, a consumer of utility services, other than the contracted owner/customer, may avoid disconnection by paying current charges and assuming responsibility for payment of future charges;

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- (9) That, a tenant has the ability to have the contracted utility placed into their name.
- (C) Where a hearing has been requested in writing at least one (1) day prior to the scheduled disconnect, no disconnect will occur until after the hearing officer's decision or order is either personally served on the person that requested the hearing or five (5) business days after mailing of the decision, by U.S. regular mail, to the last known address of the person that filed the request for hearing. Notice shall be given of the right of appeal from a decision of the hearing officer in accordance with the appeal procedure as established in these rules. (See Appeals Process)

Rule 12.3 Disconnection

- (A) Disconnection of utilities shall not occur on any day which precedes a holiday or weekend, or any other day on which all services necessary to reconnect service are not available. All disconnection of service shall be documented by written service order recording the date, time, and identity of the service employee effectuating the disconnection; such documentation shall be retained in the business file kept by the City relating to the service premises so affected.
- (B) If a person desires to pay a delinquent amount to avoid disconnect, an employee will give the customer one (1) hour to make arrangements to go to the City Utility Department and pay the amount required to avoid disconnection or otherwise resolve the disconnect issues. The time to commence from receipt of notice to the employee by the delinquent customer of an intent to pay.
- (C) No service employee dispatched to disconnect service shall disconnect service until he/she makes reasonable efforts to personally contact an adult occupant, if any, of each service premises to be affected to:
 - (1) advise of the disconnection; and
 - (2) verify the propriety of the disconnection.
- (D) Reasonable efforts shall include, but not necessarily be limited to, knocking on the door or doors of each household at the service premises.
- (E) Notice that the utility has been disconnected shall be placed in a prominent place at the entry to each service address affected by disconnection. The service employee shall document on the service order the efforts made to personally contact the occupants prior to disconnection and the delivery of the disconnect notice, including the date and time such acts were performed and his/her identity.

Rule 12.4 Trip Charge

If disconnection action commences by the utility department, trip charges, as established and as may be amended from time to time, will be assessed to the customer whenever utility department or operation department

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employees respond to the premises being served in relation to disconnect or subsequent reconnection and when response is due to an act or omission by the property owner or customer which resulted in the disconnection action. Regardless of reconnection, if disconnection is because of non-payment, a trip charge for disconnection will be added to the final bill. The utility may require the customer or designee be present for any reconnection.

Rule 12.5 Disconnection Jeopardizing Health

- (A) Disconnect of service for nonpayment will not occur when disconnect of service would be especially dangerous to health as certified pursuant to the certification provisions of this rule; however, (when available) a limiter may be installed on your service. Customer may, in order to avoid disconnect, enter into and make payment in accordance with an extended payment plan.
- (B) Disconnect of service will not occur for nonpayment when the disconnect of service would make operation of necessary medical or life-supporting equipment impossible or impractical; however, (when available) a limiter may be installed on your service. Customer may, in order to avoid disconnect, enter into and make payment in accordance with an extended payment plan.

Rule 12.6 Certification Procedure

- (A) The City Utility Department shall provide application forms for licensed physicians or local board of health physicians for certification upon request of any residential customer. The City Utility Department shall give notice of availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter and summer periods. If disconnect is to occur as a result of nonpayment, written notice shall be given to the customer prior to disconnect that a medical certification program and forms are available from the City.
- (B) Any consumer who is a permanent resident of the premises where the service is rendered may qualify for certification.
- (C) The condition must be certified to the Utility Department by a licensed physician or local board of health physician.
 - (1) The certification of special danger to health shall be in writing and shall include the name of the person to be certified, a statement that the person is a permanent resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the condition, and the period of the time during which termination will be especially dangerous to health.

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- (2) Initial certification by the certifying party may be by telephone if written certification is forwarded to the Utility Department within seven (7) days.
- (3) In the event service has been disconnected within twenty-one (21) days prior to certification of special dangerous to health for qualifying resident, service shall be restored to that residence if proper certification is made in accordance with the foregoing provisions and the customer agrees to an extended payment plan.
- (4) Certification shall stop disconnection of service for thirty (30) days. Certification may be renewed two (2) additional times (thirty (30) days each) by a licensed physical or local board of health physician by providing an additional certificate to the Utility Department. The total certification period is not to exceed ninety (90) days in any twelve (12) month period.
- (5) Upon renewal of certification, the City Utility Department shall make contact by reasonable means with the customer and advise the customer of the governmental assistance programs that may be available. Assistance information will be provided by mail as a last resort of contact.

Rule 12.7 Winter Months Disconnect

- (D) Notwithstanding any other rule, no disconnect for residential service will occur for nonpayment at times when temperatures are below freezing on any given day; however, a limiter (when available) may be installed on your service.

