

RESOLUTION 88-177  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING REVISED ELECTRIC SERVICE  
RULES AND REGULATIONS

WHEREAS, Sections 26-24 and 26-463 of the Code of the City of Fort Collins authorize the Director of Utility Services to promulgate appropriate rules, regulations, policies and procedures regarding the provision of electrical service; and

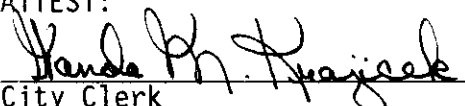
WHEREAS, the City Council has reviewed revised Electric Service Rules and Regulations and desires to approve the same.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the revised Electric Service Rules and Regulations, attached hereto and incorporated by reference, be, and they hereby are, accepted and approved.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 1st day of November, 1988.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

## ELECTRIC SERVICE RULES AND REGULATIONS

### General

These rules and regulations set forth terms and conditions under which electric service is supplied by the Light and Power Utility of the City of Fort Collins (hereinafter called the Utility) and are intended to govern all classes of service supplied by the Utility to consumers (sometimes called users) both within and outside the corporate limits of the City.

The Utility provides a choice of several rate schedules for electric service to the following customer classes: residential, commercial and industrial. Charges, applicability and terms and conditions of service are specified in each of the rate schedules. Copies of the electric rate schedules are available at the Utility Customer Service Office. In addition to the provisions and conditions herein, service supplied under the electric rate schedules is subject to the service regulations specified in the rates, Electric Construction Policies, Practices and Procedures, and such amendments or additions thereto as may be made by the City.

Electric service furnished by the Utility is also subject to the requirements set forth in the Code of the City relating to electrical installations, inspections, licensing, permits and regulations, and in the rules and regulations of the Chief Electrical Inspector pursuant to the Electrical Code.

Any waiver at any time of the Utility's requirements under these rules and regulations shall not be deemed as a waiver as to any violation or other matter subsequently occurring.

### Service Available

Unless stated otherwise in the rules and regulations pertaining to specific electric rate schedules, electric service supplied shall be 60 cycle alternating current typically as follows:

#### Single Phase

3-wire 120/240 or 120/208 volts

#### Three Phase

4-wire 208 wye/120 volts

4-wire 480 wye/277 volts

The Utility reserves the right to specify the phase and nominal voltage at which service shall be supplied and to serve at different voltages where distribution is made at other nominal voltages.

## Type Of Service

### Permanent

Unless specific arrangements are made to the contrary, electric service shall be considered rendered on a continuous, permanent basis subject to termination as provided later in these rules and regulations.

### Temporary Service

Temporary service is considered as that service required by such consumers as circuses, construction contractors, carnivals, tent shows and similar enterprises. Prior to the start of any construction required to provide temporary service, the applicant shall pay to the Utility an amount equal to the Utility's estimate of the total cost of constructing and removing all facilities necessary to supply the desired service less the salvage value of the materials used. At the Utility's option, this billing may be issued following completion of the temporary installation. The amount paid is non-refundable and cannot be applied to service bills. The cost of electric service shall be in accordance with the provisions of the application for such service and shall be as stated in the applicable schedules of rates.

## Term Of Service

### Discontinuance By Consumer

Any consumer desiring to discontinue electric service should complete and submit a "Termination Request" form to the City three days prior to the desired discontinuance date. At the City's discretion, requests to discontinue service may be accepted by telephone. The consumer shall be financially responsible in any event for electric service rendered until the final meter reading is obtained. Further, such request does not relieve the consumer in any way from any minimums or payments guaranteed under the consumer's service contract.

### Discontinuance By City

The Utility may discontinue service under any of the following conditions:

1. If the user's wiring or equipment is considered unsafe, service may be discontinued after notice and shall not be reconnected until the unsafe condition has been corrected. The Utility may discontinue service without notice to the user if the unsafe condition could be considered dangerous to the life, health or safety of any person. Notice is defined as the Utility depositing, postage prepaid, in the first class United States mail, such notice or letter to the user describing any unsafe conditions.

2. Service may be discontinued without notice to the user if, in the opinion of the Utility, continued service is detrimental to the Utility's facilities or to others served by the Utility.
3. Service may be discontinued for nonpayment of past-due accounts directly or indirectly related to the provision of electric service, in which event written notice shall be given in accordance with the Termination of Service-Notice and Hearing Section.
4. The consumer shall not connect any energy-consuming appliance or device on the Utility's side of a meter or tamper or otherwise interfere with the proper operation or registration of the Utility's meter or permit others to perform such connection, interference or tampering. Violation of this provision may subject the consumer to criminal prosecution and result in the disconnection of service without notice. Service will not be reconnected until the consumer has paid an estimated service bill for the approximate period during which such violation existed and has installed standard service entrance wiring in accordance with the prevailing requirements of the Code of the City relating to electrical installations, inspections, licensing, permits and regulations.
5. Service may be discontinued upon violation of the provisions described under the section headed "Consumer's Use And Facilities" as included herein.
6. Except where written notice prior to discontinuing services is specifically not required by these regulations or has been waived in writing by the consumer, services shall not be discontinued prior to the giving of written notice required by these rules and regulations.

In the event of disconnection by the City for any of the foregoing causes, and after evidence is submitted that the cause for disconnection has been corrected, electric service shall not be restored until payment of a combined administrative and service restoration fee has been made.

