
Council Bill Number: 111601

Ordinance Number: 118475

AN ORDINANCE relating to the Seattle City Light Department; prescribing the rates, terms and conditions for the use and sale of electricity; defining offenses and prescribing penalties; and amending Seattle Municipal Code Chapter 21.49.

Status: Passed

Note: Revision to accessory housing regulations.

Vote: 9-0

Date filed with the City Clerk: 1997/02/05

Date of Mayor's signature: 1997/01/28 ([about the signature date](#))

Date introduced/referred to committee: 1997/01/13

Committee: Utilities and Environmental Management

Sponsor: PAGELER

Committee Recommendation: Pass

Index Terms: UTILITY-RATES, CITY-LIGHT

Electronic Copy: [PDF scan of Ordinance No. 118475](#)

Reference: Amending: Ord 118375

Text:

ORDINANCE _____

AN ORDINANCE relating to the Seattle City Light Department; prescribing the rates, terms and conditions for the use and sale of electricity; defining offenses and prescribing penalties; and amending Seattle Municipal Code Chapter 21.49.

WHEREAS, Seattle Municipal Code Chapter 21.49, Ordinance 110733 (adopted August 23, 1982) established rates for Seattle City Light and has been amended by Ordinances 110829, 110919, 111104, 111243, 111615, 112441, 112637, 112738, 113636, 114459, 114835, 115951, 116291, 116619, 117115, 117490, and 118279; and

WHEREAS, Resolution 28004 (adopted July 24, 1989) established long- term rate-setting objectives, electric rate policies for the City of Seattle, and a work program and schedule to be implemented as part of the following rate review; and

WHEREAS, Resolution 28085 (adopted October 16, 1989) established revised financial policies for Seattle City Light which include a 1.8 debt service coverage guideline; and

WHEREAS, the City Council has reviewed the rates set out herein and has determined that the cost of service, regulations, control of use and the manner and quality of distribution are consistent with providing the users of electric service supplied by the City of Seattle efficient electric service at the lowest cost; and

WHEREAS, the revenues from the rates established herein are intended to cover the Department's cost of providing service to customers and the principal and interest payments for the retirement of Revenue Bonds used for the

construction of capital facilities; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code 21.49 shall be amended as follows:

Section 21.49.010. SCOPE

Rates and provisions for electricity and services supplied by the Seattle City Light Department shall be as set forth in this ordinance. Title, chapter heading, and section and subsection titles of this ordinance are designed for reference purposes and are not substitutes for the referenced textual material and do not constitute any part of the law.

Section 2. Seattle Municipal Code 21.49.020 is amended to read as follows:

Section 21.49.020. DEFINITIONS

A. The following terms or abbreviations, as used in this ordinance, have the following meanings:

1. "Applicant" means any person, firm, corporation, government agency, or other entity requesting electrical service from the Department.
2. "BPA" means the Bonneville Power Administration or successor agency.
3. "City" means The City of Seattle.
4. "Customer" means any person, firm, corporation, government agency, or other entity that uses, has used, contracts, or has contracted for electric service from the Department.
5. "Department" means the Seattle City Light Department of the City, its Superintendent, or any duly authorized employee of the Department.
6. "Duplex" means a detached building containing two dwelling units.
7. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation.
8. "Flat rate" means a fixed charge for a streetlight, floodlight, or a fixed amount of energy consumption.
9. "House Service" or "House Meter" means service for rooms or areas used in common by the occupants of a multiple unit building.
10. "kV" means kilovolt.
11. "kVA" means kilovolt-ampere.
12. "kvarh" means reactive kilovolt-ampere hours.
13. "kW" means kilowatt.
14. "kWh" means kilowatt-hour.
15. "Master Meter" means service which supplies electrical energy to more than one dwelling unit or boat moorage and

is measured through a single inclusive metering system.

16. "Medical Life Support Equipment" is any piece of equipment which is prescribed by a licensed medical physician, generally accepted in the medical industry as life support equipment, and dependent on electrical service for its operation, such as kidney dialysis units, iron lungs, etc.

17. "MW" means megawatt.

18. "Multiple dwelling building" means any building or any portion of the building which contains three or more dwelling units used, rented, leased, let, or hired out to be occupied, or which are occupied and have provisions for living, sleeping, eating, cooking, and sanitation.

~~19. "New Large Single Load" means any load associated with a new facility, an existing facility, or an expansion of an existing facility which is not contracted for or committed to by a customer prior to September 1, 1979 and which will result in an increase in power requirements of such a customer of 10 average MW or more in any consecutive 12-month period.~~

19 . "Peak Period" means Monday through Friday, 6 am to 10 pm.

20 . "Power Factor" is the ratio kW to kVA.

21 . "Premises" means all of the real property at a single geographic location utilized by a customer.

22 . "RCW" means Revised Code of Washington.

23 . "Residence" means a single family dwelling.

24 . "Var" means volt-ampere-reactive, the unit of measure of reactive power in a circuit.

B. The following terms, as used for the purpose of applying rate schedules, have the following meanings:

1. "General Service" means service to any customer who does not qualify for residential or public streetlighting service. General service rates also apply to the separately metered electricity use by residential customers where that use is not for domestic purposes; or, to a single-metered service which includes domestic uses but for which the major portion of the service is used on an ongoing and regular basis for the conduct of business. General service uses include, but are not limited to, manufacturing, processing, refining, freezing, lighting, water heating, power purposes, air conditioning and space heating, traffic control systems, and electricity provided to the common use areas of duplex or multiple-dwelling buildings.

a) "General Service: Standard" means any general service customer who does not qualify for General Service: Industrial.

b) "General Service: Industrial" means permanent electric service to plants where the primary function is manufacturing, processing, refining, or freezing, and for which the major portion of the electrical service is used on an ongoing and regular basis for one or more of the aforementioned primary functions. To qualify for industrial service, the total load must be 50 kW or more of maximum demand recorded in half or more of the normal billings in the previous calendar year. Determination of a customer's qualification for industrial service is at the discretion of the Department. The Department may use documents or manuals, including but not limited to the Standard Industrial Classification Code, to determine a customer's qualification for industrial service.

2. "Residential Service" means permanent electric service furnished to a dwelling unit that is separately metered for domestic use. It includes any second service determined to be domestic use and billed on the same residential account. It excludes dwellings where tenancy is typically of a transient nature such as hotels, motels, and lodges. It also excludes services which use electricity for both domestic and commercial purposes if the major portion of the service is used on

an ongoing and regular basis for the conduct of business.

Boarding, lodging, rooming houses or group homes shall be considered residential services if not more than four separate sleeping quarters exist for use by other than members of the customer's family. A boarding, lodging, or rooming house means a building other than a hotel which advertises as a boarding, lodging, or rooming house, or is a licensed place of business with rooms available for rent. A group home is an agency which operates and maintains a group care facility on a 24-hour basis in a dwelling unit for the care of not more than ten persons (including minor children of staff residing on the premises) under the age of 18 years.

Section 3. Seattle Municipal Code Section 21.49.030 is amended to read as follows:

Section 21.49.030. RESIDENTIAL RATE (Schedule 20)

A. Schedule 20 is for all separately metered residential services.

Schedule 20

RATES EFFECTIVE MARCH 1, 1997 :

Energy Charges:

Summer Billing Cycles (March - August)

First 300 kWh per month at 2.63 cents per kWh

All over 300 kWh per month at 3.82 cents per kWh

Winter Billing Cycles (September - February)

First 480 kWh per month at 4.05 cents cents per kWh

All over 480 kWh per month at 5.88 cents per kWh

Minimum Charge: The minimum monthly charge for each meter shall be \$2.92 ; however, when there is no consumption, there will be no charge.

RATES EFFECTIVE MARCH 1, 1998 :

Energy Charges:

Summer Billing Cycles (March - August)

First 300 kWh per month at 2.88 cents per kWh

All over 300 kWh per month at 3.71 cents per kWh

Winter Billing Cycles (September - February)

First 480 kWh per month at 4.43 cents per kWh

All over 480 kWh per month at 5.71 cents cents per kWh

Minimum Charge:

The minimum monthly charge for each meter shall be \$2.92 ; however, when there is no consumption, there will be no charge.

B. Normal residential service shall be limited to single phase.

C. If Schedule 20 is applied to transient occupancy in separately metered living units, billing shall be in the name of the owner on a continuous basis.

D. Duplexes using a single meter prior to October 13, 1978 shall be considered as a single residence for the purpose of applying Schedule 20. For a new duplex or a larger service to an existing duplex, each residence shall be separately metered.

E. If an electric water heater providing potable water is served under Schedule 20, it shall be a storage-type insulated tank heated by elements which are thermostatically controlled. The maximum element wattage shall not exceed 5,500 watts.

F. All electrical service provided for domestic uses to a single residential account, including electrically heated swimming pools, shall have all consumption of electricity added together for billing on Schedule 20.

Section 4. Seattle Municipal Code Section 21.49.040 is amended to read as follows:

Section 21.49.040. RESIDENTIAL RATE ASSISTANCE (Schedule 26/27)

Schedule 26/27 is available to qualified low-income residential customers.

A. Schedule 26/27 is available for separately metered residential service use by persons who show satisfactory proof that they have a City Light residential account and reside in the dwelling unit where the account is billed and that they:

1. For Schedule 27, receive Supplemental Security Income pursuant to 42 USC sections 1381-1383; or
2. For Schedule 27, reside in a household in which the annual income of all household members together does not exceed 125% of the poverty level for the number of individuals in the household as computed annually by the U.S. Government or the City; or
3. For Schedule 26, reside in a household in which the annual income of all household members together does not exceed 70% of the Washington State median income for the number of individuals in the household as computed annually by the State or the City and are:

a. blind, or

b. sixty-five years of age or older, or

c. disabled and receive funds from a disability program as a result of a disability that prevents them from working consistent with the requirements of 42 USC section 401 et seq, or

d. require medical life support equipment which utilizes mechanical or artificial means to sustain, restore, or supplant a vital function.

Schedule 26/27

RATES EFFECTIVE MARCH 1, 1997 :

Energy Charges:

Summer Billing Cycles (March - August)

First 300 kWh per month at 1.32 cents per kWh

All over 300 kWh per month at 1.91 cents per kWh

Winter Billing Cycles (September - February)

First 480 kWh per month at 2.03 cents per kWh

All over 480 kWh per month at 2.94 cents per kWh

Minimum Charge:

The minimum monthly charge for each meter shall be \$1.46 ; however, when there is no consumption, there will be no charge.

