

ORDINANCE NO. 118, 2009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26
OF THE CODE OF THE CITY OF FORT COLLINS
TO REVISE ELECTRIC DEVELOPMENT FEES AND CHARGES

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

WHEREAS, the City Council has determined that it is appropriate for new development to contribute its proportionate share of providing capital improvements; and

WHEREAS, Section 26-471 of the City Code requires that the City Manager annually review electric development fees and that the fees be presented to the City Council for approval no less than annually; and

WHEREAS, on October 21, 2008, the City Council adopted Ordinance No. 113, 2008, which established the electric development fees now in effect; and

WHEREAS, the City Manager and City staff have recommended to the City Council the following adjustments to the electric development fees and charges for all billings issued on or after January 1, 2010; and

WHEREAS, based on the foregoing, it is the desire of the City Council to amend Chapter 26 of the City Code to revise electric development fees and charges.

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

Section 1. That Section 26-472 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-472. Residential electric development fees and charges.

(a) An Electric Capacity Fee ("ECF") shall be paid for service to a single-family or multi-family residential building as set forth in this Section. The user shall not be responsible for actual construction of electric distribution system infrastructure, but shall be required to pay the costs of such construction. The amount of ECF for a new residential service shall be calculated as of the date of invoicing by the utility, and shall be based upon the then applicable rates and estimated costs of construction. No less than fifty (50) percent of the calculated ECF shall be paid prior to the scheduling of any construction work required to provide said service. ~~If the initial fifty (50) percent is not paid within sixty (60) days of the date of the invoice, the invoice shall no longer be valid and may be~~

~~reissued at the current rate as of the reissuance date.~~ **If there is an increase in the ECF between the time of application for electric service and the actual payment of the ECF, the rates in effect at the time of payment shall apply.** Upon completion of construction required to provide said new service, any remaining ECF amounts due, including any adjustments to reflect the then-current rates and actual costs of construction, shall be paid to the utility prior to the provision of electric service.

(b) The ECF shall be the total of the site footage charge, dwelling charge and systems modification charge, to be determined as follows:

(1) The site footage charge shall be the combined total of:

- a. Four and nine hundred ~~nineteen~~ **sixty-eight** thousandths cents (~~\$0.04919~~ **\$0.04968**) per square foot of developed site square footage, including all applicable tracts but excluding the area dedicated public rights-of-way; and
- b. Nine dollars and ~~seventy-seven~~ **ninety** cents (~~\$9.77~~ **\$9.90**) per lineal foot of the developed site abutting a dedicated street or roadway.

(2) The dwelling unit charge shall be as follows:

- a. For a single-family panel size with one-hundred-fifty-amp service (nonelectric heat), one thousand two hundred ~~sixty-two~~ **seventy-eight** dollars (~~\$1,262~~ **\$1,278.**) per dwelling unit;
- b. For a single-family panel size with two-hundred-amp service (~~nonelectric heat or electric heat~~) **or with one-hundred-fifty-amp service (electric heat)**, two thousand one hundred ~~forty-three~~ **sixty-five** dollars (~~\$2,143~~ **\$2,165**) per dwelling unit;
- c. For a multi-family panel size with one-hundred-fifty-amp service (nonelectric heat), eight hundred ~~forty-two~~ **fifty-two** dollars (~~\$842~~ **\$852.**) per dwelling unit;
- d. For a multi-family panel size with two-hundred-amp service (~~nonelectric heat or electric heat~~) **or with one-hundred-fifty-amp service (electric heat)**, one thousand five hundred ~~five~~ **twenty** dollars (~~\$1,505~~ **\$1,520.**) per dwelling unit.

(3) A system modifications charge will apply when a new or modified service will require infrastructure in addition to or different from the standard base electrical system model. The differential costs associated with such system modifications will be included in the calculated ECF.

(c) A Building Site Charge ("BSC") for any new or modified residential service shall be paid prior to issuance of a building permit for the related construction or modification. The BSC shall be based upon the current rates as of the time of issuance of the building permit. The BSC shall be the total of the secondary service charges, and any additional charges, determined as follows:

(1) The secondary service charge shall be as follows:

<i>Secondary Service Size</i>	<i>Charge (up to 65 feet)</i>	<i>Plus Per Foot Charge For Each Foot Over 65</i>
1/0 service	\$658.00 \$666.00	\$4.80 \$4.84/foot
4/0 service	\$817.00 \$823.00	\$5.76 \$5.80/foot
350 kCM Service	\$903.00 \$910.00	\$7.26 \$7.30/foot
1/0 Mobile Home Service	\$514.00 \$520.00	N/A
4/0 Mobile Home Service	\$644.00 \$649.00	N/A

(2) Actual special costs to the utility of installation of secondary service resulting from site conditions shall be included in the BSC as additional charges. Such conditions may include, but are not limited to, frozen or rocky soil, concrete cutting and asphalt replacement.

Section 2. That Section 26-473 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-473. Nonresidential electric development fees and charges.

