City of Westerville Electric Division

Terms and Conditions

Of Electric Service

City of Westerville Electric Division
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Westerville, Ohio 43081
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TERMS AND CONDITIONS OF ELECTRIC SERVICE

1. CONTRACTS, APPLICATIONS OR REQUESTS FOR SERVICE

These Terms and Conditions of Service apply to service under the City's schedules which provide for electric transmission and distribution service.

Electric service shall be made available to a prospective consumer within the City's area of service upon request or execution of a contract therefore and its acceptance by an officer or authorized representative of the City. The request may be either over the phone (except in cases where a written contract is required) or in person.

The character of service and the rates, rules, terms, regulations and conditions shall be in accordance with Chapter 939 of the City of Westerville Codified Ordinances, the supplements thereto, and revisions thereof, applying to the particular type of service for which such contract or application is made.

2. TERM OF CONTRACT

Except as limited by law and as provided in rate schedules, requests or contracts for service shall be for the term requested or as provided in the individual contract of the consumer.

3. CONDITIONS OF SERVICE

Before the City shall be required to furnish service, the consumer or consumer's qualified electrician must first obtain the appropriate permit(s) from the City of Westerville Planning and Development Department located at 64 East Walnut Street, Westerville, Ohio 43081. The City will specify the character of the current it will furnish, and the point at which service will be brought in. The City of Westerville will furnish the appropriate meter bases upon receipt of an original copy of the electrical permit showing payment for the meter base(s). The metering equipment is to be obtained at the City of Westerville Electric Division located at 139 East Broadway Avenue, Westerville, Ohio 43081. See Sections 6 and 26 for additional information on metering equipment.

No person, other than qualified personnel representing the City of Westerville Electric Division, shall tap or make any connection with any circuit or distributing wires which are owned and operated by the City of Westerville.

Each separate point of delivery shall be considered a Contract Location and shall be metered and billed under a separate request or contract for service.

If the City requires separate points of delivery, for like service, to meet the consumer's electrical requirements at a single Contract Location, the metering for two or more points of delivery may be combined for billing under the applicable tariff.

4. AVAILABLE RATES

A copy of these Terms and Conditions of Service and the schedules applicable to the consumer's class of business will be furnished upon request.

If the consumer can meet the requirements of more than one rate schedule, the City will endeavor to advise the consumer as to which rate schedule is the most advantageous for the prospective service. The consumer shall then select the rate schedule upon which the contract for service shall be based. The City under no circumstances guarantees that the rate under which a consumer is billed is the most favorable rate.

The consumer may change the initial rate schedule selection to another applicable rate schedule at any time by either written notice from the consumer's authorized representative to City and/or by executing a new contract for the rate schedule selected, provided that the application of such subsequent selection shall continue for 12 months before any other selection may be made, except when an existing rate is modified or a new rate schedule is offered. A change of rate schedules or the

execution of a new contract must also be performed by the consumer's authorized representative.

5. SERVICE CONNECTIONS

In areas served by an overhead distribution system, an overhead service shall be provided by the City from the City's distribution system extending one span (approximately 100 feet) toward the consumer's facilities. Where greater length is required by the consumer, the cost of additional facilities may be borne by the consumer, unless otherwise agreed upon by the consumer and City.

Rights of way or easements necessary for the installation of said service shall be provided by the consumer. It is recommended that service wires not smaller in size than #6 shall be brought out of the building in an approved manner from the main service disconnect to the outside of the building. The point of outlet shall be as high as the construction of the building will permit, but not more than 25 feet nor less than 15 feet from the ground (for exception-see National Electric Code) and shall be located at a point convenient to the City's lines for making connections thereto, and each of the service wires shall extend at least 3 feet from weatherhead to the end of conduit or cable for making service connections. Service conductors and equipment must be installed in accordance with the National Electrical Code and all other applicable governing requirements.

Service entrance equipment shall be properly grounded and shall be installed so that the disconnecting means is readily accessible.