RATES EFFECTIVE MARCH 1, 1998 :

Energy Charges:

Summer Billing Cycles (March - August)

First 300 kWh per month at 1.44 cents per kWh

All over 300 kWh per month at 1.86 cents per kWh

Winter Billing Cycles (September - February)

First 480 kWh per month at 2.22 cents per kWh

All over 480 kWh per month at 2.86 cents per kWh

Minimum Charge:

The minimum monthly charge for each meter shall be \$1.46 ; however, when there is no consumption, there will be no charge.

B. Applicants for Schedule 26/27 shall verify the information required to certify their eligibility for residential rate assistance and shall provide such other data as is deemed appropriate upon forms and in the manner determined by the City's Department of Housing and Human Services.

C. Schedule 26/27 and any other form of residential rate assistance established by the Department is not available to those otherwise eligible persons who own their dwelling unit and who use electric heat as defined in Seattle Municipal Code Section 21.52.210 (Ordinance 109675, Section 2) but who have not completed or who are not in the process of completing the energy conservation measures required for participation in the Comprehensive Residential Weatherization Program described in Seattle Municipal Code Section 21.52.260 (Ordinance 109675, Section 8). Customers who own their own dwelling unit and who use electric heat have one year from the date of application for Schedule 26/27 to complete the energy conservation measures. Eligibility for residential rate assistance may be continued by the Department, however, if the Department determines that the customer's failure to complete the required energy conservation measures is the fault of the City in failing to furnish or properly administer the Low Income Electric Program set forth in Seattle Municipal Code Chapter 21.52.250 (Ordinance 109675, Section 7).

D. Schedule 26/27 shall not apply to any subsidized unit operated by the Seattle Housing Authority, the Housing

Authority of the County of King, or the Federal Government where utility allowances are provided.

E. Normal residential service under Schedule 26/27 shall be limited to single-phase.

F. If Schedule 26/27 is applied to transient occupancy in separately metered living units, billing shall be in the name of the owner on a continuous basis.

G. Duplexes using a single meter prior to October 13, 1978 shall be considered as a single residence for the purpose of applying Schedule 26/27. For a new duplex or a larger service to an existing duplex, each residence shall be separately metered.

H. If an electric water heater providing potable water is served under Schedule 26/27, it shall be a storage-type insulated tank heated by elements which are thermostatically controlled. The maximum element wattage shall not exceed 5,500 watts.

I. All electric service provided for domestic uses to a single residential account, including electrically heated swimming pools, shall have all consumption of electricity added together for billing on Schedule 26/27.

J. The Department will provide owners of electric ranges, water heaters, permanently connected electric heat, microwave ovens, electric clothes dryers, dishwashers, refrigerators, and freezers with free parts and service for these appliances when the owner of the appliance requiring service is billed under Schedule 26/27.

Section 21.49.042. EMERGENCY LOW INCOME ASSISTANCE PROGRAM

A. An emergency credit of 50 percent of a customer's delinquent bills up to a maximum credit of \$200 may be granted by the Department to residential accounts, metered for a single household, which qualify under the following criteria:

1. meet the income eligibility guidelines for assistance under the Federal Energy Crisis Intervention Program; and
2. have received a 24-hour notice from the Department notifying them that payment or payment arrangements must be made to prevent disconnection; and
3. have applied for and received grants from both the Federal Energy Assistance Program and the Federal Energy Crisis Intervention Program during their current program year or funds available through these programs must have been exhausted for the current program year; and
4. have entered into an agreement with the Department to pay a minimum of 50 percent of the delinquent amount and balance. The emergency credit from this program may be applied to the required payment of the minimum of 50 percent of the delinquent amount.

B. A customer is eligible for the emergency credit only one time in each twelve-month period.

C. This program shall terminate 30 days following the termination of either the Federal Energy Assistance Program or the Federal Crisis Intervention Program.

Section 5. Seattle Municipal Code Section 21.49.052 is amended to read as follows:

Section 21.49.052. SMALL GENERAL SERVICE (Schedule 31)

Schedule 31 is for general service customers whose maximum demand is less than 50 kW.

A. Schedule 31 is for general service customers who are not demand metered or, if demand metered, have in the previous calendar year more than half of the normal billings less than 50 kW of maximum demand. Classification of new customers will be based on the Department's estimate of maximum demand in the current year.

Schedule 31

RATES EFFECTIVE MARCH 1, 1997 :

Energy Charges:

Summer Billing Cycles (March - August)

All energy at 3.05 cents per kWh

Winter Billing Cycles (September - February)

All energy at 4.60 cents per kWh

Minimum Charge:

The minimum monthly charge for each meter shall be \$5.00 .

RATES EFFECTIVE MARCH 1, 1998

Energy Charges:

Summer Billing Cycles (March - August)

All energy at 2.85 cents per kWh

Winter Billing Cycles (September - February)

All energy at 4.49 cents per kWh

Minimum Charge:

The minimum monthly charge for each meter shall be \$5.00 .

Discounts:

Transformer losses -

$.53285 \times kW + .00002 \times kW^2 + .00527 \times kWh$

Transformer investment -

\$0.16 per kW of monthly maximum demand

B. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly kWh billed by the number of kWh computed in Section 21.49.052, Subsection A.

C. For customers who provide their own transformation from the Department's standard distribution system voltage of 4 kV, 13 kV, or 26 kV to a utilization voltage, a discount for transformer investment will be provided in the amount stated in Section 21.49.052, Subsection A.

D . The Department will provide one transformation from the available distribution system voltage of 4 kV or higher to a standard service voltage, and metering normally will be at the service voltage level. However, if the Department

determines that it is either uneconomical or impractical to meter at the service voltage level, the Department will meter at the distribution voltage level and the monthly kWh billed will be reduced by the amount of the discount for transformer losses.

If the customer elects to receive service from the Department's available distribution system voltage of 4 kV or higher, metering will be at the distribution voltage level and the discounts for transformer losses and for transformer investment, if applicable, will be applied to the customer's billings. However, if the Department determines that it is either uneconomical or impractical to meter at the distribution voltage level, the Department will meter at the service voltage level and the discount for transformer losses will not be applicable.

Section 6. Seattle Municipal Code Section 21.49.055 is amended to read as follows:

Section 21.49.055. MEDIUM GENERAL SERVICE

(Schedules 34 and 35)

A. Schedules 34 and 35 are for general service customers who have in the previous calendar year for half or more than half of their normal billings 50 kW of maximum demand or greater and have more than half of their normal billings less than 1000 kW of maximum demand. Classification of new customers will be based on the Department's estimate of maximum demand in the current year.

Schedule 34: MEDIUM GENERAL SERVICE: STANDARD

Schedule 34 is for Medium General Service customers for general service uses of electricity.

RATES EFFECTIVE MARCH 1, 1997 :

Energy Charges:

Summer Billing Cycles (March - August)

All energy at 2.79 cents per kWh

Winter Billing Cycles (September - February)

All energy at 4.00 cents per kWh

Demand Charges:

Summer Billing Cycles (March - August

All kW of maximum demand at \$1.30 per kW

Winter Billing Cycles (September - February)

All kW of maximum demand at \$2.12 per kW

Minimum Charge:

The minimum monthly charge for each meter shall be \$22.00 .

RATES EFFECTIVE MARCH 1, 1998 :

Energy Charges:

Summer Billing Cycles (March - August)

All energy at 2.96 cents per kWh

Winter Billing Cycles (September - February)

All energy at 4.06 cents per kWh

Demand Charges:

Summer Billing Cycles (March - August)

All kW of maximum demand at \$1.24 per kW

Winter Billing Cycles (September - February)

All kW of maximum demand at \$1.71 per kW

Minimum Charge:

The minimum monthly charge for each meter shall be \$22.00 .

Discounts:

Transformer losses -

$1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$

Transformer investment -

\$0.16 per kW of monthly maximum demand

Schedule 35: MEDIUM GENERAL SERVICE: INDUSTRIAL

Schedule 35 is for Medium General Service customers for industrial services at plants where the primary function is manufacturing, processing refining or freezing, and for which the major portion of the electrical service is used on an ongoing and regular basis for one or more of the aforementioned primary functions.

RATES EFFECTIVE MARCH 1, 1997 :

Energy Charges:

Summer Billing Cycles (March - August)

All energy at 2.67 cents per kWh

Winter Billing Cycles (September - February)

All energy at 3.81 cents per kWh

Demand Charges:

Summer Billing Cycles (March - August)

All kW of maximum demand at \$1.30 per kW

Winter Billing Cycles (September - February)

All kW of maximum demand at \$2.12 per kW

Minimum Charge:

The minimum monthly charge for each meter shall be \$22.00 .

RATES EFFECTIVE MARCH 1, 1998

Energy Charges:

Summer Billing Cycles (March - August)

All energy at 2.83 cents per kWh

Winter Billing Cycles (September - February)

All energy at 3.88 cents per kWh

Demand Charges:

Summer Billing Cycles (March - August)

All kW of maximum demand at \$1.24 per kW

Winter Billing Cycles (September - February)

All kW of maximum demand at \$1.71 per kW

Minimum Charge:

The minimum monthly charge for each meter shall be \$22.00 .

Discounts:

Transformer losses -

$1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$

Transformer investment -

\$0.16 per kW of monthly maximum demand

B. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly kWh billed by the number of kWh computed in Section 21.49.055, Subsection A.

C. For customers who provide their own transformation from the Department's standard distribution system voltage of 4 kV, 13 kV, or 26 kV to a utilization voltage, a discount for transformer investment will be provided in the amount stated in Section 21.49.055, Subsection A.

D . The Department will provide one transformation from the available distribution system voltage of 4 kV or higher to a standard service voltage, and metering normally will be at the service voltage level. However, if the Department determines that it is either uneconomical or impractical to meter at the service voltage level, the Department will meter at the distribution voltage level and the monthly kWh billed will be reduced by the amount of the discount for transformer losses.

If the customer elects to receive service from the Department's available distribution system voltage of 4 kV or higher, metering will be at the distribution voltage level and the discounts for transformer losses and for transformer investment, if applicable, will be applied to the customer's billings. However, if the Department determines that it is either uneconomical or impractical to meter at the distribution voltage level, the Department will meter at the service voltage level and the discount for transformer losses will not be applicable.

