

ORDINANCE NO. 486

**AN ORDINANCE FIXING THE RATES TO BE CHARGED FOR
ELECTRIC CURRENT BY THE BOROUGH OF MONT ALTO,
FRANKLIN COUNTY, PENNSYLVANIA, AND ESTABLISHING
RULES AND REGULATIONS IN CONNECTION THEREWITH.**

**BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND
ENACTED BY THE TOWN COUNCIL OF THE BOROUGH OF MONT ALTO,
FRANKLIN COUNTY, PENNSYLVANIA:**

SECTION 1: The availability, rates and billing demands for various electric services shall be as follows:

**RESIDENTIAL SERVICE
SCHEDULE "R"**

APPLICATION OF SCHEDULE: Character of service delivered under this schedule: Alternating current service having the following characteristics: 60 cycles, single phase, 120 volts or 120 volts or 120/240 volts.

CHARGES UNDER THIS SCHEDULE: Customers served will be rendered a bill covering electric energy furnished by the Borough for the customer's use at the following monthly rate:

First 50 kilowatt hrs. used per month 20.74 cents per kilowatt hr.
Next 100 kilowatt hrs. used per month 14.40 cents per kilowatt hr.
Next 350 kilowatt hrs. used per month 10.99 cents per kilowatt hr.
All over 500 kilowatt hrs. used per month 10.37 cents per kilowatt hr.

MINIMUM CHARGE UNDER THIS SCHEDULE: To compensate the Borough for the service it obligates itself to furnish under this schedule, the minimum charge for electricity shall be \$7.20 per month.

RULES AND REGULATIONS APPLYING TO THIS SCHEDULE: The Borough reserves the right to, and may from time to time, adopt, revise and amend and readopt such rules and regulations as if deemed necessary and proper for the operation of said residential service, and all such rules and regulations shall be made by resolution and become part of this Ordinance.

**GENERAL AND COMMERCIAL SERVICE
SCHEDULE "C"**

APPLICATION OF SCHEDULE: Character of service delivered under this schedule: Alternating current having the following characteristics: Single phase, 120/240 volts, single and three phase, 120/208 or 277/480, three phase 240, 480, 2400, 4160, or 12,470 volts, 60 cycles. The voltages available depend on the location, character and size or of the customer's load. This information will be furnished at the Borough Office. Service will be measured at the delivery voltage. If usage exceeds 5000 kilowatt hours per month, a single demand meter will be installed and commercial rate schedule will be used. Further, if publicly advertised commercial operations occur at the location of service, the commercial rate schedule will be used, except that the commercial rate schedule shall not apply to operations conducted at a dwelling or accessory building thereto, provided said operation constitutes a Home Occupation, as defined by the Borough of Mont Alto Zoning Ordinance, Ordinance No. 265, as amended or any other subsequently enacted Zoning Ordinance.

CHARGES UNDER THIS SCHEDULE: Customers served will be rendered a bill covering the electric energy furnished by the Borough of Mont Alto for the customer's use at the following monthly rate:

First 50 kilowatt hrs. used per month 18.79 cents per kilowatt hr.
Next 300 kilowatt hrs. used per month 17.09 cents per kilowatt hr.
Next 350 kilowatt hrs. used per month 12.21 cents per kilowatt hr.
All over 700 kilowatt hrs. used per month 10.99 cents per kilowatt hr.

DETERMINATION OF CUSTOMERS DEMAND: The customer's demand of any month shall be the maximum 15-minute kilowatt demand, but shall not be less than 1 kilowatt for each meter. Demands will be taken at the nearest ½ kilowatt.

Pending the installation of a demand meter, customer's demand shall be determined by dividing the KWH consumption by 200. If usage exceeds 5000 KWH per month, a single demand meter will be installed and commercial rate schedule shall be used.

The capacity used in determining the annual minimum shall be the highest capacity required by the customer during the past 12 months.

DETERMINATION OF CAPACITY: Capacity required by the customer will be determined by measurement with an integrating meter or thermal type meter registering the highest capacity by the customer of a 15 minute interval.