RULE 13 BILLING DISPUTES

Rule 13.1 *Authorized Personnel To Settle Billing*

- (A) Disputes concerning billing and/or statement errors may be brought by customer within thirty-six (36) months from date of the bill and/or statement that is the subject of the dispute. All said disputes need to be brought to the attention of the City Finance Director; however, the City Manager, who also serves as the City's Director of Public Service in accordance with City Code shall, in conjunction with the Finance Director, have the power and authority to settle billing disputes. If not brought, in writing, within said thirty-six (36) month period from the date of billing, the dispute will be considered waived and settled. Except in case of fraud or theft of service, the City shall have thirty-six (36) months to initiate recovery of undercharges or under billings or it will be considered waived. In case of fraud or theft, the time shall commence to run from the date the City discovers the fraud or theft. Nothing in this Rule shall be construed as prohibiting overpayment of a customer to be credited by the City when discovered by the City on its own initiative; however, such overpayment shall only go back thirty-six (36) months for purpose of credit.
- (B) In case a portion of any amount included in a statement is in bona fide dispute, the entire amount shall be payable when due and the difference between the billed amount and the correct amount, if any, shall be promptly refunded after the determination of the correct amount.
- (C) In the event that a billing or statement error exists in favor of the customer, then the amount owed by the City to the customer may either be by credit to the account or paid in a lump sum payment as determined by the Finance Director. Also, when the amount due as a result of the error exceeds \$500.00 and the error is of no fault of the customer, then the amount due as a result of the error shall be paid with interest at the same rate of interest as paid on deposits as found in Rule 14.1. The interest shall accrue from the date that the error was first made, subject to the maximum period of time in which claims may be brought under Rule 13.1(A).
- (D) In the event that a billing or statement error exists in favor of the City, then the amount due the City by the customer shall be reimbursed by the customer to the City in a lump sum payment or paid over a period of months as determined by the Finance Director. Also, when the amount due as a result of the error exceeds \$500.00 and the error is of no fault of the City, then the amount due as a result of the error shall be paid with interest at the same rate of interest as paid on deposits as found in Rule 14.1. The interest shall accrue from the date that the error was first made, subject to the maximum period of time in which claims may be brought under Rule 13.1(A).

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- (E) In the case of theft or fraud, amounts due the City as the result of the theft or fraud shall accrue interest at the same rate of interest as on deposits as found in Rule 14.1.

Rule 13.2 Prevention Of Connection Of New Or Additional Utilities

No municipal utilities will be provided at a location for a person who has failed to pay previously incurred utility billings at a different location unless a payment plan has been set up with the City Finance Department for payment of the said bill(s).

Rule 13.3 City's Ability To Waive Payments

Notwithstanding any other provision herein, the City Manager, upon recommendation from the Finance Director, may negotiate and reduce any delinquent electric utility bill if it is determined that a pending or impending bankruptcy, foreclosure or other legal action threatens the collection of the delinquent bill, or when fairness dictates that the electric utility bill should be adjusted.

Rule 13.4 Collection Of Delinquent Accounts

The City Finance Director shall cause to be mailed a letter to the last known address of the customer of the delinquent account demanding payment thereof. If no payment is received, or arrangements for payment made to the satisfaction of the City (ie. agreement for payment and/or promissory note), the accounts may be turned over to the City Law Director or a collection agency for further action. Any accounts deemed non-collectable, as determined by the City Finance Director and City Manager, may be removed from the collection roles and the debt removed from the finance report of the City, for purpose of demonstrating a more accurate portrayal of the financial condition of the City; however, the debt shall not be construed as forgiven and any person or entity owing said debt may be refused service until the debt is satisfied. For the purpose of this section, if the cost of pursuing a debt is greater than the debt, it may be deemed not worthy of collection and therefore, uncollectible.

RULE 14 SECURITY DEPOSITS

Rule 14.1 General Rule Related To Security Deposits

- (A) Residential accounts shall be required to have a minimum deposit of: inside corporate limits one hundred dollars (\$100.00), outside corporate limits one hundred twenty dollars (\$120.00); however, if residence has substantially all electric heat, then inside corporate limits one hundred eighty dollars (\$180.00) and outside corporate limits two hundred dollars (\$200.00). Residential account deposits may be waived by the Finance Director upon applicant demonstrating a good payment history from the City utility or another utility for the immediate prior twelve (12) consecutive months and credit worthiness. Every other type of electric account shall be required to have a security deposit not exceeding an amount sufficient to cover an estimate of the monthly average of the annual electrical consumption by such customer, as may be determined by viewing prior history at the premises to be served or by viewing similar accounts, plus thirty (30%) percent will be required. In no event shall the non residential deposit amount be less than two hundred thirty dollars (\$230.00) except as provided in Rule 14.1(A)(1). The deposit shall earn interest (which shall be simple interest) at the rate of not more than three (3%) percent per annum and, except for the three percent (3%) cap, not less than the month ending rate posted for "STAR" Ohio. The earned interest shall be allowed and paid to the customer if the deposit is held for six (6) months. A performance or security bond by a surety authorized to do business in the State of Ohio or a letter of credit, all as approved by the City Finance Director, may be used in lieu of a cash deposit; however, no interest shall accrue or be paid on such performance bond, security bond, or letter of credit. For residential service deposits held for six (6) months, interest shall commence to accumulate retroactive to the original date of deposit and shall be held for a period not to exceed (12) twelve months. At the expiration of twelve months, the deposit, plus interest, shall be returned by crediting the account, if it is determined by the Finance Director that: (1) payment is not at risk due to a poor payment history on a particular person and that; (2) the customer has good credit worthiness. If such determination is not made by the Finance Director, then the deposit shall be held until termination of service and then applied and/or distributed in accordance with these Rules. For nonresidential service deposits held for six (6) months, unless otherwise specified in a particular agreement, interest shall commence to accumulate retroactive to the original date of deposit and shall be held until termination of service and then applied and/or distributed in accordance with these Rules, except that for any account established prior to January 1, 1998, the original date of deposit for interest accrual purposes shall be construed as January 1, 1998. Moreover, interest may be calculated to the nearest month without detriment to the person or entity named on the account. Also, when an

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account accumulates interest over and above the necessary security need as established in this Rule 14, then the interest may be credited to the account.