Conduit and wires and any equipment, installation and appurtenances furnished, installed and maintained by the consumer must conform to the National Electrical Code, as well as applicable governmental requirements.

A consumer desiring to convert their service conductor from overhead to underground shall be assessed charges in accordance with Section 26. The City shall designate the pole from which the underground service connection is to be made, the routing of the underground service conductor, and the location of the meter base (see Section 6).

The City shall inspect wiring, safety switch or other equipment, installation or appurtenances installed and owned by the consumer prior to service energization. Any inspection thereof which the City may make shall be for its benefit only, and shall not in any way relieve the consumer of any obligations in that respect.

An existing service that has been de-energized for reasons including, but not limited to, repair of damaged or defective consumer-owned electrical equipment; violation of electrical codes; vacancy of consumer's premises for a period of seven (7) days or longer; shall not be re-energized without having first been inspected by the City's electrical inspector. Charges shall be assessed in accordance with Section 26.

6. METERS AND METERING EQUIPMENT

The City will own, furnish, install and maintain the meter or meters. The consumer is required to install and maintain the meter mounting and meter enclosures or bases. Various types of meter bases can be supplied by the City for a nominal fee. See Section 26 for applicable charges.

The City requires that the electric meter or meters be installed on the outside of the consumer's premises. The City may grant permission, on a case-by-case basis, to install the electric meter inside the consumer's premises.

The electric meter shall be installed at a height of five feet plus or minus six inches above the final grade and in a safe and accessible location and subject to the approval of an authorized representative of the City of Westerville. Nothing shall be placed or built within five feet of the meter or stored over or around the meter which will interfere with the accessibility of the meter for reading and

maintenance.

In the event that the electric meter is positioned such that it does not meet any of the above requirements, the consumer shall be required to relocate the meter and to pay the expense of relocation.

If the location provided by the consumer causes the meter to register incorrectly, the City may require the consumer to provide a new meter location acceptable to the City and to pay the expense of relocation.

A change of the location of the meter shall be subject to the approval of an authorized representative of the City of Westerville. All costs incident to the relocation of an outside meter made upon the consumer's request, or required to be made because of the consumer's use of the consumer's premises, shall be paid by the consumer.

No person shall connect, disconnect, or in any manner tamper with, adjust or service any electric meter. The consumer will be held responsible for any tampering or interfering with or breaking the seals of meters or other equipment of the City installed on the consumer's premises and will be held liable for the same according to law.

The authorized agents or employees of the City shall have free access at all reasonable hours to the premises of the consumer for the purpose of inspecting, installing, reading, testing and removing meters or other appliances, belonging to the City. The consumer shall not interfere with, or allow others to interfere with, the City's meter or any of the wiring on the line side of the meter.

7. METER TESTING

The City will test its meters at its discretion or at the request of the consumer. Any meter found by test to be registering two percent or less than two percent either fast or slow will be considered as registering accurately.

The City will test the meter at the request of the consumer once at no charge to the consumer. Each subsequent test, in which the meter is found to be registering accurately, will result in the cost of such test being borne by the consumer. See Section 26 for applicable charges.

8. DEMAND TESTING

Periodic tests for determination of demand, where provided for in various schedules, will be made at the request of the consumer, provided that not more than two such requests will be made in any 12 month period. See Section 26 for applicable charges.

9. DEPOSITS

At the time of application for electric service, a deposit shall be required for residential or commercial consumers who rent, lease, or manage the premises in which electric service is to be provided. Furthermore, a deposit may be required from consumers whose electric service has been turned-off for non-payment or where credit risk has been demonstrated. A deposit may be waived if the consumer maintains no credit infractions with the City or can supply proof of no credit infractions from another utility. The deposit may be refunded upon request by the consumer or the consumer's authorized representative after maintaining twelve months of no credit infractions with the City. No interest shall be paid by the City on deposits. Deposit amounts are as follows:

Residential with gas heat - $100.00;

Residential all electric - $175.00;

Commercial with consumption less than or equal to 5,000kWh per month - $250.00;

Commercial with consumption greater than 5,000kWh to no more than 9,999 kWh per month - $500.00;

Commercial with consumption greater than 10,000kWh to no more than 19,999 kWh per month - $1,000.00; and,

Commercial with consumption greater than or equal to 20,000kWh - $1,500.00.