When the Borough supplies capacity for welding loads having highly fluctuating values that do not register on a standard type of integrating meter or thermal type meter registering the capacity required by the customer, then 50% of the connected load of the welder shall be added to the kilowatt capacity of the customer as measured or calculated for billing purposes.

Capacity required by the customer will be determined to the nearest one-half kilowatt.

TERMS OF CONTRACT: Service is sold under this schedule on a month to month basis for single phase service. Three phase service is sold under an agreement with the customer to take continuous service for less than one year will be sold as provided under “monthly service”.

MONTHLY SERVICE: Monthly service for three phase installations is offered under this schedule if the customer pays the net cost of connection and disconnection and pays the following additional charges:

| MONTHS OF CONTINUOUS SERVICE PERIODS | ADDITIONAL CHARGES (To Gross & Net Bills) |
|--------------------------------------|--|
| 1st and 2nd Months Service | 10% of Monthly Bill |
| 3rd and 4th Months Service | 8% of Monthly Bill |
| 5th and 6th Months Service | 6% of Monthly Bill |
| 7th and 8th Months Service | 4% of Monthly Bill |
| 9th to 11th Months Service | 2% of Monthly Bill |
| 12th Month and Thereafter | 0% of Monthly Bill |

SUPPLY OF MORE THAN ONE VOLTAGE: The Borough will supply to a customer for a building or a group of building on a single location, energy under this schedule through two meters, for a single phase lighting service and three phase power service, when the meters are adjacent and the Borough cost of facilities is not increased. In such cases the Borough will combine the meter readings for energy consumed the capacity required.

DEMAND SCHEDULE: The first energy block shall consist of 50 kilowatt hours plus 30 kilowatt hours for each one-half kilowatt of customers demand in excess of 5 kilowatts.

MINIMUM CHARGE UNDER THIS SCHEDULE: To compensate the Borough for service it obligates itself to furnish under this schedule, the minimum bill for each single phase, three phase or single and three phase service shall be \$7.20 for each kilowatt of customer’s demand but not less than 50% of the kilowatt capacity necessary to service customer.

RULES AND REGULATIONS APPLYING TO THIS SCHEDULE: The Borough reserves the right to, and may from time to time, adopt, revise and amend and readopt such rules and regulations as if deemed necessary and proper for the operation of said commercial service, and all such rules and regulations shall be made by resolution and become part of this Ordinance.

OUTDOOR LIGHTING SERVICE SCHEDULE “OL”

APPLICATION OF SCHEDULE: This schedule applies to electric service sold for

outdoor area lighting supplied from the existing overhead distribution system of the Borough.

CHARGES UNDER THIS SCHEDULE:

- A. For each 7000 lumen mercury vapor lamp: \$12.47 per lamp per month.

Borough will provide lamp, photo-electric relay control equipment, luminary and upsweep arm not over 4 feet in length, and will mount same on an existing pole carrying secondary circuits.

- B. Rates and specifications for any other type of outdoor lighting shall be adopted by the Borough by resolution.

TERMS OF CONTRACT: Service is sold under contract to take continuous service under this schedule for a minimum period of one year.

MINIMUM CHARGE UNDER THIS SCHEDULE: To compensate the Borough for service it obligates itself to furnish under this schedule the minimum for each outdoor light shall be \$12.47 per month.

RULES AND REGULATIONS APPLYING TO THIS SCHEDULE: The Borough reserves the right to, and may from time to time, adopt, revise and amend and readopt such rules and regulations as if deemed necessary and proper for the operation of said outdoor lighting, and all such rules and regulations shall be made by resolution and become part of this Ordinance.

TREES AND SHRUBBERY: The customer, by accepting electrical service from the Borough under any of the above services consent to such trimming of customer's trees and shrubbery as is necessary for the protection and safety of the Borough's electrical equipment and wires.

SECTION 2: SERVICE LINE

- 1. The installation of service lines may be overhead or underground.
- 2. **RULES AND REGULATIONS APPLYING TO THIS SCHEDULE:** The Borough reserves the right to , adopt, revise and amend and readopt such rules and regulations as if deemed necessary and proper for the use and operation of said underground service, and all such rules and regulations shall be made by resolution and be and become part of this Ordinance.