#### Termination Of Service-Notice And Hearing

1. If any bill for electrical service is not paid within 25 days from the billing date or if the City determines that service shall be terminated and written notice is required pursuant to these rules and regulations, the City shall mail via first class United States mail or shall cause to be delivered to the consumer's premise receiving service, a written Delinquency Notice or Notice of Intent to Terminate. Such written notice shall be addressed to the consumer at the address to which bills for service have been sent and shall contain the following information:

- a. The number of the account.
- b. The amount of the unpaid bill, the date of the unpaid bill, or the other condition causing service to be terminated.
- c. The officer of the City to be contacted to inquire about the written notice and the telephone number at which such officer can be reached. Such officer shall be authorized to change any electrical service billing which is in error.
- d. The date, not less than seven days from the date the written notice is mailed, on which service shall be terminated if the account is not paid or if the condition causing termination of service is not corrected.
- e. Advisement of an additional charge if a turnoff notice is mailed or delivered.

If an agreement on the amount due or other reason for termination, cannot be reached with the officer identified in the notice, the consumer has the right to a protest hearing before the hearing officer. A written request for such a hearing must be filed with the Utility Customer Service Division prior to the proposed date of termination of service. The consumer may appeal an unfavorable decision to the financial officer whose decision is final.

2. If, by the date specified in the notice, the condition warranting disconnection has not been corrected and no appeal has been upheld, or if a check for payment of utility service has been returned by the bank upon which it was issued as nonpayable, the City may mail or deliver a turnoff notice to the premises served. Such notice shall be left on the premises or sent via first class United States mail and no further delivery of notice shall be required. Such notice shall contain the following:
  - a. The name of the consumer and the number of the account.
  - b. The address of the premises served.
  - c. The date and time, not less than 48 hours after mailing or delivery of the notice, when service shall be terminated unless the condition causing termination of service is corrected.
  - d. The amount required to be paid, or the condition to be corrected, in order to avoid termination of service.
  - e. The amount of additional charge that shall be imposed to reinstate service if service is terminated.

3. If the delinquent account is not paid, or the other condition causing termination not corrected, within the time required by the turn-off notice, the City shall terminate service to the premises. Service shall not be reinstated until the cause for disconnection has been corrected and the turn-off notice fee and a service restoration fee have been paid. Such fees shall be cost based.

### Refusal Of Service

The Utility may refuse to provide service or to install service equipment under any of the following conditions:

1. The person or firm requesting the service or installation of service equipment currently owes the City a delinquent amount for any City utility services previously provided, whether to the same or different premises.
2. The person or firm requesting the service or installation of service equipment owes the City a delinquent amount for utility service equipment previously installed.

If the City refuses to provide service or install service equipment as specified herein, the person or firm requesting such service shall be informed by the City in writing within five business days as to the reason for the refusal and the delinquent amount that must be paid before the City shall fulfill the request.

Notwithstanding the above, if any person or firm disputes the amount owed, such person or firm may receive service as requested after depositing with the City the amount requested, to be held by the City in trust, for a period not to exceed thirty days, pending final determination of the amount owed. Such person or firm shall submit, within fifteen days of receipt of the Refusal of Service notice, a written statement as to the disputed amount, and the City shall make its determination within fifteen days of such statement.

If such statement is not submitted to the City within said fifteen days, or if the City shall determine that the amount is properly owed to the City, said deposited amount shall be delivered to the City in satisfaction of the amount owed. Appeal of any such determination by the City shall be in accordance with the Termination of Service Notice and Hearing procedures provided in these rules and regulations.

### Service Contract

#### Application

The service connection at any location under any schedule of rates shall be proceeded by a signed application for service at the Utility

Customer Service Office. Notwithstanding the foregoing, at the City's sole discretion, applications for utility service may be accepted by telephone. Approval of an application by the City and acceptance of utility service by the consumer shall constitute a contract between the consumer and the City whereby the consumer shall agree to pay the City for utility service in accordance with the applicable rate schedule and to abide by the rules and regulations contained herein. This contractual obligation of the consumer may not be assigned without the prior approval of the City. The property owner of the premises to be served, if different than the applicant, shall be jointly financially responsible for all utility services delivered to the premises, regardless of any change of tenancy or ownership. Accordingly, the City may require the property owner to sign the application for service. In the case of multiple services, separate applications shall be required for each service under the rate schedule applicable to such service. Meter readings shall not be combined for billing purposes, except when aggregated readings are available and deemed appropriate by the City.

No promise, agreement or representation of any employee of the Utility shall be binding upon the Utility, unless the same shall have been incorporated in the application and contract for service.

#### Service Charge

A charge shall be made for the processing of a request for electric service as prescribed by the applicable rate schedule.

#### Service Deposits

1. The City may at any time require any utility consumer to pay a service deposit if the consumer has received one or more final turn-off notices for delinquency or if the consumer is unable to provide proof of satisfactory credit history, or for any other reason that the City may deem appropriate.
2. The amount of the deposit shall be two times the estimated monthly bill for electrical energy to the premises served as determined by the City.

#### Returned Checks

The City shall charge a fee for any check returned unpaid for any reason from a bank. The City may also deliver to the consumer a turn-off notice in accordance with these rules and regulations.

#### Selection Of Rates

The Utility shall, if desired, assist the prospective consumer in selecting the available rate for service best suited for his requirements. The consumer shall be responsible for the rate schedule selected or under which service has been used, and the consumer's use of service

and payment therefor shall be in accordance with the provisions thereof. If a consumer desires to change the rate under which electric service is rendered, an application for service under the new rate must be submitted by the consumer.

