

ORDINANCE NO. 363-94

AN ORDINANCE APPROVING TEXAS UTILITIES ELECTRIC COMPANY'S PROPOSED RIDER ED - ECONOMIC DEVELOPMENT SERVICE, RATE GC - GENERAL SERVICE COMPETITIVE PRICING, RATE WPC - WHOLESALE POWER COMPETITIVE PRICING, AND RIDER ET - ENVIRONMENTAL TECHNOLOGY SERVICE, PROVIDING AN EFFECTIVE DATE THEREFOR, PROVIDING CONDITIONS UNDER WHICH SUCH RATE SCHEDULES AND SERVICE REGULATIONS MAY BE CHANGED, MODIFIED, AMENDED OR WITHDRAWN, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. On June 6, 1994, Texas Utilities Electric Company filed with the Governing Body of this municipality a Petition and Statement of Intent proposing to implement four new tariff schedules: Rider ED - Economic Development Service; Rate GC - General Service Competitive Pricing; Rate WPC - Wholesale Power Competitive Pricing; and Rider ET - Environmental Technology service. Said proposed tariffs are each hereby approved for implementation by Texas Utilities Electric Company within the corporate limits of this municipality until such time as said tariff schedules may be changed, modified, amended, or withdrawn with the approval of the Governing Body of this municipality.

SECTION 2. The aforesaid tariff schedules herein approved shall be effective from and after the final passage of this Ordinance.

SECTION 3. The filing of said tariff schedules shall constitute notice to the consumers of electricity, within this municipality, of the availability and application of such tariff schedules. -

SECTION 4. Nothing in this Ordinance contained shall be construed now or hereafter as limiting or modifying in any manner, the right and power of the Governing Body of this municipality under the law to regulate the rates, operations, and services of Texas Utilities Electric Company.

SECTION 5. It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public and as required by law and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED at a Regular Meeting of the City Council of the City of Willow Park, Texas, on this the 21st day of June, 1994.

William J. Clemens

Mayor, William J. Clemens

ATTEST:

Barbara Kilough

Secretary, Barbara Kilough

3.2 General Service
Applicable: Entire System
Effective Date:

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3.2.12 Rate GC – General Service Competitive Pricing

Application

Applicable, in the event that Company has entered into an Agreement for Electric Service with respect thereto, to any Customer that otherwise qualifies for service under Company's General Service Rate GS, GP, or HV for all of the electric service supplied at one point of delivery and measured through one meter, where said customer contemplates self-generation, cessation of operations, or obtaining service from an alternative energy service supplier, and in Company's sole judgment, Customer would not be served by Company but for the pricing provided for herein, subject to the special conditions set forth herein. Service at each point of delivery is metered and billed separately and a demand meter is required.

The availability of this rate is limited to Electrical loads not otherwise contractually obligated to receive electric service from Company at the time service under this rate is scheduled to commence. The availability of this rate is at the sole discretion of Company.

Not applicable to standby, resale, or shared service, or in conjunction with any rate or other service rider unless specifically provided for herein or in said rate or rider.

Type of Service

Single or three phase, 60 herz, of any one of Company's available standard service voltages as required by Customer. Where service of the type desired by Customer is not already available at the point of delivery, additional charges and special contract arrangements between Company and Customer may be required prior to its being furnished. Company, may at its option, meter service on the secondary side of Customer's transformers and adjust for transformer losses in accordance with Company's Tariff for Electric Service.

Monthly Rate

Charge	Amounts			
	Secondary	Primary	Transmissions	
Customer (per point of delivery)	\$14.00	\$15.00	\$415.00	
Demand	As specified in agreement of Electric Service			
	Current month kW			
	Each current month kW in excess of the Contract kW	\$1.00 per kW	\$1.00 per kW	\$1.00 per kW
Energy	Per kWh, all kWh	0.72¢ per kWh	0.59¢ per kWh	0.54¢ per kWh

Fuel Cost: Plus an amount for fuel cost calculated in accordance with Rider PC, using

the appropriate factor for General Service- Secondary, General Service-Primary, or General Service-Transmission.

Power Cost: Plus an amount for purchased power cost calculated in accordance with Rider PCR, using the appropriate factor for General Service-Secondary, General Service-Primary, or High Voltage Service.

Payment: Bills are due when rendered and become past due, if not paid within 16 days thereafter. Bills are increased by 5% if not paid within 20 days after being rendered.

Definitions

Current month kW is the highest 15-minute kW recorded at the point of delivery during the current month

Contract kW is the maximum kW specified in the Agreement for Electric Service.