SECTION 3: PURCHASED POWER ADJUSTMENT (PPA): A PPA shall be added to each bill rendered to the various subscribers of electric service in the Borough of Mont Alto, Franklin County Pennsylvania, as follows:

The PPA is an amount per KWH to be added to or subtracted from customers' billing each month so that increases or decreases in costs of purchased power, fuel and other costs deemed appropriate by the Borough will be collected or credited.

The PPA charge or credit shall be used for each month of a twelve month forecasted period unless a "relevelization" is required and implemented by the Borough at its sole discretion. A "relevelization" may be required if:

A. The Borough's wholesale supplier of purchased power has a rate change that goes into effect during the period; or

B. The actual recovery of PPA costs is not in the range of 3% (plus or minus) of the total twelve month forecasted amount; or

C. A PPA forecast revision is required due to unforeseen circumstances such as dramatic increases in the costs of purchased power, other costs deemed appropriate by the Borough, material increased or decreases in the number of customers, or if a material error in computing the PPA forecast is discovered.

The Borough will monitor the PPA collection of revenues on a monthly basis.

At the end of the forecasted twelve-month period, or a shorter period if a relevelization is require, the Borough may at its discretion incorporate any over-collection of power supply costs in the projected power supply costs for the new forecasted twelve-month period.

Calculation of the PPA to the nearest \$0.00001 per KWH will be determined by utilizing the following formula:

$$PPA = \frac{(PP+DC)}{S} - \text{Base}$$

Definitions: PP= The total forecasted costs of purchased power for the PPA forecast year (Purchased Power)

DC = Additional discretionary costs or programs deemed appropriate by the Borough (Discretionary Costs)

S = Forecasted retail KWH sold. (Sold)

B = The total purchased power expense per KWH included in the current retail base rates (Currently = \$.02658 per KWH effective June 2008)

SECTION 4: TAXES: In addition to the charges for electric energy furnished customers by the Borough of Mont Alto under Section 1 of this Ordinance, all billings to customers for electric energy so supplied shall include said customer's share of any taxes levied under any statute or law of the United States of America or the Commonwealth of Pennsylvania, or any

subdivision thereof.

SECTION 5: APPLICATION FOR ELECTRIC SERVICE: All owners of real estate located within Borough of Mont Alto desiring electric service from the Borough of Mont Alto for a certain parcel of property located in the Borough of Mont Alto shall make application therefore to the Borough of Mont Alto on printed application forms provided for that purpose and upon approval of said application by the Borough of Mont Alto and the payment of the proper deposit by the applicant (as provided in Section 6), electric service shall be made available to the applicant.

SECTION 6: CUSTOMER DEPOSITS:

A. AMOUNT OF DEPOSITS:

- i. **APPLICANTS:** The Borough may require a cash deposit for each applicant for each parcel to be served as provided in the fee schedule. Any applicant who is not an owner of the parcel or portion thereof to be served shall be required to make a cash deposit as provided in the fee schedule.
- ii. **EXISTING CUSTOMERS:** If an existing customer is required to pay a deposit pursuant to any of the terms of this Ordinance, he shall pay a cash deposit not to exceed the estimated charge for service based on the prior consumption of that rate payer for the class of service involved for a period equal to one average billing period plus one month, not to exceed two months.

B. ADJUSTMENT TO DEPOSITS: The amount of any cash deposits may be adjusted at the request of the customer or the Borough whenever the character or degree of the usage of the customer has materially changed or when it is clearly established that the character or degree of service will materially change in the immediate future.

C. APPLICATION OF DEPOSITS: If a customer has failed to pay an undisputed bill or a portion of an undisputed bill, immediately prior to the termination of service to that customer, the Borough shall apply the deposit of that customer insofar as it is necessary to satisfy such bill to avoid termination. After the Borough has applied the deposit to the customer's delinquent bill, the Borough shall notify the customer to re-establish its deposit, by cash or other guaranteed funds, to its original amount within 21 days of the service of the notice. If the customer fails to re-establish the deposit within the required time, the Borough shall disconnect the service without further notice.