In the event that the applicant for service fails or refuses to pay charges for electric energy, the deposit shall be applied in payment of electric charges at final billing.

10. CONSUMER'S LIABILITY

In the event of loss of or injury to the property or equipment of the City through misuse or negligence of the consumer or the consumer's employees or invitees, the cost of any necessary repairs or replacement shall be repaid to the City by the consumer. The consumer will be held responsible for any tampering or interfering with or breaking the seals of meters or other equipment of the City installed on the consumer's premises and will be held liable for the same according to law.

No responsibility of any kind shall attach to the City for or on account of any loss, injury or damage caused by or resulting from defects in or inadequacy of the wires, switches, equipment, or appurtenances of the consumer, or from the installation, maintenance or use thereof.

11. USE AND RESALE OF ENERGY

Electric service will not be supplied to any party contracting with the City for electric service except for use exclusively by (a) the Consumer at the premises specified in the service request on contract between the City and the Consumer under which service is supplied and (b) the occupants and tenants of such premises. The acquisition of electric service via connection to another consumer's electrical system is prohibited.

Resale of energy shall not be permitted.

12. BILLING AND BILLS PAYABLE

The consumer will be held responsible for all charges for electric energy delivered at the consumer's premises. Bills will be rendered for each month's use by the City to the consumer and are payable on or before the due date thereon specified. Failure to receive a bill will not entitle the consumer to any discount or to the remission of any charge for nonpayment within the time specified.

If the consumer fails to pay in full any final bill for service rendered and said consumer receives like service at another location within the City's service area, the City may transfer the unpaid balance of the final bill to the service account for any such other location. Like service refers to an end use within the following broad categories: residential, commercial, or industrial. Such amount shall be designated as a past-due amount on the account at such location and subject to collection and disconnection action provided that such transfer of a final bill shall not be used to disconnect service to a residential consumer who is not responsible for such bill.

The word "month" as used herein and in rates schedules is hereby defined to be an approximate thirty (30) day billing period. In the event of the stoppage or the failure of any meter to register the correct amount of current consumed, the consumer will be billed for such period for an estimated consumption based either upon his use of energy in a similar period of like use or upon a determination based on meter test or from both of these methods combined.

13. NON-PAYMENT AND DISCONNECTION OF SERVICE

Charges accruing under the terms of Chapter 939 of the City of Westerville Codified Ordinances are due and payable by the fifteenth of each month. When two consecutive bills are unpaid, the electric service is subject to termination for non-payment.

Electric service that has been terminated for non-payment shall be assessed a re-connection charge that must be paid prior to service restoration. Furthermore, a deposit may be required from consumers whose electric service has been turned-off for non-payment or where credit risk has been demonstrated. The re-connection charge shall be determined administratively by the City Manager based on labor costs plus overheads costs after having first received the recommendation of the Electric Utility Manager and the Finance Director. For disconnect provisions see Section 21. For charges for re-connection due to non-payment, see Section 26. The consumer must be present at time of re-connection unless written authorization from the consumer is obtained.

14. COLLECTION, RECONNECTION, AND RETURNED CHECK CHARGES

For charges relating to reconnection of service and returned checks, see Section 26.

15. SERVICE INTERRUPTIONS

The City will use reasonable diligence in furnishing a regular and uninterrupted supply of electric energy, but in the event such supply should be interrupted or fail by reason of an act of God, public enemy, accidents, strikes, legal process, Federal or State or Municipal interference, extraordinary repairs, breakdowns, or damage to the City's facilities, or for any other reason beyond its control, the City shall not be liable for damages to the consumer because of such interruption or failure.

The City shall not be liable to the consumer for any loss, injury, or damage resulting from the consumer's use of his equipment or from the use of the energy of the City, or from the connection of the City's wires with the consumer's wires and appliances.

