

AGENDA ITEM SUMMARY

May 21, 2019

City Council

STAFF

John Phelan, Energy Services Manager
Cyril Vidergar, Legal
Eric Potyondy, Legal

SUBJECT

Items Relating to Various Amendments to City Code Chapter 26 Pertaining to Utility Services.

EXECUTIVE SUMMARY

- A. First Reading of Ordinance No. 069, 2019, Amending Section 26-491 of the Code of the City of Fort Collins to Add and Revise Definitions Related to the City's Stormwater System.
- B. First Reading of Ordinance No. 070, 2019, Amending Section 26-391 of the Code of the City of Fort Collins to Add and Revise Definitions Related to the City's Municipal Electric Utility System.

The purpose of this item is to make revisions, clarifications and additions to update definitions in City Code Chapter 26 pertaining to Stormwater and Electric Utility Services.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

Item A: Ordinance No. 069, 2019 - Stormwater Utility Service Definitions

The City operates under a Colorado Municipal Separate Storm Sewer System (MS4) permit, which requires the implementation of programs to prevent or reduce the discharge of pollutants to waters of the state. The MS4 permit is issued by the State of Colorado through the Colorado Department of Public Health and Environment (CDPHE). MS4 permittees must prohibit and enforce on illicit discharges to the storm sewer system.

The MS4 permit defines illicit discharge as any discharge to an MS4 that is not composed entirely of stormwater except those specifically authorized by a Colorado Discharge Permit System (CDPS) or National Pollutant Discharge Elimination System (NPDES) permit and those resulting from emergency firefighting activities. The MS4 permit also lists types of illicit discharges that can be excluded from the permittee's response and enforcement program.

Municipal Code Section 26-498 prohibits the discharge of pollutants and contaminated water to the City's storm sewer system and local surface waters. The recommended changes to the definitions below provide consistency with the MS4 permit definition of "illicit discharge."

Summary of proposed changes:

Proposed Change to City Code Section 26-491	Rationale
<p><u>"Pollutants" is proposed to be added to the definition of "contaminated water," as follows:</u></p> <p><i>"Contaminated water shall mean that water which contains pollutants or constituents at concentrations which could cause, directly or indirectly, impairment of human health or the environment and which would not present in such concentrations in a natural state."</i></p>	<p>"Pollutants" is proposed to be added to the definition of "contaminated water" to provide consistency between the two definitions and to clarify that pollutants in water contaminates it when they are at concentrations that are adverse to human health or the environment and are not naturally present.</p>
<p><u>The definition of "contaminated water" includes a list of water sources that are excluded from being considered "contaminated water." Two changes are proposed to be made to that list, as follows:</u></p> <p>"This definition does not include the following sources of water, unless water from such a source is determined to violate other applicable water quality restrictions or requirements:</p> <p>"(2) landscape irrigation and residential lawn watering;</p> <p>[...]</p> <p>"(9) dye testing in accordance with manufacturers recommendations."</p>	<p>"Residential" is removed from the list to clarify that discharges resulting from residential, commercial, and industrial lawn watering will also not be considered to be "contaminated water," and prohibited or enforced under the City's MS4 permit programs. Further, discharges from lawn watering activities are already covered under City Code Section 26-166, which prohibits the waste of water.</p> <p>Dye testing is added to the list because it is a necessary process and to be consistent with CDPHE's regulations. Dye testing is a process used by water utilities to help detect cross-connections between sanitary sewers and storm sewers. Dye testing may result in a discharge of the nontoxic fluorescent dye to a local water body. CDPHE has recognized the need for dye testing to remove sanitary sewer cross-connections and has added it to the list of illicit discharges that can be excluded from an MS4 permittee's response and enforcement program.</p>
<p><u>The words "contaminated water" are proposed to be added to the definition of "pollutants," as follows:</u></p> <p><i>"Pollutant shall mean contaminated water, dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, disease causing agents, radioactive material, heat, wrecked or discarded equipment, rock, sand, automotive fluids, paint, cooking grease, process waste water, swimming pool discharges, discharges from cleaning of heat transfer equipment, or any industrial, commercial, construction, household, municipal, or agricultural waste."</i></p>	<p>"Contaminated water" was added to the definition of "pollutant" to provide consistency between the two definitions.</p>