Special Conditions

- c) The demand charge applicable to service provided under this rate shall be specified in the Agreement for Electric Service (Agreement) and is the higher of:
- 1) The demand charge necessary to enable Company to provide service to in existing or prospective load such that the total cost of providing electric service over the term of the Agreement is equal to or less than that of Customers self-generation or other energy service arrangement offered by any other entity to serve such load.
 - 2) The demand charge necessary for the net present value (NPV) of the projected incremental base rate revenue (BRR) received by Company during the term of the Agreement to be positive. the NPV is the sum of NPV1 and NPV2. as calculated below.
 - NPV I: During the period commencing with the effective date of the Agreement and concluding in the year of the next scheduled generating unit addition in Company's integrated resource plan current at the time the Agreement is signed, the NPV of the projected incremental BRR is the sum of the projected monthly BRR discounted at Company's Weighted Average Cost of Capital as approved by the Commission in Company's most recent rate cam (WACC).
 - NPV2. During the period commencing in the year after the next scheduled generating unit addition in Company's integrated resource plan current at the time the Agreement is signed, and concluding at the end of the Agreement, the NPV of the incremental BRR is the sum of the monthly difference between (i) the projected BRR that would be received under the Agreement and (ii) the projected BRR that would be received under Company's applicable general service rate effective it the time the Agreement is executed, discounted at Company's WACC.
- b) The total cost of service from self-generation or another energy service supplier to an existing or prospective load will be evaluated on an NPV basis and will include all costs associated with the delivery of firm energy service, including but not limited to the costs of any production, transmission, and/or distribution facilities, or modifications thereto, required to serve Customer, including operating and maintenance costs, ad valorem taxes, and standby service.
- c) Customer must furnish Company a notarized affidavit and supporting information confirming that Customer would have obtained its energy supply from either self-generation or another supplier or would have ceased operations but for the negotiated demand charge permitted by this rate, that such other energy service supply would have been more economical to Customer than Company's applicable standard General Service Rate, or that such cessation of operations would have occurred because of the economics of the Company's applicable standard General Service Rate, and that the demand charge negotiated pursuant to this rate was necessary for customer to agree to receive electric service from Company.

Agreement

An Agreement for Electric Service is required

Notice

Service hereunder is subject to the orders of regulatory bodies having jurisdiction and to Company's Tariff for Electric Service.

3.2 General Service
Applicable: Entire System
Effective Date:

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3.2.13 Rider ED – Economic Development Service

Application

Applicable to electric service under Rate GS, Rate GP, or Rate HV for additional electrical load of 200 kW or more when the availability of this Rider ED was an important factor in Customer's making the decision to add new electrical load or resume service to an inactive electrical load, subject to the special conditions contained herein. The availability of this rider is at the sole discretion of Company.

Applicable in conjunction with Rider ES. Not applicable in conjunction with any other rider, unless specifically provided for herein or in such rider.

The provisions Of General Service Rates GS, GP, or HV are modified only as shown herein.

Monthly Rate

In accordance with the terms of General Service Rates GS, GP, and HV, except that an Economic Development Demand is applied to the Economic Development Demand according to the following schedule:

Economic Development Demand Discount Schedule	
Number of Years Until Next Capacity Addition	Discount
5	50%
4	40%
3	30%
2	20%
1	10%

Definitions

The Economic Development Demand is that portion of the billing demand of the current month billing demand, as determined in accordance with the appropriate rate schedule, that is greater than the billing demand of the corresponding month in the twelve month period prior to the effective date of service under this Rider.

The Economic Development Demand Discount is determined by the number of calendar

years, or portions thereof, between the calendar year in which service to customer is first rendered under this Rider and the calendar year in which the next scheduled generating unit addition in Company's Integrated Resource Plan in effect at the time an Agreement for Electric Service under this Rider is signed and will be reduced annually according to the above Economic Development Demand Discount Schedule, after which the Economic Development Demand Discount terminates. If, for example, at the time that the Agreement for Electric Service is signed and service is first rendered under this Rider, the next scheduled generating unit addition is in the next calendar year, the customer's Economic Development Demand Discount will be 10% for one calendar year and said discount will terminate thereafter. If, for example, at the time that the Agreement for Electric Service is signed and service is first rendered under this Rider, the next scheduled generating unit addition is in the sixth subsequent calendar year. Customer's Economic Development Demand Discount will be 50% for the first calendar year, 40% for the second calendar year, 30% for the third calendar year, 20% for the fourth calendar year, 10% for the fifth calendar year, and said discount will terminate thereafter.

Inactive electrical load is load that has been inactive for 12 months or more.

Special Conditions

All of the following conditions must be met prior to service being rendered under this Rider.