- (1) Where on a residential premises that has more than one (1) meter or when a public utility has more than one (1) meter being used by the utility, the Finance Director may consider the same to be one account for deposit purposes; the City Manager may also negotiate deposits when multiple meters are treated as one account for deposit purposes.
 - (2) Where a residential customer has established a worthiness to pay based on twelve (12) continuous months and there is no more than a ninety (90) day re-activation of a utility account with the City, said deposit may be waived by the City Finance Director.
 - (3) Where a landlord of a residential premises has established a worthiness to pay based on prior account activity within the last two years, and request an account of his/her rental premises to be placed into his/her name, said deposit may be waived by the City Finance Director.
- (B) In cases of commercial, large power or industrial establishments, manufactured home parks (mobile home parks), apartments, apartment complexes, condominiums or duplexes, that are mastered metered, a deposit not exceeding an amount sufficient to cover an estimate of the monthly average of the estimated annual consumption by all potential customers of such a premises being master metered, plus thirty (30%) percent, shall be deposited by the owner or manager of such premises. The interest requirement as provided for in paragraph (A) is applicable to this provision. The City Manager may negotiate the amount of deposits required by this paragraph (B).
- (C) Upon the effective date of these Rules, no demand shall be made of a customer to deposit cash as security for payment of electrical bills if not demanded within thirty (30) days of initiation of service, except this provision does not apply where the account of a customer is in arrears or when there exists a lack of credit worthiness.
- (D) The City Finance Director, jointly with the Electrical Superintendent, shall establish a schedule relating to estimated usage for deposit purposes; however, the Finance Director shall determine the estimated amount to be placed on deposit which may be reevaluated after ninety (90) days usage; moreover, in cases where payment is at risk, due to a poor payment history on a particular person or establishment, or the lack of credit worthiness, larger deposits may be demanded when found to be reasonable to do so by the City Finance Director.

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- (E) This Rule shall supersede and replace R.C. §4933.17 as being determined by the legislative authority that it is inapplicable to municipal utilities, the legislative authority exercising its "home rule" authority.

Rule 14.2 Deposits For Temporary Service By Contractors, Builders, & Developers

An annual flat security deposit may be charged, in an amount as determined by the Finance Director (based on estimated usage), to Contractors, Builders, and Developers. This deposit shall be returned upon the end of the calendar year with any accrued interest as applicable to other security deposits.

Rule 14.3 Return Of Deposit

Except as provided in Rule 14.1 (A) pertaining to deposits, the City shall have a reasonable time in which to read, remove or disconnect the meters after receiving notice of removing utilities from customer name. City shall ascertain that all obligations of the customer, concerning electricity have been settled in full prior to the return of any deposits or interest by the City to the customer. Upon discontinuance of service, such deposit and accumulated interest as may remain in excess of any such indebtedness owed to City's Utility Department shall be refunded to customer, or in the case the deposit is in the form other than a cash deposit, the deposit obligation shall be discharged.

Rule 14.4 Payment On Accounts

The City shall apply any money paid on utilities, including any deposit, first to the most delinquent amount owed to the City with the remainder of any monies to be applied towards payment of any other City furnished utility that is owed.

Rule 14.5 Use Of Deposits; Bankruptcy

Rule 14.5 shall control over all other rules contained herein. Deposits placed with the City in relation to utilities will be applied to set-off monetary amounts the customer owes to the City for any utility service furnished by the City to or on behalf of the customer when finalizing the customer's bill, regardless if finalization is for voluntary or non-voluntary termination of service. Further, when a petition for bankruptcy is filed, the current account number will be finalized, and pre-petition bankruptcy deposits will be applied as first stated in this Rule 14.5, without notice or necessity of court order. In the event bankruptcy is filed, a new account number will be assigned to the service agreement and assurance of payment (deposit) in the form of a cash deposit, letter of credit, certificate of deposit, surety bond, prepayment of utility consumption, all in a reasonable amount as determined by the Finance Director, shall be timely placed on account with the City. For consistency purposes, the assurance of payment for the account, regardless of the type of account, shall be placed with the City within thirty (30) days after the date of the order for

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relief. The Finance Director may negotiate another form of security that is mutually agreed upon between the City and the debtor or the trustee. The Finance Director shall endeavor to serve notice on the debtor and trustee of the deposit requirement to avoid termination. The failure to timely place on account with the City adequate assurance of payment (a replacement deposit) shall constitute grounds for termination.