Section 7. Seattle Municipal Code Section 21.49.057 is amended to read as follows:

Section 21.49.057. LARGE GENERAL SERVICE

(Schedule38)

A. Schedule 38 is for general service customers inside the network system who have in the previous calendar year billings for half or more than half of the normal billings at 1000 kW of maximum demand or greater. Schedule 38 is also for general service customers outside the network system who have in the previous calendar year billings for half or more than half of their normal billings at 1000 kW of maximum demand or greater and have more than half of their normal billings less than 10,000 kW of maximum demand. Classification of new customers will be based on the Department's estimate of maximum demand in the current year.

Schedule 38

RATES EFFECTIVE MARCH 1, 1997 :

Energy Charges:

Summer Billing Cycles (March - August)

Peak: Energy used between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at 3.35 cents per kWh

Off-Peak: Energy used at all times other than the peak period at 2.52 cents per kWh

Winter Billing Cycles (September - February)

Peak: Energy used between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at 4.36 cents per kWh

Off-Peak: Energy used at all times other than the peak period at 3.39 cents per kWh

Demand Charges:

Summer Billing Cycles (March - August

Peak: All kW of maximum demand between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at \$0.50 per kW

Off-Peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.16 per kW.

Winter Billing Cycles (September - February)

Peak: All kW of maximum demand between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at \$0.50 per kW

Off-Peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.16 per kW.

Minimum Charge:

The minimum monthly charge for each meter shall be \$189.00

RATES EFFECTIVE MARCH 1, 1998 :

Energy Charges:

Summer Billing Cycles (March - August)

Peak: Energy used between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at 3.02 cents per kWh

Off-Peak: Energy used at all times other than the peak period at 2.50 cents per kWh

Winter Billing Cycles (September - February)

Peak: Energy used between 6 am and 10 pm, Monday through Friday, excluding major holidays,* 4.14 cents per kWh

Off-Peak: Energy used at all times other than the peak period at 3.63 cents per kWh

Demand Charges:

Summer Billing Cycles (March - August)

Peak: All kW of maximum demand between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at \$0.50 per kW

Off-Peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.16 cents per kW

Winter Billing Cycles (September - February)

Peak: All kW of maximum demand between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at \$0.50 per kW

Off-Peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.16 cents per kW

Minimum Charge:

The minimum monthly charge for each meter shall be \$189.00 .

*Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Discounts:

Transformer losses -

$1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$

Transformer Investment -

\$0.16 per kW of monthly maximum demand

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B. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly kWh billed by the number of kWh computed in Section 21.49.057, Subsection A.

C. For customers who provide their own transformation from the Department's standard distribution system voltage of 4 kV, 13 kV, or 26 kV to a utilization voltage, a discount for transformer investment will be provided in the amount stated in Section 21.49.057, Subsection A. Existing customers served by the Department's 34.5 kV system as of January 1, 1995 shall be considered as receiving standard distribution voltage for the purpose of this section. This 34.5 kV voltage will not be offered as a standard distribution system voltage for any new customers.

Section 8. Seattle Municipal Code Section 21.49.058 is amended to read as follows:

Section 21.49.058. HIGH DEMAND GENERAL SERVICE

(Schedules 42 and 44)

A. Schedules 42 and 44 are for general service customers who have in the previous calendar year billings for half or more than half of their normal billings at 10,000 kW of maximum demand or greater, and who are located outside the Seattle City Light Department's network system. Classification of new customers will be based on the Department's estimates of maximum demand in the current year.

Schedule 42: HIGH DEMAND GENERAL SERVICE: STANDARD

Schedule 42 is for High Demand General Service customers that have not signed an agreement to be served under Schedule 44.

RATES EFFECTIVE MARCH 1, 1997 :

Energy Charges:

Summer Billing Cycles (March - August)

Peak: Energy used between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at 3.22 cents per kWh

Off-Peak: Energy used at all times other than the peak period at 2.45 cents per kWh

Winter Billing Cycles (September - February)

Peak: Energy used between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at 4.21 cents per kWh

Off-Peak: Energy used at all times other than the peak period at 3.30 cents per kWh

Demand Charges:

Summer Billing Cycles (March - August

Peak: All kW of maximum demand between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at \$0.50 cents per kW

Off-Peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.16 per kW.

Winter Billing Cycles (September - February)

Peak: All kW of maximum demand between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at \$0.50 per kW

Off-Peak: All kW of maximum demand in excess of peak maximum demand, at all times other than the peak period, at \$0.16 per kW.

Minimum Charge:

The minimum monthly charge for each meter shall be \$1,646.00 .

RATES EFFECTIVE MARCH 1, 1998 :

Energy Charges:

Summer Billing Cycles (March - August)

Peak: Energy used between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at 2.87 cents per kWh

Off-Peak: Energy used at all times other than the peak period at 2.42 cents per kWh

Winter Billing Cycles (September - February)

Peak: Energy used between 6 am and 10 pm, Monday through Friday, excluding major holidays,* at 3.93 cents per kWh

Off-Peak: Energy used at all times other than the peak period at 3.48 cents per kWh

Demand Charges:

Summer Billing Cycles (March - August)

Peak: All kW of maximum demand between 6 am and 10 pm, Monday through Friday, excluding major holidays* at \$0.50 per kW

Off-Peak: All kW of maximum demand in excess of peak period maximum demand, at all times other than the peak period, at \$0.16 per kW

Winter Billing Cycles (September - February)

Peak: All kW of maximum demand between 6 am and 10 pm, Monday through Friday, excluding major holidays*, \$0.50 per kW

Off-Peak: All kW of maximum demand in excess of peak period maximum demand, at all times other than the peak period, at \$0.16 per kW

Minimum Charge:

The minimum monthly charge for each meter shall be \$1,646.00 .

*Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Discounts:

Transformer losses -

$$1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$$

Transformer Investment -

\$0.16 per kW of monthly maximum demand

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Schedule 44: High Demand General Service: Optional

Schedule 44 is an optional rate schedule for High Demand General Service customers eligible to be served under Schedule 42. A customer that chooses this rate schedule may not return to a standard rate schedule for a period of one year after electing this schedule except that, should a new rate ordinance which changes Schedule 44 be adopted during this time, the customer may request return to a standard rate schedule on the effective date of the new ordinance.

RATES EFFECTIVE MARCH 1, 1997

Energy Charge:

$$(\text{DJ-COB Price in cents/kWh} - 0.05 \text{ cents/kWh}) \times 1.1642 + 0.15 \text{ cents/kWh}$$

The DJ-COB (Dow Jones-California Oregon Border) Price is the appropriate peak or off-peak DJ-COB non-firm price converted to cents per kWh for the day and time period of the consumption. Peak and off-peak periods will be as defined by the DJ-COB Price rather than as defined in the Demand Charges section of Schedule 44 or elsewhere in this ordinance. In the case that a price is not available for a given day, the average of the preceding and following days' prices will be used. Peak and off-peak prices will be calculated separately via this method.

Retail Services Charge:

Effective March 1, 1997 - 1.49 cents/kWh

Effective March 1, 1998 - 1.44 cents/kWh

Demand Charges:

Peak: All kW of maximum demand between 6 a.m. and 10 p.m., Monday through Friday, excluding major holidays*, at \$0.50 per kW

Off-peak: All kW of maximum demand in excess of peak period maximum demand, at all times other than the peak period, at \$0.16 per kW

Minimum Charge: The minimum monthly charge for each meter shall be \$1,646.00 .

*Major holidays excluded from the peak period are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Discounts:

Transformer losses -

$1756 + .53285 \times \text{kW} + .00002 \times \text{kW}^2 + .00527 \times \text{kWh}$

Transformer investment -

\$0.16 per kW of monthly maximum demand

B. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly kWh billed by the number of kWh computed in Section 21.49.058, Subsection A.

C. For customers who provide their own transformation from the Department's standard distribution system voltage of 4 kV, 13 kV, or 26 kV to a utilization voltage, a discount for transformer investment will be provided in the amount stated in Section 21.49.058, Subsection A. Existing customers served by the Department's 34.5 kV system as of January 1, 1995 shall be considered as receiving standard distribution voltage for the purpose of this section. This 34.5 kV voltage will not be offered as a standard distribution system voltage for any new customers.

D . Customers must provide hourly load schedules each day for the following day. If a customer's load follows a regular pattern, the Department may, at its discretion, waive this requirement and request only to be informed of temporary or permanent changes to the pattern.

E . The Department may request voluntary load interruption during an emergency. If interruption occurs, the demand charge will be waived for the billing period in which the interruption occurs.

F. . Customers who request service under Schedule 44 will be selected solely at the option of Seattle City Light.

G. . Customers served under Schedule 44 shall provide Seattle City Light with access to their telephone equipment and pay any initial and ongoing charges for additional telephone equipment needed for the Department to communicate with its metering equipment.

Section 9. Seattle Municipal Code Section 21.49.060 is amended to read as follows:

Section 21.49.060. PUBLIC STREET AND AREA LIGHTING RATE

(Schedules 3, 7 and 48)

A. Schedule 3 is available to all customers for floodlights operating from dusk to dawn and mounted on existing Department utility poles.

Schedule 7 is available to all customers, including the City of Seattle, for dusk-to-dawn lighting of alleys and other public thoroughfares where there are no existing Department utility poles or streetlight poles.

Schedule 48 is available to all customers, including the City of Seattle, for dusk-to-dawn lighting of streets, alleys, and other public thoroughfares on existing Department utility poles or on streetlight poles.