Based upon the consumer's historical billing demand, the Utility may require a consumer to change to an applicable rate.

## Metering And Billing

### Metering Of Service

The consumer shall provide at the consumer's expense, suitable mounting space or enclosure for the installation of metering equipment in accordance with the Code of the City relating to electrical installations, inspections, licensing, permits and regulations. The Utility shall own and maintain metering equipment suitable and necessary for measuring the electric energy supplied. Service supplied under each electric rate schedule shall be separately measured and billed. Primary metering equipment, except for the meter, shall be furnished and installed by the Utility at the expense of the consumer as a non-refundable Contribution in Aid of Construction.

With the exception of service to adjoining properties owned and controlled by the user as a single commercial or business enterprise, service to the same consumer at different locations shall necessitate separate applications for metering and billing. Where electric service is furnished under more than one rate schedule to a user at one location, such service shall be provided at the same point of delivery.

Service shall be supplied and metered at the secondary voltages listed under "Service Available" section above unless otherwise approved by the Utility.

The location of the meters shall allow access, at all times, by Utility personnel for the purposes of reading meters and maintaining Utility-owned equipment. The location shall be on the exterior, unless otherwise approved by the Utility. Each meter socket shall be plainly and permanently marked to indicate which unit is supplied therefrom. The marking is to be the same as the mailing address for each unit. The owner or developer shall be responsible for electricity delivered through unmarked, illegible or improperly labeled meter sockets. Expenses incurred by the Utility related to correcting improperly labeled meters shall be billed to the developer or owner.

### Accuracy Of Meters

Meters measuring electric service shall be checked for accuracy before installation and periodically thereafter on a scheduled or sample basis as determined by the Utility. Meters shall be considered accurate



when they measure within 2% plus or minus when tested at 100% of full test current. No meter shall be kept in service which registers usage under no load conditions.

### Billing Period

Meter reading shall be accomplished as nearly as practicable on a thirty-day or monthly basis. Bills for payment become delinquent within twenty-five days after the billing date and the service becomes subject to shut-off as provided under "Discontinuance by City." If the Utility is unable for any reason to gain access to read any meter, or for any other reason the Utility is unable to obtain a meter reading, the consumption and demand shall be estimated by the Utility.

### Budget Billing

If any single-family residential consumer has resided at the service address for six months, has a satisfactory payment history and so requests, the City may estimate the average monthly bill of such consumer based upon the historic use of electrical service by that consumer at that service address. Such average amount shall be the monthly bill rendered to the consumer for eleven billing periods. In the twelfth billing period, the City shall collect the amount the consumer owes or apply a credit to the consumer's account for over-payments. The monthly budget billing amount shall be adjusted for changes in the base electrical rate or historical use. Budget billing can be obtained upon making a request for the same at the Utility Customer Service Office.

### Fixed Consumption Billing

Fixed Consumption Billing is defined as billing for service provided to a constant or predictable unmetered, electrical load for which the Utility has predetermined the consumers billing consumption based upon connected load, estimated usage, test measurements or other means. Billing amounts and terms of service shall be in accordance with the electric rate schedule which would be applicable to the load if it were metered; provided, however, that the Utility reserves the right to correct past billing amounts at any time to correspond with test metering results and to adjust billing consumption in accordance with updated load estimates based on current or anticipated loads and conditions.

Fixed Consumption Billing may be offered to the consumer at the sole discretion of the Utility, and such billing is subject to withdrawal whereupon electric service may be discontinued by the Utility upon thirty days' written notice to the consumer. Alteration of facilities or conditions, or addition of load by the consumer without prior approval of the Utility shall constitute diversion of electric energy. The consumer may discontinue electric service to a Fixed Consumption

Billing load by providing proper request of such discontinuance to the Utility.

#### Errors

The Utility shall use all reasonable means to avoid billing errors and shall, as soon as any error is discovered, rebill for the correct amounts, whether this involves additional payment by the consumer or credit to the account by the Utility regardless of the time periods involved. Payments due to the Utility for such errors shall be collected in the same manner as payments for regular bills for service.

Incorrect billing due to faulty meter measurement beyond the accuracy limits hereinbefore stated shall be corrected by revised billing based upon corrected readings for the approximate period during which the meter inaccuracy existed. Bills for corrected usage shall be due and payable in the same manner as regular bills for service.

#### Diversion Of Electric Energy

If energy-consuming devices or equipment are connected ahead of the meter, or if there has been any tampering with or connections to the Utility's distribution facilities or service equipment or any tampering with the Utility's meter including breaking of meter seals which would make possible or result in the consumption of electricity not registered on the Utility's meter or an inaccurate measurement of demand, the consumer shall be subject to immediate discontinuance of service without notice and to prosecution under applicable laws.

The installation of a check meter by the Utility and registration on this meter at a greater rate than on the regular meter, after both meters have been tested and found accurate, shall establish a rebuttable presumption of such diversion of electricity.

In the event of such diversion of electricity, the Utility shall be entitled to collect from the consumer, at the appropriate rate sufficient funds to cover the cost of all additional power and energy estimated by the Utility which was not registered on the meter because of such diversion of electricity, and also sufficient funds to cover all expenses incurred by the Utility on account of such unauthorized act or acts. Further, service shall not be reconnected until the consumer has installed such entrance and service equipment as is necessary to prevent further diversion of electricity. The consumer may also be required to pay a service deposit.