RULE 15 LIABILITY OF PARTIES

Rule 15.1 City's Disclaimer

The City will use reasonable diligence in supplying a regular and uninterrupted supply of electricity, but expressly disclaims that the service is perfect; moreover, does not warrant or guarantee uninterrupted service; further, the City asserts that there are some risks that remain with the customer. The City shall not be liable for damages in case such supply should be interrupted or fail by reason of a "Force Majeure." This includes the interruption of service to any customer, taken to prevent or limit the extent or duration of interruption, instability or disturbance on the electric system of the City or any electric system interconnected directly or indirectly, with the City's system, whenever such act is necessary or indicated in the sole judgment of the City.

The City disclaims any duty to maintain or inspect owner or customer's owned or leased equipment, interior wiring or piping.

Rule 15.2 Delivery Point

Unless otherwise provided in a contract between City and Customer, the City shall not be liable for any loss, injury, or damage resulting from the Customer's use of Customer's owned or leased equipment or occasioned by the energy furnished by the City beyond the delivery point. Further, the City shall not be liable in damages for loss of use of Customer's owned or leased equipment due to interrupted power.

Rule 15.3 Protective Devices

The customer shall be responsible for paying for and shall provide and maintain suitable protective devices on his or her equipment to prevent any loss, injury or damage that might result from unusual conditions or any other fluctuation or irregularity in the supply of energy, including but not limited to, guards for high or low voltage or the loss of one-phase in a three-phase system. The City shall not be liable for any loss, injury or damage resulting from unusual conditions or any other fluctuation or irregularity in the supply of energy, which could have been prevented by the use of such protective devices.

Sensitive electronics are more susceptible to damage due to voltage spikes or surges. The customer should consider installing transient voltage surge suppression at the main serve entrance and at the point of use. If a momentary voltage dip or outage would cause loss of data, an uninterruptible power supply should be considered.

Rule 15.4 City's Electrical Equipment

Except in cases where the owner provides substation or transformer, the City will provide and maintain the necessary line or service connections,

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transformers (when same are required by conditions of contract between the parties thereto), meters and other apparatus which may be required for the proper measurement of and protection to its service. All such apparatus shall be and remain the property of the City, unless otherwise sold by the City.

Rule 15.5 Customer's Liability

- (A) Except for the electrical meter, the property owner or customer is considered the owner of the necessary wiring, connections, and equipment beyond the delivery point, including but not limited to interior wiring and piping.
- (B) In the event of loss or injury to the property of the City through misuse by, or the negligence of, the customer or the employees of the same, the cost of the necessary repairs or replacement thereof shall be paid to the City by the customer.
- (C) The Customer may be held liable for any tampering, interfering with or breaking of the seals of meters or other equipment of the City utility installed on the customer's premises and will be subjected to both civil and criminal penalties (except for criminal acts of third parties without collusion of Customer) for the same, including any illegal diversion of electricity according to law.
- (D) Only authorized employees of the Electrical Department shall have the power to turn the electrical service on or off at the delivery point or meter. Customers may be held liable for unauthorized turning on or off of utility.
- (E) The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the electrical system. The owner shall hold the City harmless from any loss or damage that may in any way result from or be occasioned by such installation or connection.
- (F) The City shall not be liable for any damages by interruptions to service due to accidents, breakdowns, or other causes. Electricity is inherently dangerous and if misused property damage and personal injury can occur. The customer should install, maintain, and inspect equipment and appliances which meet safety standards; moreover, customer should not place flammable material on top of electric appliances.

RULE 16 INSPECTION REQUIREMENTS AND THE POWERS AND AUTHORITY OF INSPECTORS

- (A) The City Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, measurement, and testing pertinent to the City's electrical system in accordance with the provision of these Rules.
- (B) The City Manager or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing electrical usage. Any industry may withhold information considered confidential, but the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- (C) While performing the necessary work on the private properties, referred to in provision (A), the City Manager or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company where the work is being performed.
- (D) The City Manager and other duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, measurement, repair, and maintenance of any portion of the electrical facilities lying within said easement. All entries and subsequent works, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- (E) It is in the interest of the customer to properly install and maintain their wiring and electrical equipment and they shall at all times be responsible for the character and condition thereof. The City in no event shall be responsible therefore under these rules.
- (F) Where a customer's premises are located within the City or other governmental subdivision where inspection laws or ordinances are in effect, the City may withhold furnishing service to new installations until it has received evidence that the inspection laws or ordinances have been complied with. In addition, if the City or other governmental subdivision shall determine that such inspection laws or ordinances are no longer being complied with in respect to an existing installation, the City may suspend the furnishing of service thereto until it has received evidence of compliance with such laws or ordinances.
- (G) Where a customer's premises are located outside of an area where inspection service is in effect, the City may require the delivery by the customer to the City of an approved inspection, the customer assuming responsibility therefor.

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- (H) No responsibility shall attach to the City because of any waiver of these requirements.