Item B: Ordinance No. 070, 2019 - Electric Utility Service Definitions

Average annual electricity consumption: Adding this definition clarifies the meaning of the phrase as it relates to calculations such as those related to the sizing of behind-the-meter solar electric systems (i.e., “net metered” systems). This definition is related to the size estimation of a customer’s annual usage during the application step for a net-metered solar project. The size of such customer system is affected by the 120% rule which is found at Colorado Revised Statutes § 40-2-124. The principle behind the rule is to allow the customer’s financial compensation through credits for the energy generated on site to be sufficient to offset the typical annual electricity cost for the specific customer, while limiting the amount of that energy generation so other customers can also self-generate, without requiring electric utility system reconfiguration. This statutory definition and standard are included in Chapter 26 of the Fort Collins Code.

As Fort Collins Utilities evaluates future rate structure changes for solar energy export, the need for the 120% sizing rule will also be evaluated; however, adding the “average annual electric consumption” now provides clarity for ongoing solar program implementation in the meantime.

Note also that Utilities’ solar program administration has used 24 months of usage data *when available*. When this amount of data is not available, alternative estimation methods can be used.

- **Definition:** *Average annual electricity consumption* shall mean the average monthly consumption of the previous 24 months of electricity use times twelve.

Qualifying renewable technology: Staff recommends revising the definition of *Qualifying renewable technology* to include technologies that store energy. This revision will allow other provisions of the City Code, such as net metering, to apply to storage technologies. Utilities anticipates that storage technologies will become increasingly prevalent for net metered applications in the coming years. Current City Code definitions do not mention storage. Adding the following definition will provide clarity regarding the application of City Code to storage technologies.

- **Definition:** **Qualifying renewable technology** shall mean a qualifying facility that generates electricity using renewable resources such as solar, fuel cell, wind, geothermal, combined heat and power or biomass technology, *or that stores energy*. (additions in *italics*)

CITY FINANCIAL IMPACTS

Allowing discharges from dye testing activities will eliminate the need to collect and treat the water contaminated with dye as a waste product, saving the City money in staffing, equipment, and disposal costs. There are no other expected financial impacts to the City as a result of the recommended code changes.

The proposed electrical Code changes will have no direct financial impact to the City.

BOARD / COMMISSION RECOMMENDATION

At its April 18, 2019 meeting, the Fort Collins Water Board voted unanimously in support of the proposed stormwater definition revisions.

At its April 11, 2019 meeting, the Energy Board voted 9-0 on April 11, 2019, to recommend approval of the proposed Electric Service definition revisions.

PUBLIC OUTREACH

The recommended City Code changes will not affect the way the MS4 permit illicit discharge response and enforcement activities are administered. The changes are not expected to affect the public; therefore, no public outreach activities have been conducted.

Fort Collins Utilities has presented the Electric Service changes to the Energy Board as set forth above. Staff has not done further public outreach as it was determined that the revisions were of a technical nature and that ongoing program related outreach would be sufficient.

ATTACHMENTS

1. Water Board minutes, April 18, 2019 (draft) (PDF)
2. Energy Board minutes, April 11, 2019 (PDF)

MINUTES

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REGULAR MEETING

the grant will fund commercial-scale landscape transformation projects that expand upon the already successful residential Xeriscape Incentive Program. These funds could also support participants, potentially in 2019, in the proposed Allotment Management Program (AMP), if AMP is approved.

Discussion Summary

- Board members commented on and inquired about various related topics including whether the grant allows activities such as putting in sprinklers (Ms. Neel confirmed; funding will be available for such requests) if funding could be available to take action in 2019 (Council passed the proposed Allotment Management Program in the context that a waiver could be applied for this year and funding would be received early next year), and what work is being done for City departments, like Planning and Utilities, to better support each other (Water Resources, Water Conservation, Finance, Planning, and Zoning are working on changing ordinances within the departments).

Board Member Bovee moved that the Water Board support Water Conservation Staff in their application for the United States Bureau of Reclamation WaterSMART grant.

Board Member Steed seconded the motion.

Vote on the motion: It passed unanimously, 7-0.