#### Lien On Property

The owner of every house, building, lot or premise shall be financially responsible for all electric service delivered to such property, and the cost of all unpaid bills for service shall constitute a perpet-

ual lien upon the property, which lien may be enforced by an assessment upon the property so served, all as provided by the Code of the City. Any information relating to the amounts due from the consumer on account of utility service provided by the City shall be made available upon request to the owner of the real property to which the service is being provided or to his or her agent.

#### Gratuities

Inspectors, agents and employees of the Utility or the City are forbidden from accepting any personal compensation or gratuities from consumers.

### City's Facilities

#### Continuity Of Service

The City shall use reasonable diligence at all times to provide continuous service at the agreed nominal voltage, and shall not be liable to the consumer for complete or partial failure or interruption of service, or for fluctuations in voltage, resulting from causes beyond its control or through the ordinary negligence of its employees, servants or agents.

#### Voltage Regulation

The Utility shall be diligent in providing electric service with reasonable voltage variations. However, the Utility shall not be responsible or liable for voltage or quality variations caused by the consumer's appliances and equipment such as may be produced by starting motors, x-rays, welders, pumps, etc.

#### Ownership Of Transformers

Generally, the Utility shall install, own and maintain all transformers required to deliver service at the Utility's standard secondary voltages. Where secondary service is metered on the primary side of the Utility's distribution transformers, or if the consumer owns the transformers and substation converting to the secondary voltage, credits shall be applied as provided in the applicable rate schedules.

When service is delivered at primary voltage, the consumer shall generally own, install and maintain all transformers. Under schedules of rates for primary service and where secondary service is delivered or metered at secondary voltage, correction factors shall be applied as provided under applicable rates.

## Overhead Service Loops

Consistent with current construction practices, service loops shall generally be installed underground. Overhead service loops shall be installed only at the Utility's discretion. Only one service loop shall be connected to a single premise or property, except in unusual cases and as approved by the Utility. If more than one service loop is installed, it shall be connected to the same general delivery point to facilitate disconnection of the property in the event of fire or other emergency. Where practicable, all service loops shall be installed from Utility's secondary distribution at the lot line. If the property of the consumer does not abut on the right-of-way of the Utility's distribution system, it shall be the consumer's responsibility to provide adequate easements or bring wiring to a point designated by the Utility.

## Attachment To Poles

Attachments to Utility's poles or lighting standards shall not be permitted except upon specific written authority of the Utility. The attachment of radio or TV antennae or other objects is specifically prohibited. Attachment of communications circuits such as telephone, community antennae systems or other communication media may be made provided that a joint use contract has been entered into between the Utility and those desiring to make such attachments. Said attachments shall conform to the requirements of the latest edition of the National Electric Safety Code and additional requirements, if any, by the Utility.

## Tree Trimming

The consumer shall permit the Utility to trim the limbs and branches of trees, bushes and shrubs to the extent that such trimming shall be reasonably necessary to avoid interference with the Utility's lines or to allow access to the Utility's meter or other equipment on the consumer's property. The consumer shall be responsible for such trimming of trees as may be necessary to avoid interference with the Utility's meter and service wires running from the Utility's distribution poles to the point of delivery on the consumer's premises.

## Shortage Of Electricity

The Utility shall make every reasonable effort to furnish a continuous supply of electricity to meet demands. However, should shortages occur by reason of acts of God or causes beyond the immediate control of the Utility, the Utility shall have the right to grant preference to those present and future services which in its opinion are the most essential to the public welfare. The Utility shall not be held liable for monetary loss or loss of business from shortages in supply of electric energy.

## Liability

All installations of wire, meters, transformers or other materials or equipment made by the Utility shall remain the property of the Utility and shall not be tampered or interfered with directly or indirectly by the consumer or any other unauthorized persons. The consumer shall be liable for any damage or loss to the property of the Utility or other persons and injury to Utility employees or other persons through such unauthorized tampering or interference.

## Underground Services From Overhead Distribution

Upon the request of the consumer, the Utility shall install or cause to be installed an underground service from an existing overhead distribution system, provided that the consumer pays to the Utility an amount equal to the estimated cost of the underground service. Such payment shall not be subject to refund and shall not be applied to payment of bills for electric service. Such underground services shall remain the property of the Utility and shall be operated and maintained by the Utility, provided, however, that if damages to such services are caused by the consumer, the consumer shall pay the full cost of restoring the service to its original condition.

If an existing underground service previously installed as provided above requires relocation or replacement because of new construction or changes on the consumer's premises or because of increased loads, the cost of such modification shall be borne by the consumer.

## Line Extension Policy

Where the Utility is requested to extend, augment or alter its facilities, or if the Utility is requested to provide new or additional capacity that may be needed, the Utility shall provide such extension, augmentation or alteration in accordance with the requirements of these rules and regulations and The Construction Policies, Practices and Procedures.

All existing overhead electric utility facilities on or adjacent to the affected service location shall be converted to underground facilities in conjunction with the augmentation, extension or alteration of any part of such utility service facilities, except where the Utility determines that underground construction is not practical or feasible.

Utility line extensions shall be installed underground in accordance with these rules and regulations, The Electric Construction Policies, Practices and Procedures, and the requirements of the Code of the City.

The consumer, owner or developer shall pay the full estimated cost of such conversion, extension, alteration or augmentation of facilities and a proportionate share of the cost of associated underground distri-

bution system facilities necessary to provide additional service capacity, all as determined by the Utility. Such payment shall be made as a non-refundable contribution in aid to construction.