Schedule 3

RATES EFFECTIVE MARCH 1, 1997 :

Option I - Customer-Owned Fixtures:

200 Watt Sodium Vapor, 22,000 lumens \$2.71 per month

400 Watt Sodium Vapor, 50,000 lumens \$5.13 per month

Option II - Utility-Owned Fixtures:

200 Watt Sodium Vapor, 22,000 lumens \$4.95 per month

400 Watt Sodium Vapor, 50,000 lumens \$7.33 per month

RATES EFFECTIVE MARCH 1, 1998 :

Option I - Customer-Owned Fixtures:

200 Watt Sodium Vapor, 22,000 lumens \$2.69 per month

400 Watt Sodium Vapor, 50,000 lumens \$5.09 per month

Option II - Utility-Owned Fixtures:

200 Watt Sodium Vapor, 22,000 lumens \$4.94 per month

400 Watt Sodium Vapor, 50,000 lumens \$7.31 per month

Schedule 7

RATES EFFECTIVE MARCH 1, 1997 :

100 Watt Sodium Vapor "cobra" \$4.44 per month

100 Watt Sodium Vapor "historic" \$7.32 per month

RATE EFFECTIVE MARCH 1, 1998 :

100 Watt Sodium Vapor "cobra" \$4.44 per month

100 Watt Sodium Vapor "historic" \$7.32 per month

Schedule 48

RATES EFFECTIVE MARCH 1, 1997 :

Option I - Customer-Owned Fixtures:

100 Watt Sodium Vapor, 9,000 lumens \$2.77 per month

150 Watt Sodium Vapor, 16,000 lumens \$3.45 per month

200 Watt Sodium Vapor, 22,000 lumens \$3.91 per month

250 Watt Sodium Vapor, 27,500 lumens \$4.73 per month

400 Watt Sodium Vapor, 50,000 lumens \$6.38 per month

Option II - Utility-Owned Fixtures:

100 Watt Sodium Vapor, 9,000 lumens \$4.44 per month

150 Watt Sodium Vapor, 16,000 lumens \$5.06 per month

200 Watt Sodium Vapor, 22,000 lumens \$5.77 per month

250 Watt Sodium Vapor, 27,500 lumens \$6.58 per month

400 Watt Sodium Vapor, 50,000 lumens \$8.29 per month

RATES EFFECTIVE MARCH 1, 1998 :

Option I - Customer-Owned Fixtures:

100 Watt Sodium Vapor, 9,000 lumens \$2.77 per month

150 Watt Sodium Vapor, 16,000 lumens \$3.45 per month

200 Watt Sodium Vapor, 22,000 lumens \$3.90 per month

250 Watt Sodium Vapor, 27,500 lumens \$4.72 per month

400 Watt Sodium Vapor, 50,000 lumens \$6.35 per month

Option II - Utility-Owned Fixtures:

100 Watt Sodium Vapor, 9,000 lumens \$4.45 per month

150 Watt Sodium Vapor, 16,000 lumens \$5.06 per month

200 Watt Sodium Vapor, 22,000 lumens \$5.77 per month

250 Watt Sodium Vapor, 27,500 lumens \$6.57 per month

400 Watt Sodium Vapor, 50,000 lumens \$8.27 per month

- B. The monthly charge for Option I floodlights covers energy only; charges for lamp replacement and fixture maintenance are in addition to the monthly charge. The monthly charge for Option II floodlights includes energy, lamp replacement, fixture maintenance costs and scheduled pole maintenance costs. The monthly charge for streetlights includes energy, lamp replacement, fixture maintenance costs, and scheduled pole maintenance costs. For Option II streetlights, the monthly charge includes the capital costs of fixtures.
- C. A construction charge will be applied when a utility pole and/or a secondary circuit is not available for the installation of a streetlight.
- D. Installation charges for Alley Lighting, Decorative Lighting, and other special lighting shall be established through the Administrative Code Process. These Installation Charges are set out in Department Policy and Procedure 500 P III-401.
- E. Lamps will be replaced on burn-out as soon as reasonably possible after notification by the customer.
- F. Rates for incandescent and mercury-vapor streetlighting and floodlighting are limited to existing installations. No new installations will be made nor will existing fixtures be moved to new locations.
- G. City Light will not install new or relocate existing customer- owned floodlights on City Light poles.
- H. The customer shall execute a written service agreement to take service for a minimum of two years at the rates and terms prescribed from time to time by ordinance.
- I. All installations of customer-owned streetlights for billing on Schedule 48 shall be subject to the approval of the Department. An estimate of installed cost will be furnished upon request.
- J. The Department shall have the authority to determine and establish charges for other types and sizes of streetlights and floodlights by the same method used in the determination of the charges established in Schedules 3, 7 and 48.
- K. The Department shall have the authority to determine and establish, by departmental policy, the minimum distances required to be maintained between all streetlights located in residential, commercial or industrial areas. Any customer requesting streetlighting at a location which is less than the minimum distance between lights or requesting streetlighting for private purposes shall be charged, by the Department, at the rate set out in Schedule 48 and shall pay such additional installation cost as determined by Department policy.

Section 10. Seattle Municipal Code Section 21.49.065 is amended to read as follows:

Section 21.49.065. DUCT, VAULT AND POLE RENTAL RATES

A. General Rental Provisions. Rental rates shall be charged on an annual basis based on the installations and attachments existing as of January 1 of each year. The full annual rental rate shall be charged for the year in which an installation or attachment is made, regardless of what point in the year use of City Light facilities commences.

Each lessee shall submit annually to City Light an inventory listing the amount of duct and vault space and the number of poles used, together with the location of all ducts, vaults and poles used. This inventory shall be effective as of January 1 of each year and submitted to City Light no later than February 1 of each year. Rental charges shall be due within thirty days of invoice by City Light.

Any installations or attachments not identified in the lessee's inventory shall be charged at three times the rental rates set forth below. In addition, in the event the lessee fails to submit an annual inventory, the lessee shall also reimburse City Light for all costs associated with performing an inventory of lessee's use of City Light facilities.

RATES EFFECTIVE MARCH 1, 1997:

Duct Rental:

\$4.08 per duct-foot per year

When a customer installs an innerduct in a rented duct, the rental rate shall be:

\$4.08 per innerduct-foot per year

Vacant innerducts shall be available to the Department for rental to other parties.

Vault Rental:

\$12.38 per square foot of wall space per year

\$4.08 per square foot of ceiling space per year

RATES EFFECTIVE MARCH 1, 1998:

Duct Rental

\$4.24 per duct-foot per year

When a customer installs an innerduct in a rented duct, the rental rate shall be:

\$4.24 per innerduct-foot per year

Vacant innerducts shall be available to the Department rental to other parties.

Vault Rental

\$13.55 per square foot of wall space per year

\$4.24 per square foot of ceiling space per year

Wall space and ceiling space include clearance required by the Safety Standards for Electrical Construction, WAC 296-44.

Pole Attachment Rental:

RATES EFFECTIVE MARCH 1, 1997:

\$12.85 per pole per year for poles owned solely by the Department

\$6.42 per pole per year for poles owned jointly by the Department and one other party

\$4.28 per pole per year for poles owned jointly by the Department and two other parties

RATES EFFECTIVE MARCH 1, 1998:

\$13.24 per pole per year for poles owned solely by the Department

\$6.62 per pole per year for poles owned jointly by the Department and one other party

\$4.41 per pole per year for poles owned jointly by the Department and two other parties

Section 11. Seattle Municipal Code Section 21.49.080 is amended to read as follows:

Section 21.49.080. POWER FACTOR RATE (Schedule 81)

A. When any inductive load causes unsatisfactory conditions on the Department's system due to induction, the Department may, at its discretion, install reactive kVA-hour meters and make a monthly charge in addition to demand and energy charges whenever electricity delivered to the customer has an average monthly power factor of less than 0.95.

Schedule 81

The monthly charge for average monthly power factors below 0.95 shall be as follows:

0.14 cents per kVarh

B. Unless specifically otherwise agreed, the Department shall not be obligated to deliver electricity to the customer at any time at a power factor below 0.85.

C. The average power factor is determined as follows:

For application of the Power Factor Rate, the Average Power Factor calculated with this formula will not be rounded.

D. The meter for measurement of reactive kVA hours shall be ratcheted to prevent reverse registration.

E. All installations of power factor corrective equipment shall be subject to the approval of the Department. The customer's corrective equipment shall be switched with the load so that at no time will it supply leading reactive kVAs to the Department's distribution system unless written Department approval is obtained to do so.

F. This monthly charge may be waived in whole or in part to the extent that the Department determines that a power factor of less than 0.95 would be advantageous to the Department or if the addition of corrective equipment would be detrimental to the operation of the Department's distribution systems.

G. Customers who install new or enlarged arc furnaces shall install static var generators for flicker control and power factor correction for the entire arc furnace load. The generators shall have one-half cycle response time and independent phase control, supply sufficient reactive power to prevent objectionable flicker at the common connection point of the arc furnace with other utility customers, maintain a minimum power factor of 0.95, and be filtered to limit the total harmonic current to no more than the percentage of fundamental current given in "IEEE Recommended Practices and Requirements for Harmonic Control in Electric Power Systems, IEEE- 519," latest revision.

Section 12. Seattle Municipal Code Section 21.49.090 is amended to read as follows:

Section 21.49.090.RATE, METER READING, AND BILLING PROVISIONS

A. Prohibition of Departures from Adopted Rates and Rate Discrimination

The Department shall have no authority, by express contract or otherwise, to change or vary the schedule of rates and charges established by ordinance or to act in any way that would violate RCW 80.28.080. It shall be the responsibility of the Department to collect any undercharge, whether intentionally or inadvertently made, to prevent preferential treatment in violation of RCW 80.28.090 or rate discrimination in violation of RCW 80.28.100.

B. Single Meter, Single Service

All rates in this ordinance apply to electricity supplied through a single meter to individual customers at each building or premises not separated by intervening property, streets, or alleys commonly used as public thoroughfares. At the option of the Department, however, two or more physically and mechanically connected buildings used for a single business function under one ownership may be supplied through one point of delivery and one meter even though they are separated by intervening property or a street or alley. Two buildings merely joined by a walkway or mall across the street, alley, or public thoroughfare will not be allowed a single service and meter for both. In the event two or more premises under one ownership that are physically and mechanically connected, used for a single business function, and supplied through one point of delivery and one meter, undergo a change in ownership, so that each premises is separately owned, each premises will require a single service pursuant to this ordinance. Each building owner(s) will be responsible for the conversion to a single meter at its sole expense. Such conversion will be subject to the installation charges set out in Section 21.49.110(R).

C. Added Service

At the discretion of the Department, any additional service supplied to the same customer in the same structure at different voltage or phase shall be separately metered and billed, and the customer shall pay for the installation of the service.

D. Totalizing Multiple Meters

The Department may waive the application of rates to each meter and permit the reading of two or more meters at a single contiguous location to be totaled for billing purposes when the Department determines that the maintenance of adequate service and/or that the Department's convenience requires more than one meter for each type of service or load classification.