D. REFUND OF DEPOSIT: Deposit shall be returned upon termination of service after all outstanding accounts are paid.

- E. **PAYMENT OF DEPOSIT:** The due date for payment of a deposit other than the deposit as a condition for the reconnection of service for section C and D above shall not be less than 21 days from the date of mailing or service on the customer of notification of the amount due. If the customer fails to make the required deposit, the Borough may elect to disconnect the service without further notice and the total amount of deposit becomes due and payable.

SECTION 7: ELECTRIC SERVICE BILLING:

- A. **TIME AND MANNER OF BILLING:** All electric customers will be billed for service provided on a monthly basis. Customers will receive a separate bill for each parcel of real estate, or, in the case of multi-unit rental property, for each unit which the customer has had separately metered, served by The Borough of Mont Alto. It shall be the responsibility of the customer to pay for electric service provided. In the event The Borough of Mont Alto, at its option, need not read the electric meters every month but may read the electric meter every other month and charge an estimated amount.

Failure to receive an actual bill for the electric service supplied during any billing cycle shall not entitle the customer to a longer payment period than set forth in these Rules and Regulations. The presentation of a bill to a customer is a matter of accommodation only, and it is the customer's duty and responsibility to inquire as to the amount due for electric service provided to any and all of the customer's real estate during any given month by contacting the Borough Secretary during regular business hours, and to pay the amount due in a timely fashion as set forth in these Rules and Regulations. The failure of the Borough to present a bill shall not constitute a waiver of its rights and remedies set forth herein in the event of late or non-payment.

- B. **BUDGET BILLING PLAN:** The Budget Billing Plan is a plan to level out the annual cost for electric service, and is offered by the Borough as a convenience for customers who are owners of residential real estate. Under the plan, qualifying electric customers pay their annual electric costs in monthly installments. There is no additional cost to participate in the Budget Billing Plan and qualifying residential customers ultimately only pay the cost for electricity actually used.

Under the Budget Billing Plan, the monthly average amount billed is based on one-twelfth (1/12) of the actual usage over the most recent twelve (12) month period from March through February. The monthly average amount billed will be calculated by taking the customer's total usage from March of the year previous to application through February of the current year and dividing by twelve (12).

The plan is available to all residential customers, excluding tenants. In the event that a residential customer has no billing history, the Borough will estimate the previous twelve months' usage to calculate the monthly average amount to be billed.

By permitting customers to pay an amount equivalent to one-twelfth of their previous annual charge, there will be a period at the end of each billing year where the payment will be adjusted to reflect changes in the customer's electric use. Because the customer's bill will not fluctuate from month to month, the customer's account will be reconciled annually during the March billing cycle. The reconciliation may result in a charge or credit to the customer.

Only qualifying electric customers of the Borough may participate in the Budget Billing Plan. Residential customers wishing to participate shall make application for same at the Mont Alto Borough Office, during the months of January and February each year. In order to be eligible to participate in the Budget Billing Plan, applying customers cannot have any outstanding past due balance owed to the Borough for municipal service or to the Mont Alto Municipal Authority for water and/or sewer service. Further customers agree to provide the Borough with monthly access to electric meters.

Residential customers who qualify to participate in the Budget Billing Plan must pay the monthly average amount billed when due. Late payment or failure to pay will result in customer being automatically removed from the plan, and such customers will be billed under Section A hereof.