RULE 17 EXTENSION OF SERVICE

Rule 17.1 Prohibition Concerning Extension Of Service

- (A) Unless otherwise provided, the City reserves the right not to extend or upgrade electrical service unless the revenue is sufficient to justify the cost of making such additions, or in lieu of sufficient revenue the City may require a long-term contract which may include contribution in aid of construction and/or a definite and written guarantee in addition to any payment required by the schedule as may be necessary. Rule 17 is subject to any federal or state law, rules or regulations, orders or agreements prohibiting or limiting the enforcement hereof, whether now or hereafter in effect.
- (B) The provisions of Rule 17.1 may also be applied to cover the payment by the customer of the cost of connecting existing transmission or distribution lines for electric service or for reservation of electrical capacity when such service or reservation will not otherwise provide sufficient revenue to justify the cost of connecting said lines.
- (C) For the purpose of this Rule 17, overhead or underground extensions or upgrades in excess of 100' shall be considered above the normal or routine extension or upgrade.

Rule 17.2 New Subdivisions

- (A) Subject to Rule 17.1, the cost of standard installed above ground electrical installation to and within a newly platted subdivision or any phase thereto within the City limits, up to the delivery point, will be the responsibility of the City. The developer or subsequent land owner, as applicable, shall be responsible for any upgrade in service requested by the developer or land owner, including but not limited to, underground installations.
- (B) The developer may submit to the City, in writing, a request for developer to perform trenching and backfill for underground service to the new subdivision utilizing its own contractor(s). Under such arrangement, the City will design and map the utility layout for the electric service and provide a copy to the contractor. The trenching must meet the standard underground installation practices as at the time may be required by the City. The trenching shall be inspected and approved by the City prior to the installation of an underground conductor. After approved inspection, the City will install and connect the required underground conductor for the subdivision. The backfill process shall also be subject to inspection and approval by the City. All costs associated with the design, mapping, inspection, conductor installation and connection shall be at the sole cost of the developer or subsequent land owner as applicable.
- (C) The developer may submit to the City, in writing, a request for developer to perform trenching, conduit installation, cable installation, and backfill

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for underground service to the new subdivision utilizing its own contractor(s). Under such an arrangement, the City will design and map the utility layout for the electric service and provide a copy to the contractor. The trenching must meet the standard underground installation practices as at the time may be required by the City. The trenching shall be inspected and approved by the City, prior to the installation of an underground conductor. The underground conductor shall be as specified by the City and be subject to testing and inspection upon installation prior to backfilling of the trench which also shall be subject to inspection and approval. All costs associated with the design, mapping, conductor connection and inspection shall be at the sole cost of the developer or subsequent land owner as applicable.

- (D) Subject to Rule 17.1, the initial installation cost of the standard installed street lighting within any newly platted subdivision or any phase thereto, within the City limits, will be the responsibility of the City. The developer or subsequent land owner, as applicable, shall be responsible for any upgrade in service requested by the developer or land owner, including but not limited to, underground installations.
- (E) The City will maintain ownership of the installations stated herein, made by a developer or subsequent land owner, upon completion and acceptance following the City's inspection routine, subject to any maintenance cost requirement of the developer, which shall be guaranteed with an appropriate bond or other security, unless waived by the City Manager.

Rule 17.3 Persons Seeking Extension

Those persons seeking the extension of electrical service to an area outside the corporate limits of the City shall be required to bear the entire cost of such extension, construction and installation, unless the City Council determines that it is in the best interest of the City to do otherwise. All plans, specifications and work therefor shall be subject to the approval of the City.

Rule 17.4 Political Subdivision Contracts Authorized

Nothing in this Rule 17 shall be construed as limiting the authority of the City to contract as provided for in Rule 25.

Rule 17.5 Extension Of Rural Lines

See Rule titled Extension of Rural Lines.

RULE 18 EXTENSION OF RURAL LINES

Rule 18.1 Application For Service

An existing or proposed electric consumer located outside the City corporate limits seeking to become a customer of the City shall submit a request by way of application to the City. Thereafter, the applicant shall provide the City with information as deemed necessary by the Electric Superintendent to make a decision regarding the Application for Service.

Rule 18.2 Determination Of Application

The Electric Superintendent shall make a determination of the ability of the existing system to service the new applicant. A preliminary analysis is performed to indicate that distribution circuits from the existing substations can accommodate loads within a reasonable distance of the existing distribution circuits.

Rule 18.3 Determination Of Costs To The Applicant

The Electric Superintendent shall determine the cost to connect the applicant with the existing distribution system. This cost shall include all items required to be performed by the City and/or its agents in order to provide service to the applicant while maintaining safe and practical loading to the existing system. Such items shall include, but are not limited to the following: equipment, materials, supervision, labor, engineering, load flow studies, easements, property, meter(s) and/or overhead. An itemized breakdown of the cost shall be provided by the Electric Superintendent.

Rule 18.4 Recovery Of Cost To Connect Applicant

Prior to commencing construction of any new circuit line, circuit extension or other improvements, the applicant shall enter into a written agreement with the City to reimburse the City for the total cost of the connection as outlined in Rule 18.3. This agreement shall outline the method of payment along with the schedule for completion of construction and any special terms and conditions.

Rule 18.5 Approval Of Application For Service

Within a reasonable time frame of submittal of all requested information by the applicant, the City shall make a determination as to its willingness to service the new customer. This determination shall be made based upon a number of factors including the technical capability to service the applicant and the willingness of the applicant to enter into an agreement to reimburse the City for the cost of the interconnection. The applicant shall be made aware of the City's decision in a timely fashion. The Electric Superintendent may make this decision for any New Adjacent Rural Customer currently not serviced by any electric utility. The decision to

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service a New Adjacent Rural Customer who is already served by an electric utility shall be made by the City Manager in consultation with the Electric Superintendent. The decision to service New Non-Adjacent Rural Customers shall also be made by the City Manager in consultation with the Electric Superintendent.