(a) An Electric Capacity Fee ("ECF") shall be paid for service to any nonresidential building, structure or other facility, as set forth in this Section. The user shall not be responsible for actual construction of primary electric distribution system infrastructure, but shall be required to pay the costs of such construction. The customer shall be responsible for secondary service installation from the point of delivery to the service panel. The amount of ECF for a new nonresidential service shall be calculated as of the date of invoicing by the utility, and shall be based upon the then-applicable rates and estimated costs of construction. No less than fifty (50) percent of the calculated ECF shall be paid prior to the scheduling of any construction work required to provide said service. ~~If the initial fifty (50) percent is not paid within sixty (60) days of the date of the invoice, the invoice shall no longer be valid and may be reissued at the current rate as of the reissuance date.~~ **If there is an increase in the ECF between the time of application for electric service and the actual payment of the ECF, the rates in effect at the time of payment shall apply.** Upon completion of construction required to provide said new service, any remaining ECF amounts due, including any adjustments to reflect the then-current rates and actual costs of construction,

shall be paid to the utility prior to the provision of electric service. The General Manager of the utility may provide for alternate arrangements for a single, one hundred percent payment of the ECF for a nonresidential project in the event that the General Manager of the utility determines that the utility's costs cannot be accurately estimated in advance, provided that any amount due shall be secured by a written commitment and shall be paid prior to the provision of any electric service.

(b) The ECF shall be the total of the site footage charge, **kVA** service ~~entrance~~-charge and systems modification charge, to be determined as follows:

(1) The site footage charge shall be the combined total of:

- a. Four and nine hundred ~~nineteen~~ **sixty-eight** thousandths cents (~~\$0.04919~~ **\$0.04968**) per square foot of developed site square footage, including all applicable tracts but excluding the area of dedicated public rights-of-way; and
- b. ~~Thirty-seven~~ **Thirty-eight** dollars and ~~sixty-four~~ **twenty** cents (~~\$37.64~~ **\$38.20**) per lineal foot of the developed site abutting a dedicated street or roadway.

(2) The **kVA** service ~~entrance~~-charge shall be **determined as follows**. ~~fifty-seven dollars and seventy-seven cents (\$57.77) per kilovolt-amp (kVA) of service entrance rating for Utility-owned transformers and forty-eight dollars and forty-four cents (\$48.44) per kVA of service entrance rating for customer-owned transformers.~~

- a. **For customer electric loads served by the utility the kVA service charge shall be:**
 - i. **Utility owned transformers: The kVA service charge shall be fifty-nine dollars and fifty-four cents (\$59.54) per kilovolt-amp (kVA) of service load rating.**
 - ii. **Customer owned transformers: The kVA service charge shall be forty-nine dollars and forty-four cents (\$49.44) per kilovolt-amp (kVA) of service load rating.**
- b. **For the utility to receive customer generation in excess of the customer's electric service provided by the utility, the following KVA service charge will also apply:**

- i. Utility owned transformers: The kVA service charge shall be forty-eight dollars and thirty cents (\$48.30) per kilovolt-amp (kVA) of generation service rating in excess of the service load rating as paid per subparagraph (2)a.i. above. Such ratings shall be determined by the General Manager.
 - ii. Customer owned transformers: The kVA service charge shall be thirty-eight dollars and twenty cents (\$38.20) per kilovolt-amp (kVA) of generation service rating in excess of the service load rating paid per subparagraph (2)a.ii.above. Such ratings shall be determined by the General Manager.
- (3) A system modifications charge will apply when a new or modified service will require infrastructure in addition to or different from the standard base electrical system model. The differential costs associated with such system modifications will be included in the calculated ECF.
- (c) A Building Site Charge ("BSC") for extending primary circuitry to the transformer for any new or modified nonresidential service shall be invoiced and paid in the same manner and at the same time as the ECF is invoiced and paid pursuant to Subsection (a) of this Section. The BSC shall be the total of the primary circuit charge, transformer installation charge and any additional charges, determined as follows:
- (1) The primary circuit charge for service from the utility source to the transformer shall be as follows:
 - a. For single-phase service, a charge of eight dollars and ninety cents (\$8.90) per foot of primary circuit;
 - b. For three-phase service, a charge of nineteen dollars ~~and twelve cents (\$19.12)~~ **\$19.00** per foot of primary circuit.
 - (2) The transformer installation charge shall be as follows:
 - a. For single-phase service, a charge of one thousand ~~two hundred fifty-seven~~ **seventeen** dollars (\$1,257.~~7~~**0**.) per transformer;
 - b. For three-phase service, a charge of two thousand ~~three hundred thirty-five~~ **nine** dollars (\$2,335.~~5~~**9**.) per transformer.

(3) Actual special costs to the utility of installation of service resulting from site conditions shall be included in the BSC as additional charges. Such conditions may include, but are not limited to, frozen or rocky soil, concrete cutting and asphalt replacement.

(d) In lieu of fee structures set out in this Subsection, the ECF and BSC for any new service exceeding five thousand (5,000) kilowatts in size will be determined on a case-by-case basis so as to recover the direct and indirect costs associated with extending primary circuitry to the user's point of delivery.

Section 3. That the amendments to Chapter 26 of the City Code contained herein shall go into effect for all bills issued on or after January 1, 2010.

Introduced, considered favorably on first reading, and ordered published this 20th day of October, A.D. 2009, and to be presented for final passage on the 3rd day of November, A.D. 2009.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 3rd day of November, A.D. 2009.

Mayor

ATTEST:

City Clerk