#### Line Extension Policy-Street Lighting Service

Extension of the street light system of the City shall be made in accordance with the Code of the City. The full estimated cost of streetlighting service shall be paid for by the consumer, owner or developer.

### Consumers Use And Facilities

#### Consumer's Installation

Before acquiring motors or other electric energy-consuming devices or providing for the installation and electric wiring for same, the user or prospective user of electric service shall notify the Utility in ample time of its intent to determine if such motors or devices may be connected to the Utility's system under the Utility's rules and regulations governing electrical installations. The Utility shall then determine if it has electrical service of the desired phase and voltage available therefor or whether extensions and improvements of the Utility's system shall be required. The Utility shall also establish points of delivery for service and meter locations.

Electric service shall be delivered to the consumer at one point of delivery for each premise, such point of delivery to be designated by the Utility. Only authorized employees of the Utility shall be permitted to make and energize the connection between the Utility's service wire and the consumer's service entrance conductors.

The costs incurred by the Utility through any changes in point of delivery and/or in the location of the Utility's meters necessitated by changes on the consumer's premises shall be subject to reimbursement to the Utility by the consumer.

All energy-consuming equipment of the user and all wiring therefor on the user's side of the point of delivery shall be furnished, installed, owned and maintained at all times by the user in conformity with applicable electric codes and in conformity with the City's rules and regulations pertaining to electrical installations, and the rules and regulations of the building official. Where service is supplied at primary voltages, the consumer shall provide, own, operate and maintain all facilities beyond the point of delivery at the end of the primary service unless specific arrangements are made to the contrary.

If the consumer desires electric service at voltages, either primary or secondary, other than those available from the Utility's distribution system, the consumer shall furnish, own and maintain all

special transformers and special control equipment necessary to supply such voltage or service. If special metering shall be required in such cases, the costs thereof shall be paid by the consumer. Such metering equipment, however, shall be and remain the property of the Utility and shall be tested and maintained by the Utility.

If the consumer has connected equipment, the operation of which is detrimental to service to other utility users, and if the consumer desires to continue the operation of such equipment, the Utility may require the consumer to install motor generators, line filters, reactors, isolation transformers, or transformer and/or line capacity beyond that normally required, in order to eliminate the detrimental effect upon other consumers. If such remedial measures involve expense on the part of the Utility, all such costs shall be reimbursed by the user. If the consumer's demands are measured in such cases, the Utility may determine the billing demands on shorter intervals than fifteen minutes regardless of regular provisions in individual rates pertaining to the determination of billing demands.

The consumer shall furnish and maintain required indoor, outdoor or underground space and facilities for the installation of the Utility's transformers and other equipment necessary to properly render electric service to the consumer.

#### Easements

By making application for electric service, the consumer agrees to grant or arrange for an easement on the consumer's property for the installation, operation and maintenance of electric lines, wires and other equipment of the Utility necessary to render service to the consumer. When requested by the Utility, the consumer shall without expense to the Utility make or procure a conveyance to the Utility of satisfactory easements across the property owned or controlled by the consumer for the Utility's lines or extensions thereof necessary or incidental to the furnishing of service to the consumer. If such installation must be made on or over the property of a third party, it shall be the responsibility of the consumer to obtain an easement for the Utility from the third party before the installation can be made and service rendered.

If, after service is originally rendered, the consumer's property is divided in such a manner that part of the property no longer has access to the right-of-way of the Utility's distribution system, the consumer shall reserve an easement for the benefit of the Utility so that the Utility may render electric service to such isolated parcel.

#### City Access

Authorized employees of the Utility shall have the right of safe access to the consumer's premises at all reasonable times for any purpose incidental to the supplying of electric service. Access to the

electrical meters and utility service equipment located on the consumer's premises must be provided for proper billing. If any meter cannot be read or access to utility service equipment is not provided for three consecutive months, the consumer shall be notified by first class mail that this condition must be corrected or the City shall discontinue service until access to such equipment by Utility personnel is accomplished.

#### Foreign Power

Unless specific arrangements are made as provided under the Parallel Generation section of these rules and regulations, the consumer shall make exclusive use of service provided by the Utility and no other source of electric energy shall be connected to any installation which in turn is connected to the Utility's electric distribution system. This provision does not preclude the use of emergency generating systems owned by the consumer, provided that switching arrangements are installed to prevent the possibility of the emergency generator and the Utility's service being connected to the load simultaneously. The manner of connection of any emergency generating system must be approved by the Utility prior to use.

#### Resale of Electricity

Electric service shall be furnished for the sole use of the consumer at the premises designated in the service application and contract, and the consumer shall not directly or indirectly sell or otherwise dispose of such service to any other person or persons, provided, however, that electrical service may be provided to a tenant by the owner as part of a lease-rental agreement. The Utility reserves the right to refuse to furnish electric service to any consumer where such service is to be resold to others. In the event that such resale comes to the attention of the Utility, the Utility shall have the right, without prior notice, to either discontinue service to the consumer or to furnish service directly to the subconsumer.

#### Load Balance

Where secondary electric service is used, the consumer's equipment shall be connected to balance the consumer's electric loads as follows:

With single-phase 3-wire, the current carried by the neutral shall be not more than 15% of the current in either of the other wires.

With three-phase systems, the consumer's load in any phase shall be not greater than 15% more than the load in either of the other two phases.