Rule 18.6 Applicable Terms And Conditions

Any new rural customers after the effective date of these Rules are subject to the existing terms and conditions with the following additions:

- (1) The consumer may be required to enter into a written agreement stating length of contract, character of service, availability of service, equipment supplied by consumer, equipment supplied by the City, minimum charges required and other appropriate terms.
- (2) The City may require corrective measure or devices for any motor or apparatus which in the opinion of the City will cause objectionable operating conditions.
- (3) The customer may request the City to perform maintenance on secondary equipment owned by the consumer. The City will perform this work at its option. If such work is performed, the customer will be charged for the work performed in addition to its regular monthly bill.

RULE 19 APPEAL PROCESS

Rule 19.1 Appeals In General

All decisions made by those other than the Finance Director or City Manager may be taken to the employees applicable appointing authority for review and decision.

Rule 19.2 Appeals From Decision Of Finance Director

- (A) After hearing by the Finance Director, a decision shall be rendered and either personally delivered or mailed to the person who filed the appeal at the last known address by regular U.S. mail.
- (B) An appeal from a decision of the Finance Director, after hearing, may be taken to the Electric Committee of Council, so long as notice of appeal is filed in writing with the Finance Director within ten (10) business days after mailing of the decision or order of the Finance Director by regular U.S. mail or five (5) business days after rendering the decision or order by personal service, to the person who filed the appeal.
- (C) Appeals will not stay the finding or order of the Finance Director as a result of his/her decision, after hearing, unless a bond (in cash or other acceptable method) is posted in an amount necessary to guarantee payment of any unpaid charges and any future charges that may incur during the appeal process.
- (D) A filing fee, as established by the City and as may be amended from time to time, will be charged for all appeals to the Electric Committee; however, this fee may be waived by the Finance Director in cases of indigence; further, such filing fee will be returned if the appealing party prevails.
- (E) Appeals to the above Committee will be held within a reasonable time and will be informal in nature. Such order of the Committee will be considered a final order.

Rule 19.3 Appeals From Decision Of City Manager

- (A) After a hearing by the City Manager, a decision or order shall be rendered and either delivered by personal service or mailed to the person who filed the appeal at the last known address by regular U.S. mail.
- (B) An appeal from a decision of the City Manager, after hearing, may be taken to the Electric Committee of Council, so long as notice of appeal is filed in writing with the Finance Director within thirty (30) business days after mailing of the decision or order of the City Manager or thirty (30) business days after rendering the decision or order by personal service to the person who filed the appeal.

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- (C) Appeals will not stay the finding or order of the City Manager as a result of his/her decision.
- (D) A filing fee, as established and as may be amended from time to time, will be charged for all appeals to the Electric Committee; however, this fee may be waived by the Finance Director in cases of indigence; further, such filing fee will be returned if the appealing party prevails.
- (E) Appeals to the above Committee will be held within a reasonable time and will be informal in nature. Such order of the Committee will be considered a final order.

Rule 19.4 Scope Of Appeals

The scope of all appeals to the Committee shall be limited to the question of whether the City Manager or City Finance Director acted unreasonable, arbitrary or capricious in their decision.

Rule 19.5 Appeal Process/Bond/Disconnect

The appeal process will not stay a disconnect order unless there is a posting of a bond (in cash or other acceptable method) with the Finance Director in the amount equal to the amount in dispute and including those estimated amounts that may incur during as a result of the appeal process.

Rule 19.6 Appealable Decisions

The appeal process established in this Rule is applicable only to matters identified as appealable decisions of the City Finance Director and City Manager. For issues where the City Finance Director and City Manager both make a decision that is subject to an appeal, then the hearing may be in front of either the City Finance Director or City Manager as assigned by the City Manager; moreover, in the event it is not clear which official should be the hearing officer, then, either the City Finance Director or City Manager may hold the hearing as assigned by the City Manager.

RULE 20 VIOLATIONS AND PROHIBITIONS

Rule 20.1 Unauthorized Connections Prohibited

Except as in provided in these Rules, it shall be a violation of these Rules for any person, other than an authorized employee of the City while in performance of their duties, to knowingly, recklessly or negligently connect to an electrical line or extend a service line; unless, however, application for said connection or extension has been made in writing to the City, and approved by the City.

Rule 20.2 Alternate Power Source Connections Prohibited

- (A) Except as permitted by these Rules, it shall be a violation of these Rules for any person to knowingly, recklessly or negligently, make or cause to be made, or permit on their premises, or the premises of another within the corporation limits, alternate power source connections whatsoever between another electrical supply and City's electrical supply.
- (B) Except as permitted by these Rules, it shall be a violation of these Rules for any person, regardless of intent, to make or cause to be made connections of any kind whatsoever that would make it possible for any other electrical supply sources to connect with the City's electrical system.

Rule 20.3 Tampering With City's Electrical System

It shall be a violation of these Rules for any person, regardless of intent, except City employees while in the performance of their duties, without a written permit from the Electrical Superintendent, to tamper with a City owned electrical apparatus.