- C. **SERVICE CHARGE:** The Borough may at its discretion charge a monthly service charge for maintenance and reading of meters and billing equipment and system software. The amount of the charge shall be established by separate resolution.
- D. **LATE PAYMENT PENALTY:** A penalty of 10% shall be placed on all charges due for electric service provided which are paid after the 25th day of the month following that for which the charge is rendered.
- E. **DISCONTINUANCE PROCEDURE:** If any customer fails to pay his bill within 25 days from the first day of the month following the month for which the bill was rendered, the Borough shall serve a notice of disconnect to the customer. Said notice shall be served on the customer by regular first class mail postage prepaid mailed to the customer's last known billing address, or by posting the notice in a conspicuous place at the parcel of real estate or unit thereof, in the case of multi-unit parcels, for which the bill is due. If said bill is not paid within 10 days from the date of service of the notice, the Borough may, at its option, disconnect the electric service provided to the customer. In the case of notice by mail, service shall be complete upon mailing.
- F. **CUSTOMER DEFECT:** If any defect shall be found in any appliance, apparatus, wires, conduit, or cable, the same shall be reported to the Borough who shall notify the customer of such defect whose duty it shall be to remedy the said defect and in case of this neglect or refusal to do so, the Borough shall discontinue the service of supplying electric current to the premises of any such customer. Further, if said electric service is discontinued of any violation of the provisions of this Ordinance or the rules and

regulations for electric service, a reconnection charge shall be paid pursuant to the Borough fee schedule before service is resumed.

- G. **CUSTOMER'S REQUEST TO DISCONNECT:** A customer may at his own request have the electric service discontinued. There will be a disconnection and reconnection charge pursuant to the fee schedule adopted by the Borough.
- H. **METER TEST:** The Borough shall at the customer's request, test customer's electric meter for accuracy. If the meter test shows the meter to be inaccurate, the expense of the test and reconnecting the meter shall be the expense of the Borough. If the meter test shows the meter to be accurate, the expense of the test and reconnecting shall be the customers pursuant to the fee schedule.
- I. **LIENS AGAINST REAL ESTATE SERVED AND OWNERS LIABILITY FOR UNPAID BILLS AND PENALTIES:** In addition to all other remedies, provided for herein, the Borough shall have the authority and power to enter liens against the real estate to and for which electricity is served for all unpaid bills, in accordance with existing law or any law that may hereafter be passed by the General Assembly of the Commonwealth of Pennsylvania. The owners and lessees of real estate served by the Borough's electric system shall be jointly and severally liable for the payment of any and all unpaid bills, fees and penalties imposed under this ordinance as a result of said service.

SECTION 8: PENALTY:

- A. If any customer shall fail to pay his bill within 25 days from the first day of the month following the month for which the bill was rendered, the customer shall be deemed delinquent and a notice shall be served on the customer, as provided in Section 7 subpart D hereof, advising the customer that if the delinquent bill has not been paid within 10 days, his service shall be discontinued. Provided, however, the 10th day does not fall on a Friday, weekend, or holiday, in which case the discontinuance shall be made on the following working day. If payment of the delinquent bill has not been paid on its due date, the Borough shall discontinue the service and require a cash deposit, as provided in Section 6, before reconnecting the service. If there is a discontinuance of service, a fee shall be added to the delinquent bill as a reconnecting charge, see attached fee schedule. And no electric service so discontinued shall be resumed until the whole amount due from the customer shall have been paid.
- B. Whenever any customer has been delinquent in the payment of any two consecutive bills or three or more bills within the preceding twelve months, the Borough shall, in addition of the notice of disconnect described in Section 8, require a cash deposit as provided in Section 6 to re-establish credit. A customer shall be delinquent if he has not paid his bill within 25 days from the first day of the month for which the bill was rendered.

- i. The Borough before requiring a cash deposit, except in the case of a discontinuance, shall first notify the customer in writing that a deposit is not required at this time, but if bills continue to be paid after the due date, a deposit will be required.
- ii. The Borough shall issue a notification or subsequent request for deposit based, in whole or in part, on a delinquent account arising out of a “make-up” bill for previously unbilled utility service resulting from utility billing error, meter failure, or loss of service, or two or more consecutively estimated bills, under the following conditions:
 - a. Where a “make-up” bill exceeds an otherwise normal estimated bill by at least 50%, the Borough shall review the bill with the customer and make a reasonable attempt to enter an amortization agreement.
 - i. The period of the amortization agreement may, at the option of the customer, extend at least as long as the period during which the excess amount accrued or at least as long as necessary so that the quantity of service billed in any on billing period is not greater than the normal estimated quantity for such period plus 50%.
 - ii. Compliance with an amortization agreement discharges the delinquency, and a notification or request for deposit shall not thereafter be issued based on the “make up” bill.
 - b. Where a “make-up” bill exceeds the otherwise normal estimated bill by at least 50% and where the customer makes payment in full after the bill is delinquent but before a notification of intent to request a deposit is given to the customer, such a notification or request for deposit shall not thereafter be issued based on the “make up” bill.
 - c. The Borough shall require a cash deposit as a condition for reconnection of service following a termination or which a customer fails to comply with a material term or condition of a settlement or amortization agreement.
 - d. The due date for payment of the cash deposit other than the deposit as a condition for the reconnection of service for Section 8C shall not be less than 21 days from the date of mailing or service on the customer of notification of the amount due.
 - e. In addition to any provision for the imposition of penalty, any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and consists of prosecution, or, in default of payment of such fines and costs, to undergo imprisonment of not less than ten (10)