- 1) Customer must furnish Company a notarized affidavit and supporting information confirming that Customer had knowledge of the existence of this Rider and an opportunity to consider its benefits at least 60 days in advance of making a decision to add the new electrical load or to resume the inactive electrical load and prior to Customer's first construction, purchase, or lease of new or additional facilities or equipment necessary to locate the business in Company's service area, that Customer considered siting its facility outside of Company's service area, and that this Rider was an important contributing factor in Customer's decision to open at new facility or expand an existing facility or resume an inactive electrical load.
- 2) Customer shall be required to demonstrate that the additional electrical load is accompanied by additional full-time employment within the Company's service area. For purposes of this section, full-time employment is defined as an employee who has been, or is projected to be, employed for at least 1,750 hours per year.
- 3) An energy efficiency analysis of the plans for the new or expanded facility must be completed prior to the installation of the additional connected load. Company will perform such analysis or review Customer's analysis. All reasonably applicable, commercially available demand-side measures that would reduce the need for electricity or that would result in a more efficient use of electricity will be identified and explained to Customer. The requirements for this analysis will be waived only if Customer can demonstrate good cause for not having the analysis performed, such as the use of proprietary technologies.
- 4) An Agreement for Electric Service has been executed.

If the billing demand for 12 consecutive months is less than the billing demand of the corresponding month in the twelve-month period prior to the effective date of service under this Rider. Customer will no longer be eligible for service under this Rider, and billing will be in accordance with the applicable General Service Rate.

Agreement

An Agreement for Electric Service, with a minimum term of 5 years plus the number of years of discounted demand charges received under this rider, is required.

3.2 General Service
Applicable: Entire System
Effective Date:

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3.2.14 Rider ET – Environmental Technology Service

Application

Applicable to electric service under Rate GS, Rate GP, or Rate HV for an environmental technology having an electrical load of 5 kW or more when the availability of this rider was an important contributing factor in Customer's making a decision to convert an existing process using less energy-efficient electric sources of energy or non-electric sources of energy to a process utilizing energy-efficient electrical technology, subject to the special conditions contained herein. The availability of this rider is at the sole discretion of Company.

Applicable in conjunction with Rider ES. Not applicable in conjunction with any other rider, unless specifically provided for herein or in such rider.

The provisions of General Service Rates GS, GP, or HV are modified only as shown herein.

Monthly Rate

In accordance with the terms of General Service Rates GS, GP, or HV, except that the Environmental Technology Demand is reduced as follows:

Environmental Technology Demand Discount	
Contract Year	Discount
1	\$5.00/kW
2	\$4.00/kW
3	\$3.00/kW
4	\$2.00/kW
5	\$1.00/kW

Definitions

Environmental Technology is the conversion to or installation of a new process that yields a net reduction in the area of source BTU used. i.e., the amount of BTU required for the process must be less for the new technology process than for the replaced process, or a new process that significantly improves the quality of the environment through use of an electrical technology. The Environmental Technology Demand is the estimated maximum 15-minute demand associated with the energy-efficient electrical technology.

Special Conditions

All of the following conditions must be met prior to service being rendered under this Rider:

- 1) Customer must furnish Company a notarized affidavit and supporting information confirming that Customer had knowledge of the existence of this Rider and an opportunity to consider its benefits at least 60 days in advance of making a decision to convert existing processes to environmental technologies and prior to Customer's first construction, purchase or lease of new or additional facilities or equipment necessary to convert to environmental technologies and that this Rider was an important contributing factor in Customer's decision to convert to the environmental technology.
- 2) An energy efficiency analysis of the plans for the conversion to environmental technology must be completed prior to the instillation of the connected load. Company will perform such analysis or review Customer's analysis. All reasonably applicable, commercially available demand-side measurers that would reduce the need for electricity or that would result in a more efficient use of electricity will be identified and explained to Customer. The requirement for this analysis will be waived only if Customer can demonstrate good cause for not having the analysis performed, such as the use of proprietary technologies.
- 3) An Agreement for Electric Service has been executed.

Agreement

An Agreement for Electric Service with a minimum term of five years is required.

3.4 General Service
Applicable: Entire System
Effective Date:

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3.4.11 Rate WPC – Wholesale Power Competitive Pricing

Application

Applicable, in the event that Company has entered into in Agreement for Electric Service with respect thereto, to full requirements and partial requirements power and energy sold by Company to electric utilities, municipalities, and rural electric distribution cooperatives for resale to ultimate consumers in the State of Texas, where said customer contemplates self-generation or obtaining service from an alternative energy service supplier, and in Company’s sole judgment, Customer would not be served by Company but for the pricing provided for herein, subject to the special conditions set forth herein. Service at each point of delivery is metered and billed separately.