▪ **Utilities Spring Code Updates**

*Susan Strong, Senior Environmental Regulatory Specialist
(Attachments available upon request)*

Presentation Summary

- Senior Environmental Regulatory Specialist, Susan Strong, explained the amended definitions of “contaminated water” and “pollutant” to City Code Section 26-491, which will ensure consistency with the City’s MS4 permits. The 26-491 proposed amendments would add “pollutants” to the definition of “contaminated water” and will add “contaminated water” to the definition of “pollutant”. The definition of contaminated water does not include landscape irrigation and watering or dye testing in accordance with manufacturers recommendations. These changes will help to prohibit and enforce on “illicit discharges” to the storm sewer system. There are some discharges that are

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REGULAR MEETING

considered low-risk and do not require action from MS4.

Discussion Summary

- Board members commented on and inquired about various related topics including exceptions that came to mind for action on illicit discharges.

Board Member Malers moved for Water Board to recommend the approval by City Council the amendments to Section 25-491 of Municipal Code relating to definitions of “contaminated water” and “pollutant”.

Board Member Steed seconded the motion.

Vote on the motion: It passed unanimously, 7-0.

- **Horsetooth Supply Line Shutdown Intergovernmental Agreement with Tri-Districts**

Mark Kempton, Water Production Manager

(Attachments available upon request)

Presentation Summary

- Water Production Manager, Mark Kempton gave background information to explain the need of an Inter-Governmental Agreement (IGA). The Water Treatment Facility has two primary drinking water sources (Horsetooth Reservoir (HT) and Poudre River). Northern Water did work on the line and found two issues with valves and the trash racks on the inlet, inside the reservoir, that needs to be replaced. This means that the HT pipeline must be shut down for 45 days. Since the only water sources will be the Poudre River during this time, it requires staff to mitigate risks associated with the plan (forest fires, vehicles in the river, tanker trucks in the river, etc.). The proposal is to enter an IGA with the Tri-Districts to look at risk mitigation strategies and possibly to structure temporary water supplies during the 45 days. Some preliminary ideas have been discussed, such asking Colorado Department of Transportation (CDOT) to restrict truck traffic in Poudre Canyon during the 45 days. The final plan alternatives will be selected in late summer . The line would be shut down in October 2020.

Discussion Summary

- Board members commented on and inquired about various related topics including what HT’s lowest water level would be (about 100 feet, a typical

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



ENERGY BOARD

REGULAR MEETING

ash landfills. These regulations were motivated by larger disasters with coal plants on the east coast (large facilities with dams that broke), and Mr. Wood stressed the Rawhide facility is nothing like those plants, there are no dams to break, but the regulations are applicable to them regardless.

Platte River has been monitoring the groundwater around the landfill since the beginning of Rawhide, but the new EPA standards required additional wells to be installed, and some of the wells are much closer. In that process, Platte River has received a lot more data about the groundwater impact around the landfill, and with that data they found statistically significant levels above background in the immediate vicinity of the landfill. Platte River is in a process now where staff is working to identify the immediate impact and then will immediately impose corrective actions.

Vice Chairperson Shores asked if there is an immediate remediation plan right now? Mr. Wood said the plans Platte River has right now are informal, proactive, and not imposed by an agency. Platte River will have additional, more formalized plans going forward before the regulations are implemented.

Board member Gould asked if the landfill is lined and Mr. Wood said it is not lined with a geosynthetic layer, but the landfill is on top of a layer of pure shale, so Platte River is confident the groundwater does not migrate offsite.

Chairperson Michell said the article in the Coloradoan said the aquifer impacted by the groundwater issue is not presently impacting any other aquifers in the area, and asked if that was accurate? Mr. Wood said that is one way to explain it, though it would be very difficult to follow every molecule. Ms. Clemens-Roberts noted Platte River has 12 wells and only two wells are showing statistically significant signs of contamination; the other 10 wells are not showing any increased levels right now, which does not indicate a spread. Mr. Woods said in the 35 years of groundwater monitoring prior to the installation of the new wells, there were no concerning data points, but the two new wells are very close to the waste boundary of the landfill. Ms. Clemens-Roberts also reiterated Platte River has been very transparent with their findings and self-reporting of the groundwater monitoring. It is always posted to their website. Platte River fully cooperated with all media requests regarding the data and provided links to other scientific data on the EPA's website.

Mr. Phelan asked when it might be appropriate to ask what the Platte River staff has learned, recognizing that they may not know the answer yet. Mr. Woods said they will be installing additional wells within the next year which will provide more data.

