

**Ordinance no. \_\_\_\_\_**

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 24 – UTILITIES. ARTICLE IX. – GAS SYSTEM. DIVISION 2. – RATES. SEC. 24-231. GENERALLY. is hereby amended by deleting said section in its entirety and replacing it as follows:

1.

**Sec. 24-231. Generally.**

- (a) *Applicability.* Except as specifically provided otherwise, these terms shall apply to gas service under all rate schedules.
- (b) *Load control provisions.* Firm and interruptible sales service supplied by the city under all rate schedules may be curtailed in whole or in part by city at any time or from time to time in such manner as city may elect when the same becomes necessary in the judgment of city by reason of an event of force majeure (as defined in the applicable rate schedule or contract with customer) or to accomplish any of the following:
  - (1) To protect essential human need uses, such as residences, hospitals, residential institutions, schools, etc.
  - (2) To implement curtailment or load control plans permitted to become effective, or ordered by, any governmental body or agency having jurisdiction with respect to city.
  - (3) To protect or maintain city's natural gas system.
  - (4) To satisfy city's storage injection requirements.

Interruptible sales service supplied by the city under all rates schedules or contracts also may be curtailed in whole or in part by the city at any time or from time to time when the same becomes necessary in the judgement of the city to supply the firm service requirements of any of its customers. In the event that the customer fails to comply with any curtailment notice or order of city reducing the customer's hourly or daily use of gas, city shall have the options, and the customer shall incur the obligations and liabilities, provided for in the city's applicable rate schedule. city will endeavor to give two (2) hours prior notice of curtailment and will endeavor to advise customers of impending curtailment with as much advance notice as possible. City will endeavor in good faith to use reasonable business efforts to curtail customers in a fair and equitable manner.

- (c) *Governmental regulation; pass-through provisions.* All of city's rate schedules and contracts for gas service are subject to the provisions of any federal or state statute, order, rule or regulation of any federal or state agency which may be applicable from time to time, requiring the pass-through of particular costs, including incremental gas costs, to particular customers or classes of customers of city, and to any other federal or state statute, order, rule or regulation applicable to city from time to time.
- (d) *Return check charge.* For handling costs, whenever a check, draft, negotiable order of withdrawal, or like instrument, received for services is not paid or is dishonored by the bank

or other depository institution upon which it is drawn, a bad check charge of fifteen dollars (\$15.00) shall be paid.

- (e) *Service establishment charges.*
  - (1) The charge for establishing an account for gas service to a customer at a particular location shall be based upon cost of equipment and installation expenses, unless otherwise provided in a written contract between the customer and the city.
  - (2) The above charges do not apply to restorations of service subject to reconnection charges if there is an existing meter set at the premises, nor to temporary service to a builder, contractor or developer prior to occupancy of the premises, nor to a rental unit subject to a contract with the landlord providing that gas service shall continue during periods when the unit is not occupied by a tenant and that the landlord shall be responsible for the payment of bills for gas service until an account is established in the name of a new tenant.
- (f) *Payment.* Bills are due when rendered at the net rate shown herein and shall be paid in full at the address designated in the bill or invoice to the customer. A penalty of ten (10) percent shall be added to all bills that are not paid on the date due as specified on the bill. If a customer is in arrears for a previous month or months, payment shall first be applied to previous bills. In addition, service may be discontinued at the city's discretion on any bill that is fifteen (15) days or more overdue.
- (g) City may supply gas from any standby or synthetic source, provided that the gas so supplied shall be reasonably equivalent on a BTU basis to the natural gas normally supplied hereunder.
- (h) A capital improvement charge shall be applied to all purchased gas costs. Rate Codes 40, 40A, 47, 47A, 41, 41A, 48, 48A, 42, 43, 50 and 51 shall be \$.0228/therm. Rate Codes 44, 45, 45A, 46, 49 and 52 shall be \$0.26/decatherm.
- (i) *Determination of therms or decatherms.*
  - (1) For accounts billed in therms, the gas for any billing period, expressed in hundreds of cubic feet, shall be multiplied by the average BTU of the gas send-out as determined below and divided by one hundred thousand (100,000) in order to determine the number of therms consumed.
  - (2) For accounts billed in decatherms, the gas for any billing period, expressed in thousands of cubic feet, shall be multiplied by the average BTU of the gas sendout as determined below and divided by one million (1,000,000) in order to determine the number of decatherms consumed.
  - (3) The average BTU of the gas send-out for billing purposes shall be calculated for each calendar month from the weighted average BTU of natural gas delivered to city by the city's suppliers.
- (j) *Miscellaneous service fees.*
  - (1) *Reconnect fees.* Gas service that has been cut off for non-payment will be reinstated upon payment of the delinquent bill, late charge and reconnection fees. Once service has been cut off, payment will have to be in cash, by cashier's check, or money order. After hours reconnection will be in cases of emergency only.  
Normal working hours \$50.00

After hours \$100.00

- (2) *Tampering fees.* Gas service cut off by the city for nonpayment that the customer has turned back on illegally will be reinstated upon payment of the bill, late charge, reconnection fee and a tampering fee.