16. NOTICE TO CITY BEFORE INCREASING LOAD

The service connection, transformers, meters, and appliances supplied by the City for each consumer have a definite capacity, and no significant additions to the equipment or load connected thereto shall be made until after the consent of the City has been obtained.

17. NOTICE TO CITY OF ANY DEFECT IN ELECTRIC SUPPLY

The consumer shall notify the City promptly of any defect in service or any trouble or accident to the electrical supply.

18. TEMPORARY AND SPECIAL SERVICE

The consumer may be required to pay to the City the cost of establishing service and of removing its equipment when the service is of short term or emergency character, and a cash deposit covering the estimated net cost of such work may be required of the consumer before the work is commenced.

Service to consumers using energy only during certain seasons of a year at the same location, and requiring facilities which may not be completely removed and replaced, shall not be classed as temporary service.

19. USE OF ENERGY BY CONSUMER

The apparatus or appliances connected to the City's lines shall be suitable in every respect to the service supplied by the City, and shall not be operated in a manner which will cause voltage fluctuations or disturbances in the City's distribution system or which will be detrimental to the City's service in any way. All equipment used by the consumer shall be of such type as to secure the highest practicable commercial efficiency, power factor and the proper balancing of phases, and shall be protected by proper circuit opening devices approved by the City.

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 be equipped with controlling devices approved by the City. If neon, fluorescent and other types of lighting equipment or if motors and similar types of equipment have undesirable power factor characteristics, the consumer may be required, upon notice in writing from the City, to furnish, install, and maintain at the consumer's own expense corrective apparatus to increase the power factor of the individual units or the entire group of such units to not less than 90%.

The operation of certain electrical equipment can result in disturbances (e.g., voltage fluctuations, harmonics, etc.) on the City's transmission and distribution systems which can adversely impact the operation of equipment for other consumers. Nonresidential consumers are expected to abide by industry standards, such as those contained in ANSI/IEEE 519 or the IEEE/GE voltage flicker criteria, when operating such equipment. The City may refuse or disconnect service to nonresidential consumers for using equipment which adversely affects distribution service to other consumers.

The City's service shall not be operated in parallel with any source or sources of power supply except under special circumstances and upon written consent of the City.

20. LOCATION AND MAINTENANCE OF CITY'S EQUIPMENT

The City shall have the right to erect and maintain its poles, lines, and circuits on the property, and to place and maintain its transformers and other apparatus on the property or within the buildings of the consumer at convenient locations. The consumer shall allow the use of suitable space for the installation of necessary measuring instruments so that the latter may be protected from damage.

Transformers and appurtenances placed on the property or within the building shall be housed in accordance with the National Electrical Code in a suitable room or vault provided by the consumer and, when installed outside upon a mat or slab, shall be sufficiently protected by the consumer to guard against loss, damage or injury to persons or property.

21. DISCONNECT PROVISIONS

Reasons for Disconnect

The City reserves the right to discontinue the supply of electric energy and disconnect its lines and remove its property for any of the following reasons:

A. For any violation of or refusal to comply with the contract and/or the general service rules and regulations which apply to the consumer's service;

B. In the event the consumer uses electricity in a manner detrimental to the service to other consumers;

C. When providing service is in conflict or incompatible with City codes or ordinances, laws of the State of Ohio or any political subdivision thereof, or of the federal government or any of its agencies;

D. When the consumer has moved from the premises;

E. When supplying electricity to any consumer creates a dangerous condition on the consumer's premises or where, because of conditions beyond the consumer's premises, termination of the supply of electricity is reasonably necessary. Service will not be restored until such dangerous condition or conditions have been corrected and an inspection has been conducted by the City's Electrical Inspector;

F. In the event the consumer resorts to any fraudulent practice in the obtaining of electricity supplied,

or is the beneficiary of any such fraudulent practice, or the City's meter, metering equipment, or other property used to supply the service has been damaged by the consumer, the consumer's employees or agents. Service will not be restored until the consumer has given satisfactory assurance that such fraudulent or damaging practice will be discontinued and has paid to the City an amount estimated by the City to be reasonable compensation for service fraudulently obtained and not paid for and for any damage to property of the City including any cost to repair the damage;