SPRING CODE UPDATE

Adam Bromley, Senior Manager, Electrical Engineering
John Phelan, John Phelan, Energy Services Senior Manager
Janet McTague, Manager, Technical Project Management
 (attachments available upon request)

Ms. McTague explained that Light & Power staff have been working together to update the code within the Electric Service Standards (ESS); they are not looking for a recommendation at this time but wanted to give the Board a preview of what they're working on.

Several years ago, staff went to Council to change the responsibility for installation and maintenance of secondary service to multifamily buildings to the contractor or owner, which was in response to how construction has changed. City Code and ESS still reflects fourplexes and eightplexes, which are not seen very frequently in Fort Collins, but the code change limits what the City can install to 200 amps, which only gives each side of a duplex 100 amps before becoming a commercial service. This is

ENERGY BOARD

REGULAR MEETING

problematic because most duplexes need a minimum of 150 amps per side, so effectively the City is not installing service to duplexes and the ESS needs to reflect that and move the change into code.

Staff also wants the ESS to clarify that the owner of secondary service cables to meter pedestals in mobile home parks is the owner of the park. The owners should then be able to effectively budget for that change as they maintain the services. This process is consistent with how the Utility handles non-residential services, like downtown buildings, since mobile home parks are businesses.

The City no longer allows master metering, except by variance through the Executive Director, so staff wanted to bring this standard into its own section within the ESS. Board member Baumgarn asked if the standard mostly applies to commercial condo situations, or multifamily. Ms. McTague said typically more in multifamily situations, and variances are rarely requested on commercial properties.

Board member Gould asked how existing mobile home parks would be impacted by the code change. Ms. McTague said it depends on the annexation because they are all operated and maintained differently, but it should not negatively affect them, other than giving them clarity and control over when and how they maintain their system.

Mr. Phelan said Energy Services staff has two proposed code changes, to add a definition of the Average Annual Electricity Consumption and revise the definition for Qualifying Renewable Technology. Mr. Phelan said these are interim steps in recognizing that there is some ambiguity in the current wording.

Within net-metering, adding a definition of average annual electricity consumption clarifies the meaning of the phrase as it relates to calculations such as those related to the sizing of behind the meter solar electric systems. Average annual electricity consumption shall mean the average monthly consumption of the previous 24 months of electricity use times twelve. Chairperson Michell asked what the solution is if there is not 24 months of data available. Mr. Phelan said there are internal practices available; they have used as little as 12 months for new service, or square footage averages based on comparable homes.

The definition of qualifying renewable technology will be revised to include technology which stores electric or thermal energy. This revision will allow other provisions of the code, such as net metering, to apply to storage technologies. Qualifying renewable technology shall mean a qualifying facility that generates electricity using renewable resources such as solar, fuel cell, wind, geothermal, combined heat and power or biomass technology, *or that stores electric or thermal energy*. Board member Becker commented that the reason to install a battery is so the user does not have to push out onto the grid, so a customer could feasibly arbitrage the system during Time of Day peak hours. Mr. Phelan said the Finance team was also concerned about that, so Energy Services staff ran that analysis and because Time of Day is designed to capture the wholesale rate structure of Platte River, it actually showed a slight benefit to the Utility on an annual basis. Mr. Phelan reiterated that this is one step of a larger process and said it's important to remove a barrier now while working toward the next.

Mr. Phelan asked the board for a recommendation since these changes will be proposed to City Council.

Chairperson Michell asked if it makes sense to call a customer's standalone battery "qualifying renewable technology" without any other renewable system, such as solar. Board member Braslau said that it does considering Platte River Power Authority's investments in solar and wind, and they only way that can be handled is with progressive and proactive demand management. Mr. Michell agreed with Mr. Braslau's comment but said he still does not think a standalone battery qualifies as renewable technology. Mr. Phelan said he would be shocked if City staff does not complete a comprehensive rework of code language within the next several years, but they are not ready to do that today.

ENERGY BOARD

REGULAR MEETING

Board member Becker moved to support the code definition language update as presented by staff.

Chairperson Michell seconded the motion.

Vote on the Motion: It passed unanimously, 9-0

COLORADO LEGISLATIVE SUMMARY

John Phelan, Energy Services Senior Manager

Mr. Phelan became the Utilities liaison for the Council Legislative Review Committee this year. The Utility also relies heavily on representation with CAMU (Colorado Association of Municipal Utilities), they employ a lobbyist who reviews bills from a municipal utility perspective. Mr. Phelan displayed a list of bills that the City is considering taking a position on and highlighted five bills that are of interest to the Energy Board.