## Power Factor

The consumer shall at all times maintain a power factor as near unity as practicable and never lower than 90% lagging. Luminous electric discharge tubes or other loads having inherent low power factor shall at all times be provided by the consumer with effective power factor correction equipment such that the power factor resultant from such energy use shall not be less than 90%. Where such power factor correction equipment is used, the consumer shall install disconnecting or controlling equipment as needed to prevent excessive voltage variations on the Utility's system. See the applicable rate schedule for regulations specific to each rate class.

## Demand - Motor Limits

Single-phase, fractional horsepower motors may be used on a residential or business service. However, motors served at a nominal voltage of 120 shall not have locked rotor starting current in excess of 20 amperes. Single-phase, fractional horsepower motors having locked rotor currents in excess of the foregoing limits at 120 volts must be operated from circuits having a nominal voltage of 240.

By special authorization of the Utility, single-phase motors of greater than fractional horsepower may be operated on service to residential and business users, depending upon motor and load characteristics, including starting frequency and capability of the Utility's electric system serving the load. Approval of the Utility must be obtained before installation of any such motors and such approval shall be valid only for specific locations.

Single-phase 240 volt motors up to a maximum rating of  $7\frac{1}{2}$  horsepower may be operated under the applicable rate schedule. As a protection to service and equipment, the installation of single-phase motors of 5 and  $7\frac{1}{2}$  horsepower shall have the approval of the Utility and shall have such characteristics, or be equipped with a starter of such design, that the instantaneous current shall be limited to 300% of normal full load current.

Three-phase motors up to 200 horsepower may be supplied under applicable rate schedules, provided that such motors have been manufactured in accordance with National Electrical Manufacturers Association (NEMA) standards, and further provided that suitable protection equipment and devices have been installed. Under some conditions, the Utility may require the installation of reduced voltage or other types of starting equipment. Such equipment may be required where, in the opinion of the Utility, the starting frequency adversely affects service being rendered to other consumers.

## Intermittent Loads And Stand By Service

Subject to the approval of the Utility, use of x-ray machines,

induction-type welders or equipment with similar operating characteristics shall be permitted under applicable rate schedules on secondary service, provided that adequate transformer and distribution capacity is available.

An incremental demand charge may be added if the consumer's load is of an intermittent or fluctuating character or reflects frequent starting with high current inrush, or if standby service is provided for any reason. In these cases, the Utility may consider the billing demand as the maximum amount of power used at any time, may add to the measured demand of the steady load up to 50% of the maximum fluctuating load, or may add to the measured demand an incremental demand charge determined from either the nameplate data of the equipment or by the kVa of extra transformer capacity necessary to serve such loads. The consumer may also be required to pay a one-time charge equal to the investment in special facilities necessary to serve such fluctuating load or to provide such standby service. Previous demand charge payments may not be applied as payment toward such investment.

Standby service may be utilized for back-up power, supplementary power or maintenance power to Qualifying Facilities operated in parallel with the Utility as provided herein.

#### Indemnity To City

The City shall not be held responsible for any injury to persons or damage to property occasioned or caused by the acts, omissions or negligence of the consumer or of any of the consumer's agents, employees or licensees in installing, maintaining, operating or using any of the consumer's lines, wire, equipment, machinery or apparatus, and for injury and damage caused by defects in the same. The consumer shall hold the City harmless and indemnify it against any and all claims and liability for injury to persons or damage to property when such injury or damage results from or is occasioned by the facilities located on the consumer's side of the point of delivery unless caused by the negligence or wrongful acts of the City's agents or employees. The consumer shall pay all costs that may be incurred by the City in enforcing this indemnity.

#### Working Adjacent To Or In The Vicinity Of Overhead Electric Lines

Any person, consumer, business or other party working within ten feet of overhead power lines carrying more than 600 volts shall provide seventy-two hours notice to the Utility of such work. The Utility shall coordinate the efforts to cover up or in some manner to make such lines safe for the work or activity. The consumer, person, business or party shall pay all cost associated with making such lines safe. Failure to notify the Utility seventy-two hours in advance of any activity within ten feet of overhead lines shall relieve the Utility of all responsibility or liability for accidents, injuries or damages arising through or from such activities.

## Locate Policy

To prevent service interruption, personal injury or property destruction resulting from damage to underground facilities during excavation, state law requires the notification of utilities at least two business days prior to any excavation. Notification is to be made through the Utility's notification service. Upon receiving such notice, the Utility shall advise the excavator of the approximate location and size of the underground facilities in the proposed excavation area. (See "Electric Construction Policies, Practices and Procedures".)

## Parallel Generation, Interconnection And Transmission

### Application

Any Qualifying Facility may interconnect with, operate in parallel with, or transmit over the Utility's facilities as provided herein. Each Qualifying Facility shall make application to the Utility and obtain written approval of entrance location, number of phases, voltage, number and types of meters, and underground or overhead connection before making commitments to equipment purchases and before the start of construction. Each Qualifying Facility shall provide the Utility, upon request, a copy of a Federal Energy Regulatory Commission qualifying certificate for the proposed facility.

### Parallel Generation For Consumer's Use

A consumer receiving electric service from the Utility may generate all or part of such consumer's instantaneous energy or capacity needs by operation of a Qualifying Facility in parallel with the Utility system, provided that electric service is being rendered under the standby provisions of a demand-metered rate schedule and provided further that such Facility is constructed, operated and maintained in accordance with these rules and regulations. Under the above described conditions, energy or capacity in excess of the consumer's instantaneous needs shall not be purchased by the Utility and shall not be generated or transmitted into the Utility system through the consumer's electric service connection with the Utility, unless delivery to a purchasing utility has been arranged.