G. For repairs, provided that notice to consumers will be given prior to scheduled maintenance interruptions;

H. For non-payment; and

I. Upon the request of the consumer.

Suspension of service for any of the above reasons shall not terminate the contract for service. The authorized agents or employees of the City shall have free access at all reasonable hours to the premises of the consumer for purposes of disconnecting and reconnecting service. See Section 26 for charges for re-connection.

22. DEFINITION OF RESIDENTIAL CONSUMER

The Residential Consumer is a consumer whose domestic needs for electrical service are limited to their primary single family residence, single occupancy apartment and/or condominium, bed and breakfast establishment, mobile housing unit, or any other single family residential unit.

The residential rate schedules do not apply to commercial or industrial service. If a residential unit is used for both residential and commercial purposes, the appropriate General Service rate may apply unless the wiring is so arranged that the residential usage can be separately metered. The hallways and other common facilities of an apartment and condominium building or apartment and condominium complex are to be billed on the appropriate General Service rate.

In the event a detached garage or other facility on a Residential Consumer's property is separately served and metered, such facility shall be metered and billed according to the appropriate General Service rate.

23. NOMINAL SERVICE VOLTAGES

The City has established the following nominal service voltages of which at least one of the following characteristics shall be made available to a consumer, the particular voltage and service characteristics to be at the option of the City:

Secondary Distribution System - Alternating current, 60 hertz at nominal voltages of 120, 120/208, 120/240 or 240/480 volts, single phase; and 208Y/120, 120/240, 240, 480, 480Y/277 volts, three phase.

Primary Distribution System - Alternating current, 60 hertz 3 phase at nominal 13,200 volts.

Transmission - Alternating current, 60 hertz, 3 phase at nominal, unregulated 69,000 volts.

The City shall design and operate its system so that under normal operating conditions the voltage delivered at the consumer's service entrance, for the voltages listed above, is maintained within the range of plus or minus 5 percent of the nominal voltage. Wherever voltages shall be known to exist outside of such range, the City will take steps to promptly initiate corrective action to restore the voltage level to within such range.

24. CONSUMER OWNERSHIP OF FACILITIES

A discount of sixty cents ($0.60) per kW of Maximum Demand shall be allowed for any General Service Large (GSL) consumer that owns and maintains transformation and distribution facilities,

acceptable to the City.

25. METERED VOLTAGE

General Service tariffs are based upon delivery and measurement of energy at the same voltage, thus measurement will be made at or compensated to the delivery voltage. Determination of the measurement voltage shall be at the sole discretion of the City. Measurements taken at the low-side of a customer owned transformer shall be multiplied by 1.01.

26. MISCELLANEOUS SERVICES CHARGES

Charges for items including, but not limited to, the following shall be determined administratively by the City Manager, on the recommendation of the Director of Finance and the Electric Utility Manager, based on applicable labor, material, and overhead costs.

Reconnection for Non-Payment

Electric service that has been terminated for non-payment shall be assessed a reconnection charge that must be paid prior to service restoration. Reconnection charges are as follows:

All days except holidays:
- Reconnect at meter - $33.00
- Remove and reset meter - $49.00
- Install locking device - $82.00
- Reconnect at pole - $114.00

Holidays:
- Reconnect at meter - $66.00
- Remove and reset meter - $98.00
- Install locking device - $164.00
- Reconnect at pole - $228.00

Hours for service reconnection shall be designated by the City of Westerville Utility Billing Department. Holidays are New Years Day, Memorial Day, Independence Day, Labor Day, the day after Thanksgiving Day, Thanksgiving Day, and Christmas Day.