HB19-1231, New Appliance Energy and Water Efficiency Standards, applies efficiency requirements on products sold in Colorado. Generally, this would not fall under the City's purview in terms of regulatory requirements, but it would raise the minimum standards on a wide range of products sold at retailers in Colorado.

HB19-1260, Building Energy Codes, requires jurisdictions that are adopting any part of code to adopt any of the last three available energy codes.

HB19-1261, Colorado Climate Action Plan, revises and establishes new climate goals for the state of Colorado from all sources: 26% carbon reduction by 2025, 50% by 2030, and 90% by 2050. It essentially sets rule-making authority with the Colorado Department of Health & Environment and the Air Quality regulatory bodies. There is also an electric utility goal of 80% reduction by 2030, but that language is somewhat vague. This bill is paired with HB19-1313, Electric Utility Carbon Reduction, which says a utility with 500,000 or more customers can submit an approved clean energy plan which would exempt the utility from the rule-making portion of the Climate Action Plan under HB 1261.

Board member Braslau said the Climate Action Plan under HB 1261 is less aggressive than the Fort Collins adopted CAP, and Mr. Phelan said that is correct; however, it could help the City have a stronger influence in areas it would otherwise not have now, such as natural gas vehicles. Mr. Coen added that he's heard HB 1313 has weak support right now since it is basically a bill for Xcel Energy.

Board member Braslau said he just looked it up, and HB 1260 did pass the House without amendments. He also said Mr. Phelan didn't list SB 181, which would be of interest to the Energy Board. Mr. Phelan said after Mr. Coen's comment earlier, he sent a note to the team in Environmental Services who are engaged in that.

BOARD MEMBER REPORTS

Chairperson Michell, Vice Chairperson Shores, and board members Baumgarn and Braslau all attended the Energy Transitions Symposium last month. Chairperson Michell said there is a website with several videos from the conference, and he plans to send a few links to the Board. Board member Braslau said he was discouraged by the discussion of Regional Energy Markets. Mr. Davis also attended along with a few others from Platte River, and he said he believes Xcel is in favor of an Energy Balanced Market. Vice Chairperson Shores said she attended a discussion about transportation issues, which she found very

ORDINANCE NO. 069, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 26-491 OF THE CODE OF THE CITY OF
FORT COLLINS TO ADD AND REVISE DEFINITIONS RELATED
TO THE CITY'S STORMWATER SYSTEM

WHEREAS, the City owns and operates a municipal separate storm sewer system ("MS4") that is used, among other purposes, to convey stormwater to the Cache la Poudre River and its tributaries; and

WHEREAS, said conveyance of stormwater by the City's MS4 may constitute a discharge of pollutants to state waters and the waters of the United States under two statutes: the Colorado Water Quality Control Act, C.R.S. §§25-8-101 *et seq.* and the federal Clean Water Act, 33 U.S.C. §1251 *et seq.*; and

WHEREAS, under said statutes, the Colorado Department of Public Health and Environment has issued *CDPS General Permit COR090000 Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems (MS4s) Authorization to Discharge Under the Colorado Permit System* ("MS4 Permit"); and

WHEREAS, there are certain inconsistencies between the MS4 Permit and Article VII of Chapter 26 of the City Code, which concerns the City's Stormwater Utility and MS4, namely with respect to certain definitions in City Code Section 26-491; and

WHEREAS, while the MS4 Permit generally requires the City to effectively prohibit illicit discharges of pollutants into the City's MS4 (as those terms are used and defined in the MS4 Permit), under Part I(E)(2)(a)(v) of the MS4 Permit, the MS4 Permit does not require the City to effectively prohibit discharges from certain activities, including: non-residential lawn watering and dye testing in accordance with manufacturers recommendations (together, "Subject Activities"); and

WHEREAS, under the current definition of "contaminated water" and "pollutant" in City Code Section 26-491, City Code Section 26-498 prohibits discharges of water to the City's MS4 from the Subject Activities; and

WHEREAS, changing the definition of "contaminated water" and "pollutant" in City Code Section 26-491 to state that these terms do not include water generated from the Subject Activities will be beneficial to the City by, among other things, better aligning City Code with the MS4 Permit, providing greater clarity regarding the City's regulation of the Subject Activities, and prioritizing MS4 and stormwater-related education and enforcement activities on more significant sources of pollutants.