Meters that had to be removed due to repeated tampering by the customer will be subject to a reinstallation charge.

Meters that are damaged or broken by customer tampering will be repaired or replaced at the customer's expense. Cost may include labor and equipment charges.

Tampering fee and re-installation fee shall be as indicated in section 24-21.

- (3) Gas accounts that require repeated trips by the servicemen may be subject to the following service charges:

Re-reads - No charge

Unnecessary re-reads \$50.00 from 8 am-5 pm and \$100.00 after 5 pm

Transfer fee \$50.00

- (4) *Heat only customers.* Gas customers that heat only and finalize their accounts each summer to avoid payment of monthly base rates will be required to pay a service charge when their gas is reconnected in the fall.

Service charge \$200.00 plus customer must have a deposit on file.

- (5) *Returned check fee.* Customers that have had three (3) checks returned by the bank will be required to pay all future payments in cash, by cashier's check, or money order.

Service charge \$50.00

- (k) In the event of a difference in the interpretation of the tariffs and rates of the city gas system, the city's interpretation will prevail.

- (l) *Definitions.* For purposes hereof:

*British Thermal Unit or BTU* means the amount of energy required to raise the temperature of one (1) pound of pure water one (1) degree Fahrenheit from fifty-nine (59) degrees Fahrenheit to sixty (60) degrees Fahrenheit.

*Business day* means any day from Monday through Friday each week, excluding, however, any holiday observed by the city.

*Contracted capacity* means the firm capacity that the city has contracted with Southern and Williams/Transco to serve the city's firm requirements whereas the city pays Southern and Williams/Transco a monthly reservation fee for the reservation of this firm capacity.

*Contract demand* means any natural gas volumes the city is required to contract with a third-party for additional capacity above the city's current contracted capacity.

*Council* means the City Council of Cartersville, Georgia.

*Cubic foot* means the quantity of gas necessary to fill a cubic foot of space when the gas is at an absolute pressure of fourteen and seventy-three hundredths (14.73) pounds per square inch and at a temperature of sixty (60) degrees Fahrenheit.

*Customer* means any customer who is served under any applicable rate schedule.

*Daily delivery service requirements* means the average daily requirements of a customer during each billing period for delivery service from city under this rider.

*Day* means a period of twenty-four (24) consecutive hours beginning and ending at 8:00 a.m. Cartersville, Georgia time. The date of a day shall be that of its beginning.

*Decatherm (DT)* shall mean one million (1,000,000) BTUs.

*Direct transportation service* means the delivery by city to a customer of user-owned gas received by city from Southern or Transco.

*Equivalent gas cost* means the cost per therm of natural gas, adjusted for lost and unaccounted for, equivalent to the cost per therm, as delivered to the customer's burner tip or other point of utilization, of the customer's alternate fuel.

*Excess capacity* means the difference between the city's overall natural gas throughput delivered to the city's natural gas distribution system on any given gas day and the city's daily contracted capacity with Southern and/or Williams/Transco.

*Excess receipt volumes* or *banked volumes* means the difference between the volumes of customer-owned gas received into city's system for the account of the customer and the volumes delivered by city to the customer when the volumes thus received by city exceed the volumes thus delivered to the customer. All such volumes shall be adjusted for BTU content.

*Excess take volumes* means the difference between the volumes of customer-owned gas received into city's system for the account of the customer and the volumes delivered by city to the customer when the volumes thus received by city are less than volumes thus delivered to the customer. All such volumes shall be adjusted for BTU content.

*FERC* means the Federal Energy Regulatory Commission.

*Force majeure* means acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, war, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of governments and people, civil disturbances, explosions, breakage or accident to machinery or lines of pipe, exhaustion or depletion of city's stocks of peak shaving fuel, exhaustion or depletion of city's supply of underground storage gas, freezing of wells or lines of pipe, partial or complete curtailment of deliveries by city's suppliers, inability to obtain rights-of-way or permits or material, equipment or supplies, and any other causes, whether of the kind herein enumerated or otherwise, not within the control of city and which by the exercise of due diligence city is unable to prevent or overcome.

*Gas* shall mean natural gas of merchantable quality consisting primarily of methane and conforming to the quality specifications contained in the Southern and Transco FERC Gas Tariffs.

*Gas day* means a period of twenty-four (24) consecutive hours beginning and ending at 10:00 a.m. eastern standard time. The date of a gas day shall be that of its beginning.