Rule 20.4 Adjustments To Meters Prohibited

It shall be a violation of these Rules for any person, except the employees of the City while in performance of their duties or persons authorized thereby (ie. equipment repairman), to knowingly, recklessly or negligently make any internal or external adjustments of any meter or any other piece of apparatus which is the property of the City.

Rule 20.5 Connection To City's Electrical System Required

It shall be a violation of these Rules for any owner of real property located within the City's corporation limits, regardless of intent, to connect to an electrical line other than a City electric line when required by these Rules.

Rule 20.6 Disturbance Of Municipal Electrical System Prohibited

It shall be a violation of these Rules for any unauthorized person, regardless of intent, to disturb the municipal system by:

- (A) Uncovering or cause to be uncovered any municipal electrical appurtenance thereof, except under the provisions of these Rules; or,

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- (B) Making or cause to be made any connections with or opening into, use, alter, or disturb any municipal electrical appurtenance thereof, except under the provisions of these Rules.

Rule 20.7 Permits Required

It shall be a violation of these Rules for any person, except employees of the City while in the performance of their duties, regardless of intent, to install or caused to be installed any wire, pipe, conduit or other appurtenances related to electricity, or permit the same to be done on their premises, or make any connection to the municipal system of the City without first obtaining and maintaining a valid permit as required by these Rules.

Rule 20.8 Destruction Of City Appurtenance Or Equipment Prohibited

It shall be a violation of these Rules for any person to knowingly, recklessly, or negligently break, damage, destroy, or deface any structure, appurtenance, or equipment which is a part of the City's electrical facilities.

Rule 20.9 Meeting Specifications Required

- (A) It shall be a violation of these Rules for any person, regardless of intent, to install or construct on any premises in the City, any electrical apparatus, unless installed or constructed in accordance with City specifications, unless otherwise permitted by an authorized person of the City. For the purpose of this section, an authorized person shall be the City Manager, City Electrical Superintendent or designee.
- (B) It shall be a violation of these Rules for any person, regardless of intent, to make a connection or lateral extension to private property from a municipal electrical line except in accordance with specifications issued by the City Electrical Superintendent.

RULE 21 PENALTY SECTION

Penalties for violations of the City of Napoleon's Rules for Electrical Service are pursuant to Ordinance No. 88-99, currently on file in the office of the City Finance Director and as may be amended from time to time.

(Comment: Any violation cited should include the Rule Violation as well as said Ordinance number. Below is merely a restatement of the penalties; therefore, the current Ordinance should be examined for verification of accuracy.)

- (A) Any person found violating Rules 20.1; 20.4; 20.6(B); 20.8 of the Electric Rules, Terms and Conditions shall be deemed guilty of a misdemeanor of the first degree and the penalties as contained in Chapter 501.99 of the Codified Ordinances of the City of Napoleon, Ohio shall apply. Each day a violation continues constitutes a separate violation.
- (B) Any person found violating Rules 20.2; 20.3; 20.5; 20.6(A); 20.7; or 20.9 of the Electric Rules, Terms and Conditions shall be deemed guilty of a misdemeanor of the minor degree and the penalties as contained in Chapter 501.99 of the Codified Ordinances of the City of Napoleon, Ohio shall apply. Each day a violation continues constitutes a separate violation.
- (C) When a person is found violating any Sub Rule ("provision") found in Rule 20 of the Electric Rules, Terms and Conditions, the appeal procedure as set forth in the Rules shall not apply.
- (D) In addition to any criminal, civil, or administrative penalty that may be applied for a violation of any Rule, Term or Condition contained within the of the Electric Rules, Terms and Conditions, if such violation creates a condition which may be harmful to the health, safety, and welfare of the public, the violation shall be deem a public nuisance and the City may seek a civil injunction and abatement from a court of competent jurisdiction; further, violations of any electric rule, term or condition or the failure to pay in a timely manner an administrative fine will be just cause for termination of service.
- (E) Organizational penalties as provided for in Chapter 501 of the Codified Ordinances of the City of Napoleon, Ohio shall apply to this penalty section.

RULE 22 ADMINISTRATION OF RULES/VARIANCES AND EXCEPTIONS

Rule 22.1 General Administration

The City Manager is hereby empowered to make supplementary Rules as may be necessary to properly administer these Rules; however, no change shall be made in Rules 20 or 21, or Sub Rules ("provisions") thereof, unless duly authorized by Napoleon's City Council in accordance with law. Nothing in this Rule shall be construed as requiring Council approval for Rule changes related to specifications, methods or techniques.

Rule 22.2 Variances And Exceptions

Where applicant, owner or customer can show that strict adherence to provisions(s) of these rules would cause unnecessary hardship and where, in the opinion of the City Manager, because of abnormal conditions or events peculiar to a site or operation a departure may be made without destroying the intent of such provision, the City Manager may grant a variance or exception. Any such variance or exception is required to be entered in writing and attached to the application and/or contract for utility service along with the reasoning by the City Manager deemed to be justification for such variance or exception.

RULE 23 SAVINGS CLAUSE

If any Rule or part thereof is found to be unlawful by any court of competent jurisdiction, only that Rule or part thereof shall be considered unlawful and the remainder of the Rule or rules shall have full force and effect and be considered valid.