Disconnection/Reconnection at Consumer's Request

When electric service is to be turned on or off at the consumer's request and where a transfer of account is not involved the following charges shall apply:

All days except holidays (24 hours) – No charge
Holidays - $66.00

Holidays are New Years Day, Memorial Day, Independence Day, Labor Day, the day after Thanksgiving Day, Thanksgiving Day, and Christmas Day.

Reconnection/Disconnection of Vacant Premises

An existing service to vacant premises that has been de-energized for a period of seven (7) days or longer shall not be re-energized without having first been inspected by the City's electrical inspector. Applicable permit and inspection fees may be assessed by the City of Westerville Planning & Development Department. Upon passage of inspection, electric service may be temporarily re-energized on request for no longer than one business day with payment in advance. The following charge shall apply:

All days except holidays (by appointment only) – $66.00

New Residential Subdivision Development

When electric distribution and street lighting facilities are to be installed as part of a new residential subdivision development the following charges shall assessed:

Underground electric distribution charge - $400.00 per single-family residential lot, $500.00 per multi-family dwelling (3 meters or less each), $600.00 per apartment building (greater than 3 meters each).

Street lights - $2.00 per centerline lineal foot of subdivision roadway. The developer is to supply the street lights and install foundations as specified by the City.

New Commercial Development

When electric distribution and street lighting facilities are to be installed as part of a new commercial development, the developer shall be responsible for a proportionate share of the electric infrastructure engineering and construction expense. Unless a separate agreement between the City and the developer has been executed, the proportion of electric infrastructure expense to be borne by the developer shall be in accordance with the following:

Cost Share of Underground Electric Facilities to New Commercial Developments

Description	Developer's Cost Share
Design of all (electric, communication, etc.) conduit banks and manholes per City specifications	100%
Construction of electric conduit banks and manholes	33%
Design of decorative street lighting per City specifications	100%
Construction of decorative street lighting	100%

Prior to the authorization of engineering design and/or construction, the City shall review all engineering and construction cost estimates obtained by the developer. All engineering and construction shall be performed in accordance with City of Westerville construction specifications for similar work. Failure to comply may result in the City paying only what is deemed appropriate for such work based on recent formal or informal quotations received by the City for similar work.

The developer shall also be responsible for all transformer foundations constructed per City specifications and all secondary cable, conduit and connections,

Residential Overhead to Underground Service Conversion

A residential overhead electric service may be converted to underground at the consumer's expense in accordance with the following:

Overhead to underground service conductor conversion 150 feet or less total length - $1,000.00

Cost per foot over for all footage over 150 - $3.00 per foot

See Section 6 for rules governing meter relocation.

Residential Meter Base

A charge of $40.00 will be assessed for the purchase of a 100 or 200 ampere residential meter base. A charge of $145.00 will be assessed for the purchase of a 400 ampere residential meter base. In the case of apartment-style residential developments, the developer shall procure, per City specifications, the appropriate multiple position meter bases.

Commercial Meter Base

A charge of $100.00 will be assessed for the purchase of a commercial single phase or poly phase meter base. This charge shall be applied to each prospective service within the commercial development. The developer shall bear the cost all instrument transformer cabinetry, if required. (Instrument transformer cabinetry specifications and locations shall be provided by the City.)

Returned Check Charge

When a check received from a consumer in payment for service rendered is not honored by the bank, the consumer will be assessed a $31.00 fee to pay the additional cost incurred by the City for processing the check, unless the consumer can prove that the bank was in error.

Meter Testing Charge

The City will test the electric meter at the request of the consumer. The first test shall be at no charge to the consumer. The City shall charge $30.00 for each subsequent test performed at the consumer's request where the meter is found to be registering accurately. There will be no charge assessed to the consumer where the meter is found to be registering greater than two percent fast.

Tampering/Investigation Charge

When electric service has been obtained through fraudulent or damaging practices, the consumer will be charged a minimum fee of $30.00 for the City to investigate and inspect the premises. The consumer will pay additional charges for any and all costs of disconnection and repairing or replacing damaged equipment. Applicable permit and inspection fees may be assessed by the City of Westerville Planning & Development Department. Legal action may be taken against the consumer as appropriate.