### Delivery To A Purchasing Utility

The Operator may designate a purchasing utility to which energy and capacity is to be delivered, such delivery to be made to any interconnected utility with which the Operator has appropriate transmission or sale/purchase agreements in accordance with the provisions of these rules and regulations. In such event, the Utility may assess charges for losses and other costs incurred as a result of such delivery. The

Utility may require a special contract with the Operator and other interested parties to such delivery.

Satisfactory evidence of a sale/purchase agreement and all necessary interconnection and transmission agreements with interested parties must be presented to the Utility at least thirty days before generation of energy and capacity for such sale is commenced.

The Utility shall not purchase energy or capacity from any source other than Platte River Power Authority (Platte River) because of the Utility's contract to purchase all electric power and energy which it requires for resale and the operation of its electric distribution system from Platte River. In order to encourage cogeneration and small power production, Platte River shall purchase any electric energy or capacity offered to the Utility from a Qualifying Facility in accordance with the provisions of its tariffs.

#### Initial Start-Up

Each Qualifying Facility shall notify the Utility of the initial energizing and start-up test of the Qualifying Facility's generating equipment. The Utility shall have the right to be present at such test. Notice of such initial energizing and start-up test shall be given by the Qualifying Facility to the Utility at a reasonable time prior to such event. No Qualifying Facility shall operate in parallel with the Utility system until all safety standards, relays, controls and other devices, as required by the Utility, have been met.

#### Facility Design And Construction

The Operator shall design, construct, install, own, operate and maintain the Facility and all equipment needed to generate and deliver energy and capacity except for any special facilities constructed, installed and maintained by the Utility. The Facility shall meet all requirements of applicable codes and all standards of prudent electrical practice and the requirements of the Utility. Such requirements may include locks, seals, breakers, protective relaying, automatic synchronizers, meters and disconnecting devices. The Qualifying Facility operator shall submit all of the Facility's specifications to the Utility for review and approval prior to connecting the Facility to the Utility's system. The Utility's review of the Operator's specifications shall not be construed as confirming nor endorsing the design, or as any warranty of safety, durability or reliability of the Facility. The Operator agrees that, upon demand of the Utility, the Operator shall change its Facility to comply with changing requirements of the Utility's system.

#### Interconnection Facility Construction And Meter Installation

The Operator shall construct, install, own and maintain interconnec-

tion facilities and system protection facilities as required for the Utility to provide for system capacity, safety and operation. In the event it is necessary for the Utility to install special facilities or to reinforce its system for purposes of receiving the Operator's energy or capacity, the Operator shall pay to the Utility the estimated cost of such special facilities as a non-refundable contribution-in-aid-of-construction prior to the start of construction. If satisfactory metering is not otherwise provided, the Utility may install and maintain meters at a mutually agreed upon designated location to measure the integrated demand and kilowatt-hours. If the Operator sells to a purchasing utility, such metering shall be approved by the Utility and Platte River, and shall record and indicate the integrated demand for each 30-minute period and shall measure kilowatt-hours. Meters for measure of reactive volt-ampere hours may be required by the Utility if deemed appropriate. All meter equipment, installation, ownership and administration costs thereof shall be borne by Operator, including costs incurred by the Utility for inspecting and testing such equipment.

#### Facility Operation And Maintenance

The Operator shall operate and maintain its Facility according to prudent electrical practices and shall generate or otherwise supply such reactive power necessary to maintain a 95% power factor to maintain voltage levels and reactive support to the system. If the Operator is unable or unwilling to provide such reactive power, the Utility may do so at the Operator's expense or may disconnect the Facility, without notice.

#### Discontinuity Of Deliveries

The Utility shall not be obligated to accept, and the Utility may require the Operator to curtail, interrupt or reduce, deliveries of energy and capacity under any of the following circumstances: (a) in order to construct, install, maintain, repair, replace, remove, investigate or inspect any of the Utility's equipment or any part of the Utility's system; (b) if the Utility determines that curtailment, interruption or reduction is necessary because of emergencies, forced outages, operating conditions on its system or adverse affects upon electric service to other consumers of the Utility; (c) as required by prudent electrical practices; (d) expiration or termination of the sale/purchase agreement between the Operator and the purchasing utility or upon suspension of purchases by the purchasing utility for any reason; or (e) as otherwise provided in these rules and regulations and any special contract provisions.

#### Changes In Facility Or Capacity Rating

The Operator shall advise the Utility and Platte River of any proposed changes in its Facility or its capacity rating prior to making

such changes. Such changes shall be made in accordance with these rules and regulations as if the changes were a new Facility.

#### Point Of Delivery

If the Facility's energy or capacity is for sale to a purchasing utility, the Operator shall deliver the energy and capacity at the source side of the electric billing meter or the source side of the main disconnect where instrument transformers are employed or as otherwise designated by the Utility.

#### Meters

All billing meters used to determine the billing of sales to a purchasing utility shall be sealed and the seals shall be broken only upon occasions when the meters are to be inspected, tested or adjusted. The Utility shall, at the Operator's expense, inspect and test all meters upon their installation and at least once every four years thereafter. If requested to do so by the Operator or the purchasing utility, the Utility shall inspect or test a meter more frequently than every four years, but the expense of such inspection or test shall be borne by the Operator.

All billing meters shall be installed and operated in accordance with the terms and conditions of Platte River and the purchasing utility.

#### Billing

Where the Operator sells electric energy or capacity to a purchasing utility, the billing meters shall be read by Platte River. Interested parties may be present or otherwise receive meter reading information in accordance with agreements between the parties and Platte River.