days nor more than thirty (30) days. Provided: each violation of any provision of this Ordinance and each day the same is continued shall be deemed a separate offense. For purpose of this Section, the doing of any act or thing prohibited by any provision of this Ordinance, or the failure to do any act or thing as to which any provision of this Ordinance creates an affirmative duty, shall constitute a violation of this Ordinance, punishable as herein stated.

SECTION 9: TEMPORARY SERVICE:

Upon application by the owner of the real estate made for a temporary secondary service and the payment of a service charge, as provided in the fee schedule attached hereto, the Borough of Mont Alto shall provide electric service to such applicant in accordance with Schedule "R". Upon the termination of the temporary primary service, the applicant shall pay to the Borough of Mont Alto the cost of both constructing and removing the temporary primary service. All temporary service will be billed under general and commercial Schedule "C". Monthly service charge shall also apply.

SECTION 10: UNDERGROUND SERVICE:

1. The installation of all service lines may be underground or overhead.
2. RULES AND REGULATIONS APPLYING TO UNDERGROUND SERVICE LINES.
 - A. At his own cost the customer of the property to be supplied with underground service line shall be responsible for the material and installation of the underground service from the electrical pole to the meter socket. Customer to own and maintain all customer installed facilities.
 - B. The location of the installation shall be determined by the Borough.
 - C. All materials used for the underground service line shall be according to Borough specifications.
 - D. No customer, their agents or employees shall be allowed on the electrical pole used for the underground service.
 - E. If requested by the customer, the customer shall pay any additional cost incurred by the Borough for providing underground service that deviates from the Borough's established underground practices and standards.

3. **DEFINITIONS -**

DISTRIBUTION LINE: An electrical supply line from which energy is delivered to one or more service lines.

SERVICE LINE: A line receiving energy from a distribution line and delivering it to (a) the meter, or (b) a disconnection device, controlling service to the building, whichever is nearer the distribution line.

SECTION 11: SAVINGS CLAUSE: If the constitutionality of any clause, sentence, paragraph or part of this Ordinance shall for any reason be adjudged or decreed to be invalid by any court of competent jurisdiction, the judgment or decree of that court shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effort to the clause, sentence, paragraph or part thereof which is adjudged or decreed to be invalid.

SECTION 12: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 13: EFFECTIVE DATE: This Ordinance shall become effective upon the adoption of this Ordinance.

Ordained and enacted into an Ordinance this 16th day of June , 2009.

BOROUGH OF MONT ALTO

ATTEST:

Secretary

President of the Borough Council

Approved this 16th day of June , 2009.

Mayor

FEE SCHEDULE

SECTION 6-A -

Cash Deposit

| | |
|-----------------------------|-------|
| Customer with electric heat | \$125 |
| All others | \$ 75 |

SECTION 9 - \$40.00 Application Fee. Installation Fee of \$100 for 1st 100'. All service over 100' at Borough's cost of construction.

SECTION 7-E - \$40.00 reconnecting fee.

SECTION 7-F - \$20 disconnect and \$20 connection fee.

SECTION 7-G - \$25 meter check.

The Borough reserves the right to, and may from time to time, revise, amend and readopt the above fees as it deems necessary and proper for the use and operation of the electric system, and all such fees shall be and become a part of this Ordinance.