RULE 24 CORRECTION/ERROR PROVISION

If a manifest error be discovered in the Rules for electrical service consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected, and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

RULE 25 CONTRACTS PREVAIL/RULE CONFLICT/AGGREGATION

Rule 25.1 General/Power Curtailment

- (A) In order to be competitive, the City Manager may enter into contract(s), in accordance with paragraph (B) below, with persons or entities desiring electrical service under separate terms and conditions that may be contrary to these Rules, after review by the Board of Public Affairs and approval by motion of Council; however, no term or condition shall be contrary to state or federal law, except where state or federal law may be superseded.
- (B) In situations where current or potential customers may be offered an alternative source of service or where the customer may choose to locate its facilities to another site, the City of Napoleon may offer special contracts for service which contain alternative rates and terms and conditions for service. These contracts may be offered where it is determined that the loss of potential revenue, loss of employment, and/or any other negative effects from the loss of those customers may be detrimental to the economic interest of the customers on the system. Special contract rates may not be lower than the recovery of power costs allocated to that customer (where applicable), transmission and substation costs allocated to that customer, plus a contribution to fixed costs.
- (C) Notwithstanding any other rule or provision herein, the utility may offer a power curtailment program to customer(s) when approved by motion of the Board of Public Affairs and by motion of Council.

Rule 25.2 Contract With Political Subdivisions

Nothing in these Rules shall be construed as limiting the authority of the City to contract with other political subdivisions of this State for the purpose of supplying electricity outside the corporation limits under separate terms and conditions that may be contrary to these Rules.

Rule 25.3 U.C.C. Not controlling

The uniform commercial code shall have no force or effect as these rules shall be construed as governing a service.

Rule 25.4 Rule Conflict

If any rule herein is found to be in conflict with the same subject matter rule contained in the Rules and Conditions Governing Water and Sewer Service in the City of Napoleon, Ohio, and such rule is not unique to the utility, then the utility may apply the rule which was passed more recent in time.

Rule 25.5 Aggregation Of Demand Response

- (A) The Council of the City of Napoleon, Ohio, hereinafter called "the Municipality", as the retail electric regulatory authority for the

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Municipality and its retail electric consumers, determines it to be desirable that the aggregation of demand response on behalf of its retail customers to be bid directly into the organized electric and ancillary services markets administered by the regional transmission organization that includes the municipality (or any successor independent system operator or regional transmission organization) be performed by the Municipality or its authorized designee.

- (B) The Municipality or its authorized designee is the sole entity permitted to aggregate retail customers' demand response and bid demand response on behalf of retail customers of the Municipality directly into any commission-approved independent system operator's or regional transmission organization's organized electric markets.
- (C) Retail customers on the Municipality's electric system desiring to bid their demand response into a commission-approved independent system operator's or regional transmission organization's organized electric markets may do so only by participating in the program established by the Municipality or its authorized designee.
- (D) The Municipality or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers of the Municipality directly into any commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the commission-approved independent system operator's or regional transmission organization's tariff).
- (E) Retail customers of the Municipality's electric system desiring to bid their demand response into a commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the commission-approved independent system operator's or regional transmission organization's tariff) may do so only by participating in the program established by the Municipality or its authorized designee."

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RULE 26 APPENDIX "A" FEES

To partially offset the additional expense to the City in furnishing special services requested or caused by the customer, such as the connection service, collection of accounts, etc. the charges for such services are set forth in this Appendix "A". Normal connections will occur during regular business hours of the City. Any service connections after normal business hours may have an added fee to cover the additional cost of services. This appendix also covers other current rates, fees and charges. All rates not contained in this Appendix shall be as contained in Chapter 939 of the Codified Ordinances of the City or other policy, resolution or ordinance.

Trip Charges:

Initial Customer Requested Electrical Connection (Trip Charge)	\$0.00
Other Customer Requested Electrical Connection (Trip Charge)	\$20.00
City Maintenance Connection/Disconnection (Trip Charge)	\$0.00
Customer Maintenance Connection/Disconnection (Trip Charge)	\$0.00
City Trip Charge (each trip) due to reasons pursuant to Rule 12.1(B)	\$50.00

Other:

Filing of Appeal Fee	\$35.00
Return Check Service Fee	\$25.00
Temporary Electrical Service Fee (Includes Permit Fee)	\$10.00
Pole Attachment Fee (Foreign Utility, Per Pole Per Year) when attachment is within one foot (1') space, to be adjusted each calendar year based upon the consumer price index (CPIU) or as otherwise agreed to in contract.	\$7.50
Pole Attachment Fee (Foreign Utility, Per Pole Per Year) when attachment is greater than one foot (1') space, to be adjusted each calendar year based upon the consumer price index (CPIU) or as otherwise agreed to in contract.	\$12.00

Meter Testing Fee at Customer's Request and (when no problem found).

*Time and material is determined charged to customer at the actual cost to City.

* Fees listed under this Rule (Appendix) only during normal business hours. Services performed after normal business hours will have an additional \$40.00 added fee for each service, except for appeals.

* Placement and/or removal of a limiter constitutes disconnect/connect for purposes of trip charges.