The availability of this rate is limited to electrical loss not otherwise contractually obligated to receive electric service from Company at the time service under this rate is scheduled to commence. The availability of this rate to new applicants is at the sole discretion of Company.

Not applicable to temporary or shared service, or in conjunction with any rate or other service rider unless specifically provided for herein or in said rate or rider.

Type of Service

Three phase, 60 herz, at any most available primary distribution or transmission voltage. Where service of the quantity and type required by Customer is not already available at the location to be served, additional charges and contract arrangements any be required prior to its being furnished. If Customer takes service at transmission voltage. Company may at its option meter service on the secondary side of Customer’s transformers and adjust for transformer losses in accordance with Company’s Tariff for Electric Service.

Monthly Rate

Charge	Amounts	
	Primary	Transmission
Customer (per point of delivery)	\$235.00	\$405.00
Demand	As specified in agreement of Electric Service	
	Current month kW	
	Each current month kW in excess of the Contract kW	\$1.00 per kW
Energy	Per kWh, all kWh	
		0.37¢ per kWh

Fuel Cost: Plus an amount for fuel cost calculated in accordance with Rider PC, using

the appropriate factor for Wholesale Power Service-Primary or Wholesale Power Service-Transmission.

Power Cost: Plus an amount for purchased power cost calculated in accordance with Rider PCR, using the appropriate factor for Wholesale Power Service.

Payment: Bills are due when rendered and become past due if not paid within 16 days thereafter. Bills are increased by 5% if not paid within 20 days after being rendered.

Definitions

Current month kW is the highest 15-minute kW recorded at the point of delivery during the current month.

Contract kW is the maximum kW specified in the Agreement for Electric Service.

Special Conditions

a) The demand charge applicable to service provided under this rate shall be specified in the Agreement for Electric Service (Agreement) and is the higher of:

- 1) The demand charge necessary to enable Company to provide service to an existing or prospective load such that the total cost of providing electric service over the term of the Agreement is equal to or less than that of Customer's self-generation or other energy service arrangement offered by any other entity to serve such load.
- 2) The demand charge necessary for the net present value (NPV) of the projected incremental base rate revenue (BRR) received by Company during the term of the Agreement to be positive. the NPV is the sum of NPV1 and NPV2, as calculated below.
 - NPV1: During the period Commencing with the effective date of the Agreement and concluding in the year of the next scheduled generating unit addition in Company's integrated resource plan current at the time the Agreement is signed, the NPV of the projected incremental BRR is the sum of the projected monthly BRR discounted at Company's Weighted Average Cost of Capital as approved by the Commission in Company's most recent rate case (WACC).
 - NPV2. During the period coming in the year after the next scheduled generating unit addition in Company's integrated resource plan current at the time the Agreement is signed, and concluding at the end of the Agreement, the NPV of the incremental BRR is the sum of the monthly difference between (i) the projected BRR that would be received under the Agreement and (ii) the projected BRR that would be received under Company's applicable Wholesale Power rate effective at the time the Agreement is executed, discounted at Company's WACC.

- b) The total cost of service from self-generation or another energy service supplier to an existing or prospective load will be evaluated on an NPV basis and will include all costs associated with the delivery of firm energy service, including but not limited to:
- c) Customer must furnish Company a notarized affidavit and supporting information confirming that Customer would have obtained its energy supply from either self-generation or another energy service supplier but for the negotiated demand charge permitted by this rate, that such other energy service supply would have been more economical to Customer than Company's applicable standard General Wholesale Power Rate, and that the demand charge negotiated pursuant to this rate was necessary for customer to agree to receive electric service from Company.
- d) Power and energy is available to partial requirements customers only in the following circumstances:
 - 1) when a generation source which does not exceed the load of such customer is connected directly to and is a part of the system of the partial requirements customer and is used to supplement purchases of power and energy from TU Electric, or
 - 2) when a partial requirements customer obtains power from another source, and the partial requirements customer:
 - A. has installed necessary system operating equipment to enable it to receive such other power under the existing ERCOT guidelines for Control Area, or
 - B. has contracted with another utility to effect delivery of such other person by becoming a part of such other utility's ERCOT Control Area, or
 - C. has executed a mutually satisfactory agreement with TU Electric whereby TU Electric will provide Control Area services and such other services as are necessary to assume the reliability of the supply of such other power under terms which will fully compensate TU Electric for the particular services required.

Agreement

An agreement for Electric Services as required.

Notice

Service hereunder is subject to the orders of regulatory bodies having jurisdiction and to Company's Tariff for Electric Service.