#### Payment

Payment for energy or capacity sold to a purchasing utility shall be made by the purchasing utility in accordance with the terms and conditions of the sale/purchase agreement between the parties.

#### Service Charges

There shall be a service charge for the processing of a request for parallel operation.

## Electric Services Supplied By The Utility

This section of the rules and regulations does not provide for the delivery of any electric services by the Utility to the Operator. If the Operator requires interruptible or standby services from the Utility, the Operator shall enter into separate electric service contract arrangements with the Utility in accordance with the Utility's applicable electric service schedules. If the Operator receives such service and the Operator intends to sell to a purchasing utility, there shall be no interconnection between the load served and the Operator's facility beyond the Utility's point of delivery.

## Land Rights

By making application to interconnect with the Utility, the Operator agrees to grant to the Utility all necessary rights-of-way and easements to install, operate, maintain, replace and remove the Utility's metering and other special facilities, and agrees to execute such other grants, deeds or documents as the Utility may require to enable it to record such rights-of-way and easements. If any part of the Utility's facilities are to be installed on property owned by a party other than the Operator, the Operator shall, without cost to the Utility, procure from the owners thereof all necessary permanent rights-of-way and easements for the construction, operation, maintenance and replacement of the Utility's facilities upon such property in a form satisfactory to the Utility.

## Indemnity

The Operator shall indemnify the Utility, its officers, agents and employees against all loss, damage, expense and liability to third persons for injury to or death of persons or damage to property, proximately caused by the Operator's construction, ownership, operation, or maintenance of, or by failure of any of the Operator's works or facilities used in connection with applicable contracts and these rules and regulations. The Operator shall pay all costs that may be incurred by the Utility in enforcing this indemnity. The Utility may require proof of the Operator's ability to provide adequate indemnity protection, as determined by the Utility, at any time. Failure to provide proof of such indemnity shall be cause for discontinuance of service or interconnection.

## Liability

Nothing herein shall be construed to create any duty to, any standard of care with reference to or any liability to any person not a party to arrangements and contracts pursuant to these rules and regulations.

The Utility shall not be liable for damages caused to the facilities of the Operator by reason of the operation, faulty operation or non-operation of the Utility's facilities.

#### Rules And Regulations

The Operator must comply with all provisions of these rules and regulations and references thereto deemed applicable by the Utility. Reference to the "consumer" or "user" shall be interpreted as being interchangeable with "Qualifying Facility" and "Operator".



## Definitions

For the purposes of these rules, the following terms shall have the meaning indicated:

Back-Up Power -- Electric energy or capacity supplied under the standby service provision of the applicable rate schedule by the Utility to replace energy ordinarily generated by a Facility's own generation equipment during an unscheduled outage of the Facility.

Capacity Rating -- The generator nameplate rating of the Qualifying Facility's equipment diminished by any anticipated losses between such equipment and the delivery point.

City -- City of Fort Collins, Colorado, a municipal corporation.

Cogeneration -- Facilities which simultaneously produce two forms of useful energy, such as power and steam, through the sequential use of energy. Such Facilities must be owned by a party not primarily engaged in the generation or sale of electric energy.

Facility -- The generator and associated equipment owned by a party other than the Utility, used to generate or deliver electric power.

Interconnection Facilities -- All facilities required to be installed solely to interconnect and deliver power from the Operator's generation to the Utility's system, including but not limited to connection, transformation, switching, indicating meters, safety equipment and system protection facilities.

Intermittent Loads -- An electrical demand of an intermittent or fluctuating character or which reflects frequent starting with high-current in-rush.

Interruptible -- Power made available under agreements which permit curtailment or cessation of delivery by the Utility.

Maintenance Power -- Electric energy or capacity supplied by the Utility during scheduled outages of the Qualifying Facility.

Operator -- One responsible for the construction, operation and maintenance of a Qualifying Facility.

Parallel Generation -- The operation of Qualifying Facilities when interconnected with the Utility system in accordance with the provisions of these rules and regulations.

Prudent Electrical Practices -- Those practices, methods and equipment, as changed from time to time, that are commonly used in prudent electrical engineering and operations to operate electric equipment lawfully and with safety, dependability, efficiency and economy.

Purchasing Utility -- Any utility other than Fort Collins Light and Power which purchases energy or capacity from a Qualifying Facility.

Qualifying Facility -- A cogeneration or small power production facility which meets the definitions of such facilities as defined herein and which is a qualifying facility under Subpart B of Section 201 of the Public Utilities Regulatory Policy Act of 1978, as may be amended from time to time.

Small Power Production -- Facilities which derive more than 75% of total energy input from biomass, waste or renewable resources, including wind, solar and water, to produce electric power. Such facilities must be of less than 80 megawatts capacity and must be owned by a party not primarily engaged in the generation or sale of electric energy.

Special Facilities -- Interconnection facilities furnished by the Utility at the Operator's request or because such facilities are necessary additions and/or reinforcements to the Utility's system for the purpose of receiving, metering or transmitting energy or capacity from a Qualifying Facility.

Supplementary Power -- Electric energy or capacity, supplied by the Utility, regularly used by a Qualifying Facility in addition to that which the Facility generates itself.

System Protection Facilities -- The equipment required to protect: (1) the Utility's system and its consumers from faults occurring at the Facility; and (2) the Facility from faults occurring on the Utility system or on the systems of others to which it is directly or indirectly connected.

Utility -- The City of Fort Collins Light and Power Utility.