E. Single Meter, Multiple Units: Owner/Tenant Billing

An account with one meter serving more than one unit will be billed to the property owner at City Light's option. When such services are identified, the Department will place the account in the owner's name effective the date of identification, unless the Department determines that another date would be more appropriate. It is the responsibility of the owner/manager to give City Light written notice that the account premises has a split load (i.e., one meter serves multiple units). Any terms and conditions contained in a lease or rental agreement for payment of electric services are not binding on the Department. In the event there is a dispute relating to such lease or rental agreement, the owner/manager shall be responsible for the timely payment for the electric service provided to the account premises. Failure to make such payments shall result in immediate termination of such service.

F. Rate Schedule Switching

No more than one change to or from a rate schedule shall be made by the same customer during a 12-month period unless the nature of the customer's electrical equipment or use of electricity changes.

G. Demand Intervals

Billing demand shall be the highest recorded demand (expressed in kW) during any 15-minute interval of the billing period, as determined at the Department's option by demand meter with either a fixed or sliding 15-minute interval, periodic load test, or assessment.

H. Seasonal Proration

All seasonal rates shall be prorated.

I. Meter Records; Estimated Meter Reads

Meters shall be read and bills rendered either monthly or bimonthly as scheduled by the Department. A record of meter

readings will be kept by the Department, and the records shall be the basis for determination of bills rendered for metered service. It shall be the customer's responsibility to notify the Department of the date the customer began using the electric service. If the customer fails to notify the Department, the Department shall designate a date for billing purposes. If an accurate meter reading is not obtained for any reason, including, but not limited to, the customer's failure to notify the Department, meter failure, meter reading error, clerical error and/or accounting system malfunction, the meter reading may be estimated by the Department.

In estimating meter reading (electrical consumption) it is not necessary that the estimate be made with mathematical certainty. The Department shall use standard engineering practices in developing an estimate, which may include but is not limited to regression analysis, customer loads, load comparison, meter conditions and test readings. In cases where estimates cannot be made using standard engineering techniques, the longest periods before and/or after the period of usage may be averaged to arrive at an estimated rate of consumption. In the event a constant margin of error is identified the bill may be adjusted accordingly.

J. Prorating Nonstandard Meter Reads

The rate schedules in this ordinance indicate the charges for one month's service. If usage is billed for longer or shorter intervals than normal billing periods, customer bills will be prorated. For purposes of applying demand charges in general service rate schedules, 28 to 35 days shall be considered a normal billing period. Energy charges in residential rate schedules and minimum charges in all rate schedules are prorated on a daily basis. For these charges, 30 days shall be considered a normal monthly billing period.

K. Billings When the Meter Malfunctions

If the Department's seal on a meter, meter enclosure, current transformer enclosure, current limiter enclosure, or a terminal box is broken, or if for any reason as determined by the Department a meter does not properly register the electricity used, the customer shall be charged for usage, estimated by the Department pursuant to Subsection I above and billed accordingly.

L. When Service Is Interrupted

If the operation of the Department's generating, transmission, or distribution system is suspended, interrupted, or interfered with for any cause including but not limited to suspension or interruption due to planned or unplanned maintenance, Department equipment failure, suspension, interruption, or interference due to droughts, lightning and rain storms, wind storms, floods, fires, strikes, earthquakes, accidents, acts of God, the public enemy, war, governmental regulations, orders or proclamations, laws, mobs, riots, and transportation difficulties, the Department need not deliver electricity and the customer need not accept or pay for electric service for such period of time and to the extent that the suspension, interruption, or interference makes it reasonably impractical to deliver or use electricity. If the operation of the customer's work, plant or establishment is suspended, interrupted or interfered with for any cause reasonably beyond the customer's control, including but not limited to suspension or interruption due to droughts, floods, fires, strikes, accidents, acts of God, the public enemy, war, governmental regulations, orders or proclamations, laws, mobs, riots and transportation difficulties, the customer need not accept or pay for electric service for such period of time and to the extent that the suspension, interruption or interference makes it reasonably impractical to use electricity. Bills for any period including any suspension, interruption, or interference of departmental systems or customer plant or establishment as described above, shall be prorated exclusive of minimum charges.

Within one week of any interruption, suspension, or interference the customer shall give written notice to the Department to read meters in order to make it possible to prorate billings.

M. Special Minimum Charges

A minimum monthly charge other than that specified under a particular rate schedule may be established by the Department to protect the Department's investment and to recover the fixed operating cost associated with providing an electric service.

N . Average Payment Plan

Pursuant to the Administrative Code (Seattle Municipal Code Chapter 3.02) the Department shall establish an average payment plan whereby a residential customer's expected billings for the next year may be averaged throughout the year in equal installments which normally shall be adjusted no more than once per calendar year. The Department, however, may adjust the payment level during the year to account for certain exigent circumstances, such as a rate change or a customer's deficit exceeding a certain level. The average payment plan shall be made available upon request to any residential customer of the Department who has established a twelve month billing history on his or her current account, or on the basis of an estimate of consumption satisfactory to the Department. The average payment plan, however, shall cease to be available one year from the date of enrollment in the average payment plan to those residential customers who own their dwelling unit and who use electric heat as defined in Seattle Municipal Code Section 21.52.210 (Ordinance 109675, Section 2) but who have not completed or who are not in the process of completing the energy conservation measures required for participation in the Comprehensive Residential Weatherization Program described in Seattle Municipal Code Section 21.52.260 (Ordinance 109675, Section 8) as of that date.

O . Overdue Bills and Disconnection

All charges shall become payable by the due date shown on individual bills. If the charges are not paid, service may be disconnected following reasonable and appropriate notice to the customer by the Department.

Section 13. Seattle Municipal Code Section 21.49.100 is amended to read as follows:

Section 21.49.100. APPLICATION AND CONTRACT PROVISIONS

A. Sole Provider

In order to ensure safety and system integrity, the customer shall be required to purchase all electricity from the Department or from sources approved by the Department.

B. Service Contracts and Agreements: Customers' Obligations

Applicants or customers desiring electric service shall make application to and may be required to sign an application furnished by the Department before service is supplied. Failure to notify the Department of use of service or to sign a contract when requested shall constitute sufficient cause for the Department to disconnect or refuse to provide electric service. Upon acceptance by the Department, the application shall constitute a contract between the Department and the applicant by which the Department agrees to furnish and the applicant agrees to accept and pay for electric service for the premises specified under the rates, terms, and provisions prescribed from time to time by ordinance. In the absence of an application for service or signed contract, the furnishing of electric service by the Department and the use of such service by the customer shall constitute a contract and the

customer agrees to pay for such electric service under the rates, terms and provisions of the applicable rate ordinance as amended from time to time. The acceptance of application for service by the Department or the use by the customer of electric service provided by the Department will constitute an open and continuous contract for electric services between the Department and the customer.

The receipt and acceptance of a payment of a periodic billing by the Department does not constitute payment in full for electric service unless it reflects the actual amount of service provided. In the event the bill reflects an amount that is less than the amount of electric service provided, the customer shall be liable for such difference. The customer is liable for all services rendered at the published rate and failure of the utility to bill does not release the customer from such liability. The open and continuing contract remains in effect until terminated by the customer or the Department and the customer will be required to pay any unbilled or underbilled service costs that are billed or rebilled within six (6) years of the date of termination. In the event that a customer uses the electric service provided by the Department but fails to

receive billing for service, it shall be the customer's responsibility to notify the Department of the failure to receive a bill. It shall be the customer's responsibility to notify the Department in writing within sixty days from the billing date, if a customer receives a bill on which the customer believes that the wrong rate schedule has been applied or that any other defect in billing exists. The Department assumes no responsibility for retroactive adjustments prior to the bill for which the Department has been provided such written notice.

C. Department's Obligation to Serve; Customers' Obligation to Pay

The Department, within its capabilities and under the rates, terms, and provisions of applicable City ordinances, shall supply electric service to all customers upon approval of application for electric service. The customer shall be responsible for all charges under the conditions of the contract and the rates and terms prescribed by ordinance or written Department rules and regulations, and shall be responsible for all charges to the time specified in the application or for the period of occupancy and/or control of the premises. Notice to close an account or disconnect service to any premises shall be given by the customer at any business office of the Department. If the customer does not give prior written notice to the Department to close an account or disconnect service to a premises on a date certain, the Department may bill the customer to a closing date determined by the Department; unless the customer is able to substantiate to the Department's satisfaction, that the customer terminated the use of the Department's electric service at an earlier date. If a tenant properly closes an account and is no longer occupying the space, the closing date will not change regardless of any owner/tenant lease agreement. If a customer fails to close an account, the customer will be responsible up to the date the Department closes the account.

D. Joint Accounts and Guarantors

Where more than one person (joint account or guarantor) is named on an electric account, both parties shall be jointly and severably liable for the payment of the electric bill incurred on that account. It shall be the responsibility of a party named on the account to pay in full any existing bill prior to removal of that person's name from that electrical service account. In the event a person (husband, wife, roommate, partner, etc.) is residing at a premise receiving electric service from the Department, that person will be presumed to have used the electric service and will be equally responsible for payment of the electric service bills accumulated during the period of residency. It shall be the responsibility of the person denying responsibility to prove to the satisfaction of the Department that he/she was living elsewhere during the billing period. Such acceptable proofs shall be a combination of the following documents:~~a properly executed lease or rental agreement, utility bills (water, telephone, gas) for the time period in question and in the name of the person seeking to avoid responsibility.

E . Condominium Disconnections

The Department shall not disconnect service to a customer at the request of a Condominium Association for the purpose of implementing RCW 64.32.200(1), the Horizontal Property Regimes Act.

In the event a facility is operated as a condominium association pursuant to the Horizontal Property Regimes Act (RCW Chapter 64.32) all units will be separately metered. It shall be the condominium association's responsibility to provide, at its sole cost, the necessary entrance service and meter bases required by this ordinance and the Department's Service Requirements.

F . Contract Violations

If a customer violates the contract with the Department or orders the closure of an account or service disconnect to any premises, the customer shall be responsible for all loss or damage incurred by the City by reason thereof.

G . Prohibition of Submetering

The customer shall not install or use equipment or devices to submeter electricity for the purpose of reselling or otherwise apportioning the costs of electric energy usage except as provided for in Section 21.49.100, Subsection G.

