

ORDINANCE NO. 164, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS
TO CLARIFY ACCESS AND METERING CONDITIONS OF UTILITY SERVICES
RELATED TO TRANSITION FROM MANUALLY-READ METERS TO ADVANCED
METERING INFRASTRUCTURE (AMI) METERS

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses and other obligations of the electric utility, as set forth therein; and

WHEREAS, Chapter 26 of the City Code regulates and governs the provision of utility services; and

WHEREAS, Chapter 26, Articles I, III-VI, and XII, of the City Code set forth conditions for receipt of utility services, including metering and Utility personnel access requirements, as well as definitions and terms for assessing and collecting fees and charges due for delivery of specified utility services; and

WHEREAS, such provisions require updating and modification from time to time, for purposes of clarification, correction of errors and to ensure that the Code remains a dynamic document capable of responding to issues identified by staff, customers, and citizens and changing technology for and manner of delivering utility services; and

WHEREAS, Fort Collins Utility Customer Connections staff has identified provisions of Chapter 26 of the City Code where clarification of service conditions, remedies for interference with Utility personnel in their performance of official duties, and manually-read metering service fees are required to better inform customers and align with current utility practices; and

WHEREAS, on November 8, 2018, the Energy Board reviewed and voted unanimously to recommend approval of proposed revisions to Chapter 26 of the City Code to clarify utility service conditions, remedies for interference with Utility personnel in their performance of official duties, and manually-read metering service fees; and

WHEREAS, the City Council has determined it is desirable to maintain appropriate utility service billing, collection practices, and the recommended clarification of such practices in the City Code, as set forth herein, is in furtherance of the benefits available to utility ratepayers.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-2 of the Code of the City of Fort Collins is hereby amended by addition of a new subsection (c) to read as follows:

Sec. 26-2. - Utility users agree to the rules; penalty for breach; manually-read meter retirement.

...

(c) Any user whose consumption is monitored by a manually read meter will be permanently transitioned to a standard wirelessly communicating (AMI) meter, capable of being read remotely, and may be required to pay a meter exchange fee, pursuant to § 26-712(b) and as otherwise set forth in administrative policies adopted by the Utilities Executive Director upon the occurrence of any of the following events:

- (1) Termination of service for non-payment; or
- (2) Inability of utility personnel to read or collect meter information after reasonable notice to the user, whether such inability results from (i) the structures on or configuration of the customer's premises; (ii) location of meters; (iii) user's obstruction of, interference with, or failure to respond to requests from utility personnel for access to meters; or (iv) any other cause not within the utilities' control.

Section 3. That Section 26-98(c) of the Code of the City of Fort Collins is hereby amended by addition of a new subsection (5) to read as follows:

Sec. 26-98. - Water meter requirements and installation.

...

(c) Water meter installations shall meet the requirements of the utilities standard construction specifications adopted by the Utilities Executive Director. Additionally:

...

- (5) All new construction will be metered with a standard wirelessly communicating (AMI) meter, capable of being read remotely.

...

Section 4. That Section 26-219 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-219. - Inspections; right of access.

(a) The Utilities Executive Director may inspect the equipment and facilities of any user at any reasonable time to ascertain compliance with applicable ordinances, rules and regulations. Persons or occupants of premises where wastewater is created or discharged shall allow utility personnel ready access to the premises for the purposes of inspection, sampling, records examination and copying, and performance of any of their duties. The utility shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance-monitoring and/or metering operations, including water communications modules and

water meter touchpads. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make the necessary arrangements with the security guards so that, upon presentation of suitable identification, utility personnel will be permitted to enter without delay for the purposes of performing their specific responsibilities. While performing the necessary work on private property, utility personnel shall observe all security and safety rules applicable to the premises as established by the user.

(b) If a duly authorized representative of the utility is refused admission to a user's premises or any City owned facilities thereon, including communications modules and water meter touchpads, the Utilities Executive Director may discontinue water or wastewater service to the premises until utility representatives have been afforded reasonable access to the premises and private sewer system to accomplish the inspection or sampling.

Section 5. That Section 26-396(a) and (b) of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-396. - Use of meters required; damage to system prohibited, accuracy of meters.

(a) No person shall take electrical energy from the distributing system except through a meter or other measuring device owned and installed by the City without the consent of the electric utility to take such electrical energy. All new construction shall be metered with a standard wirelessly communicating (AMI) meter, capable of being read remotely.

(b) It shall be unlawful for the customer or any unauthorized person to tamper with, molest or damage directly or indirectly in any manner any part of the electrical system, or any City owned facilities, including meters. The customer shall be liable for any damage or loss to the property of the utilities or other persons and injury to utilities employees or other persons resulting from such unauthorized tampering or interference.

...

Section 6. That a new Section 26-399 of the Code of the City of Fort Collins is hereby adopted to read as follows:

Sec. 26-399. - Inspections; right of access.

(a) The Utilities Executive Director may inspect the equipment and facilities of any user at any reasonable time to ascertain compliance with applicable ordinances, rules and regulations. Persons or occupants of premises receiving electric service shall allow utility personnel ready access to the premises for the purposes of inspection, records examination and copying, and performance of any of their duties. The utility shall have the right to set up on the user's property such devices as are necessary to conduct inspection, compliance-monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into a served premises, the user shall make the security necessary arrangements so that, upon presentation of suitable identification, utility personnel will be permitted to enter without delay for the purposes of performing specific responsibilities. While performing necessary work on private property,

utility personnel shall observe all security and safety rules applicable to the premises as established by the user.

- (b) If a duly authorized representative of the utility is refused admission to a user's premises, or any City owned facilities thereon, including communications modules and meter touchpads, the Utilities Executive Director may discontinue electric service to the premises until utility representatives have been afforded reasonable access to the premises and the building electrical system to accomplish inspection and/or monitoring.

Section 7. That Section 26-712(b) of the Code of the City of Fort Collins is hereby amended by the addition of a new fee description to read as follows:

Sec. 26-712. - Utility bill and account charges authorized; procedures.

...

- (b) The following account and miscellaneous fees and charges shall apply to all City utility customers receiving service pursuant to the terms of Chapter 26, whether within or outside of the corporate limits of the City, except as otherwise expressly stated:

<i>Fees and Charges</i>	<i>Amount</i>
Service connection fee for account with one or more metered services (including nonmetered services for the same account)	\$ 19.65
Customer-initiated rate change (after 90 days of new service)	19.65
Service connection fee for account with only nonmetered services (stormwater, wastewater, wind, flat commercial electric, sprinkler clocks, cable towers and floodlights)	10.00
Service fee to reinstate an account to the owner/	\$ 10.00

property manager between tenants	
Manually read meter exchange fee to replace a remotely-read meter with a manually read meter, based on direct cost plus fifteen (15) percent indirect costs	\$ 38.00
...	...

Other miscellaneous charges will be based on direct cost plus fifteen (15) percent indirect costs.

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 Introduced, considered favorably on first reading, and ordered published this 4th day of December, A.D. 2018, and to be presented for final passage on the 18th day of December, A.D. 2018.



 Mayor


ATTEST:



 City Clerk



Passed and adopted on final reading on the 18th day of December, A.D. 2018.



 Mayor

ATTEST:



 City Clerk