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 26-491 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-491. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

Contaminated water shall mean that water which contains **pollutants or** constituents at concentrations which could cause, directly or indirectly, impairment of human health or the environment and which would not present in such concentrations in a natural state. This includes any water contaminated from industrial processes, land use activities, development or other man-induced practices. These constituents include, but are not limited to, toxic pollutants as defined in § 26-206 of this Code, nutrients such as nitrogen and phosphorous, substances which promote an excessive biochemical oxygen demand (BOD) or chemical oxygen demand (COD) as those terms are defined in § 26-206, substances which cause the pH of such water to deviate from acceptable standards, biological agents which may be the cause of disease in either humans or other desirable organisms, and physical contaminants such as excess sediments and/or temperature. U.S. Environmental Protection Agency's current publication of "Quality Criteria for Water," and/or the State of Colorado's "Basic Standards and Methodologies for Surface Water" and/or any other federal or state regulation or guideline may be used to interpret the impact of a particular constituent upon a water body. This definition does not include the following sources of water, unless water from such a source is determined to violate other applicable water quality restrictions or requirements:

- (1) Flows incidental to emergency fire fighting activities;
- (2) Landscape irrigation and ~~residential~~ lawn watering;
- (3) Irrigation return flows;
- (4) Springs, diverted stream flows and flows from riparian habitats and wetlands;
- (5) Flows incidental to street, sidewalk or median sweeping and not associated with construction;
- (6) Flows from condensation formed from the operation of air conditioning equipment installed and maintained in accordance with manufacturer's specifications;
- (7) Uncontaminated pumped, infiltrated or rising ground water; ~~and~~

(8) Flows from properly installed, operated and maintained and City-approved footing, foundation or crawl space drain or pump; and

(9) Dye testing in accordance with manufacturers recommendations.

...

Pollutant shall mean contaminated water, dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, disease causing agents, radioactive material, heat, wrecked or discarded equipment, rock, sand, automotive fluids, paint, cooking grease, process waste water, swimming pool discharges, discharges from cleaning of heat transfer equipment, or any industrial, commercial, construction, household, municipal, or agricultural waste.

...

Introduced, considered favorably on first reading, and ordered published this 21st day of May, A.D. 2019, and to be presented for final passage on the 4th day of June, A.D. 2019.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading on the 4th day of June, A.D. 2019.

Mayor Pro Tem

ATTEST:

City Clerk

ORDINANCE NO. 070, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 26-391 OF THE CODE OF THE CITY OF FORT COLLINS
TO ADD AND REVISE DEFINITIONS RELATED TO THE CITY'S
MUNICIPAL ELECTRIC UTILITY SYSTEM

WHEREAS, the City owns and operates a municipal electric distribution system to deliver electric power purchased by the City to retail customers and to accommodate interconnection of customer-owned renewable power generation devices; and

WHEREAS, Chapter 26 of the City Code regulates and governs the provision of utility services and sets forth definitions of terms used to describe and applicable to conditions for receipt of utility services; and

WHEREAS, such provisions require updating and modification from time to time, for purposes of clarification and to ensure the Code remains a dynamic document capable of responding to issues identified by staff, customers, and citizens and changes in the law regarding the delivery of public utility services; and

WHEREAS, staff has proposed that identified definitions be added and amended in Chapter 26 of the City Code to clarify how net-metered customer generation technologies are managed, and to better inform customers and align with current utility practices; and

WHEREAS, in light of the foregoing, the City Council has determined the amendment and supplementation of definitions in Chapter 26 of the City Code is necessary and will be beneficial for the ratepayers of the City's Electric Utility and for the efficient administration of Utility functions.

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 26-391 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-391. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

Average annual electricity consumption shall mean the average monthly consumption of the previous twenty-four (24) months of electricity use times twelve (12x).

...

Qualifying renewable technology shall mean a qualifying facility that generates electricity using renewable resources such as solar, fuel cell, wind, geothermal, combined heat and power or biomass technology, or that stores energy.

...

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Mayor

ATTEST:

Chief Deputy City Clerk

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Mayor Pro Tem

ATTEST:

City Clerk