H . Prohibition of Submetering: Exceptions

The Department shall not provide electricity to any customer who submeters any part of the electricity for the purpose of resale or apportionment or who otherwise apportions the costs of electric energy use to any other consumer, except that the Department shall permit such resale or apportionment for the following purposes:

1. Boat Mooring Establishments:

New or upgraded service to boat mooring establishments shall be master metered. The Department will not provide meters for individual moorage spaces nor directly bill individual boat moorage tenants at a boat moorage establishment where a new service has been installed or an existing service has been upgraded after September 25, 1982.

Resale by customer operators shall be at an average rate not to exceed the operator's average cost per kWh as billed by the Department and shall not exceed the proportion of the costs for which the boat moorage tenant is responsible.

2. Mobile Home Parks:

This exception applies to only those mobile home park operators submetering and reselling electricity as of August 1, 1980. New or upgraded services to mobile home parks will be provided in accordance with written Department rules and regulations.

Resale by customer operators shall be at an average rate not to exceed the operator's average cost per kWh as billed by the Department and shall not exceed the proportion of the costs for which the mobile home park tenant is responsible.

3. Other Purposes:

On a case-by-case basis, the Department may permit a customer, subject to the provisions of Section 21.49.110(I), to submeter for the purpose of apportioning the cost of electric energy. Provided, however, such determination must be based on an objective review and must relate to an economic imbalance relating to service and/or protection of each customer's rights under this ordinance and RCW 80.28.

I . Applicant and Customer Deposits

Applicants and customers may be required by the Department to deposit an amount of money to be held as security for payment of all bills and claims during the period of service. The Department may refuse to connect an applicant's service for failure to pay a deposit when requested, and may disconnect a customer's service for failure to pay a deposit when requested. The deposits may be required upon the Department's determination that the financial status or record of the applicant or customer warrants a deposit. Such deposit may not exceed the amount of the bill it is estimated will accrue during two typical billing periods. Upon termination of service, or after 12 billing periods if the customer's credit warrants, the deposits, less any amount owed by the customer, may be returned to the customer. When the deposit is returned, interest will be paid at the rate of 6% per annum on a deposit held longer than six months. Interest payable shall be computed from the first day of the month following the date of deposit to the last day of the month the deposit is refunded.

J . Vacant Premises

Property owners shall be responsible for electricity used when the premises are vacant. Owners of leased or rented premises shall be responsible for electricity used by the premises until the Department is notified to open an account for a tenant. Owners shall be responsible for electricity used by the vacant premises whether the account is in the name of the owner or a tenant.

K . Account Service Charge

An applicant or a customer shall be charged an account service charge for establishing an account. The charge shall be

included in the initial billing to the first permanent occupant after the establishment of an account. The schedule of charges shall be established through the Administrative Code Process. The account service charge shall not apply in the following cases:

1. For a name, address, or rate schedule change involving the same premises and account, or the addition of names to existing accounts.
2. For temporary service used for the purpose of new construction.
3. For meters or other charges added to an existing account.
4. For customers billed on Schedule 26.
5. For the transfer of responsibility for an existing account for service to an existing premises from the occupant of record to another party, and the assumption by that other party of the obligation to pay for the service, when no opening or closing of the account is involved.
6. For billing of vacancy current to property owners or authorized agent.
7. For a change in status between vacant and occupied.

L . Authority to Surcharge

During periods of system energy deficiencies, the Department may bill and the customer may be required to pay any additional charges and/or surcharges necessary to recover the cost of electricity acquired for the purpose of eliminating the system energy deficiency; the additional charges and/or surcharges may be imposed on all electric services whether rendered or to be rendered during the period of energy deficiency; provided, that no charges and/or surcharges will be billed, nor will the customer be required to pay them, until the charges and/or surcharges have been authorized by ordinance.

Section 14. Seattle Municipal Code Section 21.49.110 is amended to read as follows:

Section 21.49.110. ELECTRIC SERVICE CONNECTION PROVISIONS

A. Rule-Making Authority

The Department shall have the authority to adopt and enforce rules and regulations, consistent with this ordinance and the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended), for the purpose of carrying out the provisions of this ordinance governing availability of service and materials from the Department. Notwithstanding the repeal of Seattle Municipal Code Chapter 21.48 (Ordinance 109218, as amended), all existing rules and regulations adopted by the Department shall remain in effect until modified or revoked.

B. Confirmation of Meters

In buildings with multiple accounts, it shall be the responsibility of each customer (whether building owner, tenant, or agent) to confirm the number of meters installed at the customer's premises and check all meter numbers with the meter numbers on the electric service bill. It is the customer's responsibility to notify the Department in writing within 60 days of any discrepancy in meter numbers. The Department will assume no responsibility for retroactive adjustments due to incorrect meter number where such timely notice has not been received.

It shall be the responsibility of owners of buildings with multiple accounts, or their agents, to assure that all electric meters are connected to the appropriate apartment, housing unit, or business establishment. Apartments or dwelling unit addresses, including apartment numbers, shall not be changed or reordered without notifying the Department in writing at least 30 days prior to such change or reordering. In the event apartment or dwelling unit numbers or addresses are

changed or reordered, the owner or the owner's agent shall notify the Department 30 days in advance of any such change. The Department may visit the site to verify such changes and confirm that each apartment or dwelling unit is connected to the proper meter. For such meter check by the Department, the building owner shall be billed the actual cost required to perform such meter check.

C . Service Entrance Requirements

On initial installations or modifications to initial installations, the customer shall provide service entrance equipment which meets applicable Seattle and King County electrical codes and the Department's written rules and regulations. In the event a customer's electric service was installed before Seattle or King County enacted the current electrical code the customer may not be required by the electrical code to upgrade his/her service. It shall be the responsibility of the owner/customer to determine if changes to the electrical system are necessary to receive the safety benefits of the new or amended electrical codes and the National Electric Code. It shall be a violation of this ordinance to connect a building's electrical wiring to the Department's electrical system if the wiring of the building was not authorized by a proper City or County permit, does not meet the applicable existing electrical codes or was not inspected by the proper authority.

D . Authority and Responsibility for System Design and Construction

The design and construction of the Department's transmission and distribution system shall be within the sole discretion of the Department; such design and construction shall consider public and employee safety, system efficiency, system uniformity, and the economic impact of such design and construction on electric rates. In the event a customer wants any system (distribution) change for its own convenience or for aesthetics, the utility may at its sole discretion make such system change or modification, provided that the customer shall pay, in advance of construction, the estimated cost of time and materials and the final actual cost when the construction is completed.

E . Prohibition of Master Metering

The Department shall not supply electricity for any new service to a duplex or multiple-dwelling building for the purpose of master metering the energy usage of the dwelling units, a central space heating system, or a central domestic water heating system. The Department shall not supply electricity for any larger service to an existing duplex or multiple-dwelling building for the purpose of master metering new central or individual space heating systems.

Accessory Housing Exception: An owner occupied dwelling unit also containing an additional "accessory housing unit" meeting all provisions as defined in Seattle Municipal Code Section 23.44 and approved by the City of Seattle shall be exempt from the master metering provisions of this ordinance.

F . Efficiency Standards

Pursuant to the Administrative Code (Seattle Municipal Code 3.02, Ordinance 102228, as amended) the Department shall adopt rules and regulations to promote conservation of the City of Seattle's electric energy resources by the designation of end-use efficiency standards to limit energy waste from all new or enlarged electric service connections. The Department may also designate end-use efficiency standards to limit energy waste from conversions to electric space heat at existing electric service connections. For the purpose of this section, "end-use" shall be defined as the final conversion of electric energy on the customer's premises into lighting, heating, cooling, and/or other mechanical processes.

The Department may require compliance with the rules and regulations as a condition for the supply or continued supply of electric service.

Pursuant to the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended) the Department shall:

1. Give notice of any public hearings held on proposed

efficiency standards.

2. Afford all interested persons an opportunity to present data, views or arguments in regard to proposed efficiency standards.
3. Give appropriate consideration to economic values, along with any environmental, social, health, and safety factors affecting proposed efficiency standards.

The Department shall also apply the following specific criteria in developing, reviewing, and adopting all efficiency standards:

4. Efficiency standards must be cost effective. An efficiency standard shall be considered cost effective if the life cycle costs of complying with the standard are below the incremental system costs of generating, transmitting, and distributing electricity from the least-cost alternative new source of supply.
5. Efficiency standards must apply equitably to all customers in a customer class.
6. Efficiency standards must be no more stringent than the City's requirements for new construction.

In adopting any new or amended efficiency standards after August 1, 1984, the Department may consider including the following requirements:

7. A requirement that an electric energy analysis be performed.
8. A requirement that the customer implement the electric energy analysis recommendations.
9. A requirement that the size of service be limited to that required to serve the intended use of electricity in order to prevent oversizing the service.
10. A requirement that a customer provide the Department with advance notice of any request for a new or enlarged service connection.

In the development of each efficiency standard the Department shall solicit technical assistance from the customer class affected by the standard. In addition, the Department shall periodically review and evaluate all efficiency standards designated pursuant to this ordinance and shall revise them as necessary to reflect the changing needs of the Department's generation, transmission, and distribution systems.

G . Protective Devices

The Department may require customers to provide on their premises, at their own expense, additional protective devices deemed necessary by the Department to protect the Department's property or personnel, or the property or personnel of the Department's other customers. However, failure to require such protective devices does not relieve the customer of its responsibility to provide the necessary protective devices to protect itself, its property and/or equipment from electrical transients, surges and/or loss of power.

It is the responsibility of customers using sensitive electronic equipment, computers, and computer peripheral equipment to provide, at their own expense, all protective devices necessary to protect such equipment against electro-magnetic fields, natural and switching transients, power surges, planned power outages, emergency power outages and any other occurrence which occurs on the Department's electrical system that is not within the control of the Department or is due to the natural mechanical failure of any of the equipment utilized to support and operate the Department's electrical system. It is also the customer's responsibility to provide the necessary emergency backup electrical system sufficient to protect the customer's sensitive electronic equipment and provide emergency electrical power as necessary to operate essential personal, business and medical equipment.

H . Three-phase Motors: Protective Devices

Customers shall have the responsibility to provide suitable devices adequate to protect their three-phase motors and other equipment against reversal of phase rotation and single phasing.