*Index base rate* means the cost per decatherm of natural gas, plus any adders, adjusted for lost and unaccounted for, equivalent to the cost per therm, as delivered to the customer's burner tip or other point of utilization, of the customer's alternate fuel.

*Interruptible customer* means a customer of the city who purchases gas or transportation on an interruptible basis under an interruptible schedule.

*Interruptible sales service* means the sale by the city of city-owned gas under an interruptible schedule.

*Interruptible transportation service* means the sale by the city of transportation under an interruptible schedule.

*Mcf* means one thousand (1,000) cubic feet of gas.

*Month* means a period of time beginning on the first day of any calendar month and ending on the first day of the next calendar month.

*PGC* means the purchased gas cost.

*PGCI* means an average cost calculated using the first of the month index from the publication *Inside FERC's Gas Market Report* for "Prices of Spot Gas Delivered to Pipelines," "Southern Natural Gas Co.," "Louisiana," "Index." and *Natural Gas Intelligence Gas Price Index* for "Spot Gas Prices," "Delivered to Pipelines," "30 Day Supply Transaction," "South Louisiana," "Southern Natural," "Contact Index"; or the actual gas cost whichever is greater, plus seven (7) percent, and plus a \$5.825/decatherm demand charge or the projected yearly demand charges based upon Southern and Transco's current monthly demand charges as billed during the calendar month of consumption divided by the prior calendar year's firm consumption, or whichever is greater, plus any applicable surcharges, a two (2) percent add-on for lost and unaccounted for gas and a capital improvements charge. In the event the city's actual annual demand charges paid Southern is more or less than collected from the city's firm customers no adjustments will be made.

*PGCII* means an average cost calculated using the first of the month index from the publication *Inside FERC's Gas Market Report* for "Prices of Spot Gas Delivered to Pipelines," "Southern Natural Gas Co.," "Louisiana," "Index." and *Natural Gas Intelligence Gas Price Index* for "Spot Gas Prices," "Delivered to Pipelines," "30 Day Supply Transaction," "South Louisiana," "Southern Natural," "Contact Index"; or the actual gas cost whichever is greater, plus seven (7) percent, plus Southern's one hundred (100) percent load factor transportation rate as billed during the calendar month of consumption plus any applicable surcharges, a two (2) percent add-on for lost and unaccounted for gas and a capital improvements charge.

*PGCIII* means an average cost calculated using the first of the month index from the publication *Inside FERC's Gas Market Report* for "Prices of Spot Gas Delivered to Pipelines," "Southern Natural Gas Co.," "Louisiana," "Index." and *Natural Gas Intelligence Gas Price Index* for "Spot Gas Prices," "Delivered to Pipelines," "30 Day Supply Transaction," "South Louisiana," "Southern Natural," "Contact Index"; or the actual gas cost whichever is greater, plus seven (7) percent, plus any applicable surcharges and a two (2) percent add-on for lost and unaccounted for gas.

*PGCIV* means a cost calculated using the first of the month index from the publication "Inside FERC" for SNG or Transco, as applicable, or the actual gas cost whichever is greater, plus any applicable third-party transportation or capacity charges, plus seven (7) percent, plus any

surcharges, plus a two (2) percent add-on for lost and unaccounted for gas and any contractual costs to provide natural gas volumes whether the volumes are delivered or not.

*Sales service* means the sale by city to a customer of city-owned gas.

*Service month* means the month during which service is provided to a customer.

*Southern* or *SNG* means Southern Natural Gas Company or its successors.

*Spot price* means the average of the spot prices published by each of the following publications in the first issue of the month for delivery to the pipeline system of Southern during the month in which any unexcused failure by buyer to purchase or seller to deliver gas in accordance with the terms of the agreement occurs.

- (1) *Natural Gas Intelligence Gas Price Index* for "Spot Gas Prices," "Delivered to Pipelines," "30 Day Supply Transaction," "South Louisiana," "Southern Natural," "Contact Index"; and
- (2) *Inside FERC's Gas Market Report* for "Prices of Spot Gas Delivered to Pipelines," "Southern Natural Gas Co.," "Louisiana," "Index."

*Therm* means one hundred thousand (100,000) BTU's.

*Total index cost* means the index cost of spot gas plus the cost of transportation to the city's facilities by Southern Natural Gas and Williams Transco at the pipeline transportation rate, plus any applicable adders, adjusted for lost and unaccounted for gas.

*Transco* or *Williams/Transco* means The Williams Company Inc. or its successors.

*Unauthorized gas* shall mean the quantity of gas taken by the customer in excess of the hourly or daily amount specified by the city in a curtailment order.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this Ordinance may be renumbered and/or alphabetized accordingly to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_

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MATTHEW J. SANTINI, MAYOR

ATTEST: \_\_\_\_\_  
JULIA DRAKE, CITY CLERK