I . Devices to Control Quality of Energy

Where the customer's use of electrical equipment results in an interference with the quality of the customer's own service or that of neighboring customers, or where the customer requires voltage control within unusually close limits, the Department may require the customer to provide at the customer's own expense such special or additional equipment as is required. This may apply to cases of extreme unbalance of single and three-phase loads. Customer loads which cause voltage fluctuation, harmonic current distortion, or harmonic voltage distortion shall not exceed the values given in "IEEE Recommended Practices and Requirements for Harmonic Control in Electric Power Systems, IEEE-519," latest revision.

J . License Requirements

It shall be unlawful for any person other than a duly authorized Department employee or agent of the Department to make an electrical connection between the Department's electrical system and any customer's wiring. With the written approval of the Department, a customer may contract with a qualified electrical contractor licensed under Chapter 19.28 RCW to install any material or equipment in lieu of having Department personnel perform the installation. The qualified electrical contractor shall be solely responsible for any damages resulting from the installation of any temporary service, permanent service, or expanded service and the Department shall be immune from any tortious conduct actions as to that installation.

K . Authorized Service Connections

No customer shall connect their service with that of any other customer, or in any way supply any other person or premises with electricity through their service, except as approved by the Department after the filing of a written application with the Department for the connection and receipt of a permit from the Department for connection.

Master-metered services approved prior to October 5, 1978 are exempt.

New or enlarged services to a duplex or multiple dwelling building shall have common areas and common equipment supplied through a separate house meter.

L . Hazardous Wiring

The Department may refuse to connect the applicant's service conductors to the Department's electrical system or may disconnect an existing service if in the Department's judgment the applicant's wiring or electrical equipment is hazardous to life or property, or the Department's written rules and regulations have not been followed.

M . Maintenance of Safe Wiring

Customers shall at all times keep their wiring and electrical equipment in such condition that the wiring and equipment can be used without causing damage to the Department, its property, or personnel. The Department shall have the authority at any time to disconnect its electrical system from any wiring or electrical equipment which is defective or dangerous and refuse to reconnect its electrical system until the defective or dangerous wiring or electrical equipment is properly repaired or restored.

N . Access to Meters

Any duly authorized Department employee shall have free and safe access at any reasonable time to any and all

premises furnished with electricity by the Department, for the purpose of reading, inspecting, repairing, installing or removing meters, electrical devices, or wiring of the Department, for the connection or disconnection of service, or for any other reasonable purpose connected with the performance of the contract for the provision of electric service. The owner, tenant or person in control of the premises shall restrain and control all dogs or animals of any kind that limit or appear to limit safe access to the premises for any of the purposes cited above. It shall be the responsibility of the owner, its agent or the tenant to remove all safety hazards that might in any way harm or injure authorized City employees performing their duties. Such safety hazards shall include, but not be limited to, booby traps of any kind, construction hazards, sharp or falling objects or debris that may cause injury. The determination of whether a condition is safe will be in the sole discretion of the City employee seeking entry to the premises.

For the Department's systems in underground network areas, 24-hour personnel access shall be provided to all vaults and switchgear rooms on customer property. Upon request, the customer shall correct any condition that limits or restricts free and safe access to the Department's meters or service. Failure of the customer to comply within a reasonable time specified shall subject the customer to disconnection of service.

No customer shall convert any room or other building area containing electrical meters, or other devices or wiring of the department, to a dwelling unit or other type of living quarters.

If a room or other building area containing electrical meters or other department equipment is partitioned, the area containing such equipment shall have separate access to common areas or to the outside. All other adopted requirements and regulations for access, clearance, locations, etc., shall apply.

Upon request the customer shall separate electrical meters or other department equipment from living quarters in accordance with the provisions above. Failure of the customer to comply within a reasonable time specified shall subject the customer to disconnection of service.

O . Meter Seals

The Department may install sealable locking devices on certain enclosures containing unmetered conductors, including but not limited to meter sockets, meter enclosures, current transformer enclosures, test switch enclosures, wire troughs, bus gutters, and terminal boxes.

P . Meter Tampering Protection

When current has been diverted around the Department's metering equipment or when the Department's metering equipment has been tampered with to adversely affect metering registration, the Department may require the customer or property owner at his/her expense to repair, relocate or replace his/her service entrance equipment in a manner determined by the Department to prevent future incidents of current diversion.

Q . Customers' Responsibility

Notwithstanding any other provisions of any other code or ordinance:

1. It is the responsibility of customers to protect themselves, life, and property from the use, misuse, and/or availability of electrical current on their premises and from the consequences of the use, misuse, and/or availability of electrical current on their premises,
2. It is the responsibility of customers to provide, install, use, inspect, and maintain suitable protection and protective devices to protect themselves, life, and property from any defect, failure, malfunction, and/or electrical fault in or originating in any electrical wiring, current-consuming devices, or other equipment which they may own, operate, install, or maintain; and to protect themselves, life, and property from the consequences of any defect, failure, malfunction, and/or electrical fault in or originating in any electrical wiring, current-consuming devices, or other equipment which they may own, operate, install, or maintain, including protection from surge voltages generated within their premises and generated by lightning, switching, and arcing on the Department's system to the full range of

parameters described in "IEEE Recommended Practice on Surge Voltages in Low-Voltage AC Power Circuits, C62.41-1991," or latest revision.

Customers may consult with Department personnel, but such consultation shall not absolve customers from any of the responsibilities in this ordinance, nor shall such consultation be relied upon as providing any substitute for professional advice from the customer's own engineers or contractors. It is the responsibility of customers to maintain their electrical systems and to ensure that their electrical service equipment meets all current electrical codes and standards. City Light's responsibility ends and the customer's responsibilities begin at the weatherhead or other point of service as specified by the most recent version of Requirements for Electric Service Connection.

The customer's service includes, but is not limited to, electrical service panels and entrance equipment (including meter sockets and enclosures), and ducts, vaults, and handholds on the customer's side of the point of service connection. In the case of failure of or damage to direct buried service conductor, the customer is responsible for digging a trench to facilitate repair of the conductor.

R . Customers' Liability

Nothing in this ordinance shall be construed as placing upon the Department any responsibility for the condition, maintenance, or safety of customers' electrical wiring or current-consuming devices or other equipment; and the Department shall not be responsible for any loss or damage resulting from defects, failures, malfunctions, or electrical faults in or originating in any electrical wiring, current-consuming devices, or other equipment which customers may own or operate, install or maintain. The Department shall not be responsible for damage to persons or property arising from the use of electric service on the premises of the customer.

S . Notification of Added Load

In order to prevent damage to the Department's equipment and impairment of its service, customers shall give the Department notice before making any additions to their connected load so that the Department, at its option, may provide the facilities which may be necessary for furnishing the increased service. The customer shall be liable for any damages to the Department that may occur and for any additional charges that may accrue as a result of the failure to so notify the Department.

T . Installation Charges

Any applicant or customer receiving a new or an enlarged service installation or converting an existing service from an overhead connection to an underground connection shall be charged the material and labor costs incurred by the Department in making the installation less the material and labor costs of transformers and associated network protectors supplied by the Department. The Department shall have the authority to establish standard installation charges representing the average material and labor costs for customers who receive basic service installations which do not require a vault as specified in the Department's Requirements for Electric Service Connection manual. Such standard charges shall be developed pursuant to the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended). All applicant(s) or customer(s) receiving the conversion of an existing overhead electrical distribution system to an underground system shall:

1. reimburse the utility in full for all materials and labor costs in excess of the salvage value of the existing overhead system and conversion costs, if any, from 4 to 26 kV.
2. reimburse the utility in full for material and labor costs, if any, to underground and/or replace/install streetlights.

Installation charges are not rates for electrical service and reflect only costs incurred by the Department for new and expanded services.

U . Losses from Interruptions of Service

The Department shall not be liable for any loss, injury, or damage resulting from the interruption, fluctuation, restoration, or reduction of electric service from any cause beyond the control of the Department, including, but not limited to, fire, flood, drought, winds, acts of elements, court orders, interruptions or riots, generation failures, lack of sufficient generation capacity, breakdowns or damage to facilities of the Department or of third parties, acts of gods or public enemy, strikes or other labor disputes, civil, military, or governmental authority, electrical disturbances originating on or transmitted through the electrical systems with which the Department system is interconnected, and acts or omissions of third parties.

In the event of electric service interruption, fluctuation, or reduction resulting from damage to or failure of Department equipment or facilities, the Department has the sole authority to determine the order of repairs. In making the determination of the order of repairs, the Department may consider, but is not bound to, the following order of repair and energization: substations; feeders to police, hospital facilities, and feeders to residential and industrial facilities.

Moreover, the Department shall not be liable for any such loss resulting from repair, maintenance, improvement, renewal, or replacement work on the Department's electrical system, which work, in the sole judgment of the Department, is necessary or prudent. To the extent practical, work shall be done at such times as will minimize inconvenience to the customer and the customer shall be given notice of such work in accordance with the rules and policies of the Department. Further, the Department's liability shall be limited for failure of generation and distribution, inadequacy of energy supply, implementation of emergency plans, or temporary disconnection for repairs and maintenance or for failure to pay for service rendered

V. Emergencies

During an emergency declared by appropriate civil authority, the Department shall have the authority to curtail electric service to any customer. The Department shall have the authority to restrict the use of loads and/or services during periods of emergency when the Department, in its sole judgment, determines that the continued use of the loads would jeopardize the Department's generation, transmission, or distribution system. Operation of the Department's automatic relay/breaker system is sufficient cause to terminate service. The Department shall prioritize its repair responses during declared emergencies or during system outages caused by weather conditions. In the event of a declared emergency, the Department shall prioritize the restoration of its electrical system, first by responses to directions or orders of the Mayor and Emergency Control Center, next restoration of power to the Department's electrical system as the Department's electrical system judgment dictates..

W. No Express or Implied Warranty

The Department provides no express or implied warranties involving the electric service provided by the Department, including the design and construction of the Department's electrical system, or its transmission and distribution systems.

Section 15. Seattle Municipal Code Section 21.49.120 is amended to read as follows:

Section 21.49.120. EQUIPMENT AND FACILITIES PROVISIONS

A. Source of Meters

All meters and other equipment used for billing purposes shall be furnished by the Department.

B. Ownership of Meters

All equipment furnished by the Department shall be and remain the Department's property, and the right to remove, replace, or repair it is expressly reserved.

C. Vandalism and Disconnection of Electrical Equipment

Unless authorized by the Department, no person shall commit the following acts or cause others to commit the following acts: In any manner damage, mutilate, destroy, remove, connect, disconnect, or in any way interfere or tamper with any machinery, poles, wires, meters, seals, or other equipment belonging to, or in any manner connected with, the light and power plant of the Department. Whenever it becomes necessary to disconnect, remove, or relocate any poles, wires, underground facilities, or other equipment belonging to the Department, the work shall be done by or under the direction of the Department. Prior notice shall be given to the Department by the person desiring the work done, stating when and where the work is required. The person desiring the work may be required to pay the cost of labor and material required to do the work.

D. Contractor Work in Vaults

No contractor or any other person may enter a City Light owned electrical handhold or vault without first notifying the Department in writing 24 hours prior to such entry and having in hand written permission to enter such handhold or vault and having present a Department safety watch during the entire contractor operation. All such work performed in the electrical handhold or vault shall be performed by the contractor pursuant to the safety requirements of the Washington Administrative Code. No contractor shall connect, disconnect, remove or relocate any Department-owned wires, facilities or other equipment located in an electrical handhold or vault. Any such connection, disconnection, removal or relocation of the Department's facilities shall be done by or under the direction of the Department. The contractor requesting such Department assistance shall pay all cost of labor, materials and administration. Failure to comply with this provision shall be a violation of this ordinance and subject to the penalties of Section 21.49.140.

E . Illegal Reconnection

Whenever the Department disconnects a customer's service for failure to pay or any other violation of this ordinance, the customer is prohibited from reconnecting such service. Upon discovery of an illegal reconnection, the customer's service shall be disconnected at the pole, hand hole, alleycan, or terminal can. The service shall be reconnected by the Department only when all service charges, reconnect fees, and administrative and investigative charges, including interest, have been paid in full or payment arrangements acceptable to the Department have been made.

F . Penalty for Damage

Persons who in any way damage Department property, facilities, or equipment may be prosecuted and/or charged for replacement, repair, revenue loss, and administrative costs. In the event the damage occurs on private property, the customer, owner, or person in control of the premises will be presumed to be responsible for the damage.

G . Current Diversion

When electricity is diverted around the Department's meter, or when the meter is tampered with or affected so that the meter will not measure and record the full amount of electricity supplied to the customer, owner, or person in control of the premises, the customer, owner, or person will be presumed to be responsible for payment for the electricity which is determined by the Department to have been diverted improperly to his/her own use, and to be in violation of this ordinance. The Department may commence actions for three times the amount of actual damages, if any, plus the cost of the suit and reasonable attorney's fees, plus the costs incurred by the Department on account of meter bypassing, tampering or unauthorized reconnections, as provided in RCW 80.28.

H . Notification of Defective Service

The Department shall be notified in case of defective service by the customer, owner, or person in control of the premises.

I . Phase, Voltage, and Frequency Standard

Electric service furnished under this ordinance shall be alternating current at 60 hertz, available at the phase and voltage which may be prescribed by the Department. The variation in steady state average voltage shall not be more than 6%

above or 5% below the nominal voltage.

A greater variation of voltage than herein specified may be allowed when service is supplied directly from a transmission line, or in case of emergency service, or in a limited or extended area where the revenues received do not justify close voltage regulation. In such cases the best voltage regulation that is practicable under the circumstances shall be provided. Variations in voltage in excess of those specified, caused by the action of the elements, by infrequent and unavoidable fluctuation of short duration due to system operation, by regional voltage collapse, or by the operation of power apparatus on the customer's premises that necessarily requires large starting currents and only affects the user of such apparatus, shall not be considered a violation of this rule.

Where the utility's distribution facilities supplying customers are adequate and of sufficient capacity to carry actual loads normally imposed, the utility may require that equipment on customers' premises shall be such that starting and operating characteristics will not cause an instantaneous voltage drop of more than 4% of the nominal voltage or cause objectionable flicker in other customers' lights.

The nominal 60 Hertz frequency is maintained within 2% above and 2% below for normal operating conditions and may have excursions to 10% above or 10% below under severe operating conditions.

J . KWh Pulse Data

Subject to charge and the capability of metering equipment, the Department will provide a connection to its metering facilities to supply kWh data pulses to customers. Demand interval timing pulses will not be provided to customers.

Section 16. Seattle Municipal Code Section 21.49.130 is amended to read as follows:

Section 21.49.130. AUTHORITY

A. The Department shall have the authority to interpret the provisions of this ordinance where necessary to implement and enforce its terms and provisions, provided, however, such interpretation shall be consistent with the intent of the City Council in setting the rates and terms and conditions for the use of the electric service provided under this ordinance and shall not expand the scope and authority contained therein.

B. Rule-Making and Contract Authority

1. The Department shall have authority to adopt and file as appropriate rules, regulations, policies, and procedures relating to its performance of the provisions of this ordinance and to the operation of the Department's light and power system. The Department may require compliance with such rules, regulations, policies and procedures as a condition for the supply or continued supply of electric service.

2. Upon determining availability or necessity for purchase, or a short-term surplus of nonfirm energy, the Department may enter into contracts with any city or town, public utility district, governmental agency, municipal corporation, mutual association, broker, agent, or with any person, firm, or corporation, or any other member of the general public, outside its service area, terminable on not more than 18-months notice, providing for the acquisition, exchange or sale of energy on terms most favorable to the Department under such circumstances and in compliance with State law, including RCW 43.09.210. Such sale or exchange shall be made on a basis representing the value of such energy under existing market conditions.

3 . The Department may enter into or amend agreements with the Bonneville Power Administration providing for reimbursements from Bonneville of some or all of the costs of operating energy conservation programs authorized by the City Council. The Department shall determine that such agreements or amendments to such agreements shall not incur any indebtedness or the acceptance of moneys imposing any duties or obligations on the City which are inconsistent with the Department's budget appropriation for such energy conservation programs. The Department shall provide a written notification prior to the execution of such contracts and a copy of such contracts to the appropriate authorizing committee of the City Council.

C. Contracts and Authorized Agents

The Department may also enter into contracts of a general nature relating to the utility system. No promise, agreement, or representation of any employee or agent of the Department with reference to furnishing electricity shall be binding on the Department unless it is embodied in writing and signed by a duly authorized agent of the Department in accordance with the provisions of this ordinance.

D. Authority to Interrupt Service

The Department shall have the authority to restrict the use of loads and/or services during scheduled maintenance outages and during periods of emergency when the Department determines that the continued use of the loads would jeopardize the Department's generation, transmission, or distribution system.

E. Special Service Charges and Interest Charges

The Department may add service charges or may separately bill customers to recover certain administrative, investigative and collection expenses in addition to any civil fine or forfeiture imposed under Section 21.49.140. These may include but are not limited to dishonored checks; field calls on delinquent accounts; service disconnections and reconnections resulting from city ordinance violations or failure to pay; and field calls, lab tests and office work involved in detecting, reporting, investigating and correcting cases of current diversion. The Department may also add interest charges on delinquent customer accounts and for other services including, but not limited to, C-bills, appliance repair bills, and bills for damage. The Department may develop a standard per month charge for accounts that are too small to economically calculate interest. Such interest charges or standard charges may be added to the bill for each month or part thereof that the bill is delinquent. The Department shall have authority to bill for interest charges applied to the value of diverted current or unbilled service used during a billing period or periods, with interest charges beginning to run on the established due date for each billing period during which current was diverted. Interest charged is to be at the statutory nominal percentage rate, compounded monthly.

F. Recovery of Service Disconnection Costs

The Department shall have the authority to establish and collect service disconnection charges based on cost when such charges are adopted pursuant to and in accordance with the provisions of the Administrative Code (Seattle Municipal Code Chapter 3.02, Ordinance 102228, as amended).

If service is disconnected for any violation of the provisions of this ordinance, a service disconnection charge shall be added to the account. If service is disconnected at the request of a customer or property owner, a service disconnection charge shall be billed to the customer or property owner making the request, unless the service is disconnected when the purpose is to maintain service entrance equipment or enhance its safety. If service is disconnected for failure to pay bills when due, the service shall not be restored until payment in full has been received by the Department, or satisfactory arrangements have been made for payment of all charges. Reconnection cannot be assured on the same day payment is made.

G. Equipment Rental

The Department shall have authority to: sell, rent, lease, construct, install, operate, and/or service material, supplies, facilities, appliances, or equipment for the use or conservation of electricity. The Department may also establish and collect charges based on cost, conservation, and/or the use of electricity and enter into related agreements. Any agreements entered into or charges made prior to the effective date of this ordinance are ratified and confirmed.

Section 21.49.140 OFFENSES AND PENALTIES

Violation of any provision of this ordinance constitutes a civil offense and a violation of any provision of this ordinance will subject the violator to a civil fine or forfeiture not to exceed \$500.00 for each separate offense in addition to the

City's cost of investigating and establishing such violation. Violators of this ordinance are also subject to the provisions of RCW Chapter 9 & 9A and RCW Chapter 80.28 and a conviction or judgment under these RCW chapters will not relieve the violator of the payment of a fine and cost imposed under this section of the ordinance.

Section 17. Seattle Municipal Code Section 21.49.150 is amended to read as follows:

Section 21.49.150 SEVERABILITY

If any section, subsection, subdivision, sentence, clause, or phrase of this ordinance or its application to any facts or circumstances is for any reason held to be unconstitutional or invalid, the remaining portions of this ordinance or their application to other facts and circumstances are not affected.

Section 21.49.160 CONTINUITY

No action or proceedings now pending, civil or criminal, and no cause of action heretofore arising or offense heretofore committed under ordinances heretofore enacted shall be affected in any way by the passage of this ordinance, but any such action or proceedings shall be conducted to final judgment and all such causes of action and offenses shall be prosecuted in the same manner as if this ordinance had not been enacted.

RATIFICATION AND CONFIRMATION

Any act pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

EFFECTIVE DATE

This ordinance shall take effect and be in force on March 1, 1997, or thirty (30) days from and after its approval by the Mayor, whichever is later, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____ and signed by me in open session in authentication of its passage this ____ day of _____

President of the City Council

Approved by me this ____ day of _____ , _____

Mayor

Filed by me this _ day of _____ , _____

City Clerk

JS:lc

December 1996

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