

CHAPTER 11

ELECTRIC DEPARTMENT

ARTICLE I - ADMINISTRATION

11-1-1 **ORGANIZATION.** The Electric Department shall be a subordinate department of the Department of Public Property. The Department shall consist of a Line Foreman, an Operations Foreman and a Plant Mechanic foreman, together with such other subordinate employees as may be appointed to the Electric Department from time to time. **(Ord. No. 12-20; 10-23-12)**

11-1-2 **APPOINTMENT, COMPENSATION.** Whenever a vacancy occurs in the position of Line Foreman, Operations Foreman or Plant Mechanic Foreman, each such position shall be filled by appointment by the Commissioner of Public Property, subject to the approval of the Council. The Line Foreman, Operations Foreman and Mechanic Foreman shall each be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council. **(Ord. No. 12-20; 10-23-12)**

11-1-3 **LINE FOREMAN DUTIES.** Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Public Property, the Line Foreman shall have power to make purchases of supplies, to recommend the employ and discharge subordinate employees, and to do all things necessary for the efficient operation and maintenance of the electric distribution system of the City in accordance with the provisions of the City Code and the Statutes of the State of Illinois. It shall also be the duty of the Line Foreman to investigate and approve or disapprove all applications for permits to move buildings over City streets, to report his findings thereon to the Council, to fix the amount of bonds relating thereto, and routings, and to supervise the moving of such buildings, and to prevent unauthorized damage to public or private property along the route selected. **(Ord. No. 12-20; 10-23-12)**

11-1-4 **OPERATIONS FOREMAN DUTIES.** Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Public Property, the Operations Foreman shall have the power to make purchases of supplies, to recommend the employ and discharge of subordinate employees, and to do all the things necessary for the testing and operation of the electric generation equipment of the City. **(Ord. No. 12-20; 10-23-12)**

11-1-5 PLANT MECHANIC FOREMAN DUTIES. Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Public Property, the Plant Mechanic Foreman shall have the power to make purchases of supplies, to recommend the employ and discharge of subordinate employees, and to do all the things necessary for the testing and operation of the electric generation equipment of the City. (Ord. No. 12-20; 10-23-12)

11-1-6 ADDITIONAL DUTIES, DISCIPLINE. The Line Foreman, the Operations Foreman and the Plant Mechanic foreman shall each have the authority, in the interests of the City, to direct the work of any lineman, operations or mechanic subordinate employees under their respective supervision and to effectively recommend to the Commissioner of Public Property the suspension, layoff, recall, discharge, reward or discipline of any such subordinate employee, including the adjustment of their grievances. (Ord. No. 12-20; 10-23-12)

11-1-7 EXTRA LABOR; HOW EMPLOYED; HOW PAID, ETC. The Line Foreman, the Operations Foreman and the Plant Mechanic Foreman, with the consent and approval of the Commissioner of Public Property, is hereby authorized to employ such extra laborers under their respective supervision as the needs of the Electric Department shall from time to time demand. Any such extra laborers would be paid at the rate of pay established for such work by the Commissioner of Public Property, subject to the approval of the Council. (Ord. No. 12-20; 10-23-12)

11-1-7-1 POLICE POWER. The Line Foreman, Operations Foreman and Plant Mechanic Foreman shall each enforce the rules and regulations established for that part of the Electric Department under their respective supervision by City Code or by order of the Public Works Director or the Commissioner of the Department of Public Property. The Line Foreman, the Operations Foreman and the Plant Mechanic Foreman shall each have the authority to issue a "notice to appear" as defined in Section 107.1(c) of the Code of Criminal procedure of 1963 (**725 ILCS 5/107-1(C)**) for any violation of any ordinance of the City in relation to the Electric Department that may come to his knowledge, and for such limited purpose the Line Foreman, Operations Foreman and Plant Mechanic Foreman are each hereby designated as a "peace office" within the meaning of Section 2-13 of the Criminal Code of 1961 (**720 ILCS 5/2-13**). (Ord. No. 12-20; 10-23-12)

11-1-8 ESTABLISHES ELECTRIC LIGHT FUND. There shall be and is hereby created a fund to be known as the Electric Light Fund, which the fund shall be by the City Treasurer, kept separate and distinct from all other funds of the City. All money derived

by the City from the sale of electricity or electric energy for light, heat, power and refrigeration purposes shall be collected by the City Treasurer, and shall credit the same to the Electric Light Fund.

11-1-9 TREASURER SHALL PAY, ETC. The money collected as provided for in **Section 11-1-8** of this Chapter, together with all other money which may be in the fund, shall be kept by the Treasurer and paid out by him for expenses in erecting, maintaining and operating the electric light plant and City Electric Department, upon warrants duly issued against the fund by the City Council.

11-1-10 TREASURER SHALL REPORT. The City Treasurer shall make a report monthly to the City Council, showing the condition of the Electric Light Fund and the balance of money on hand in the fund as of the date of the report.

11-1-11 ELECTRIC RENEWAL AND CONSTRUCTION FUND. A fund to be known as the Electric Renewal and Construction Fund be and the same is hereby created, which fund shall be kept in the custody of the City Treasurer, and shall be kept entirely separate from all other City funds. The fund shall be accumulated from the receipts of the City Electric Department from any surplus of such receipts, after the current monthly expenses of said Department are paid, and that such accumulation shall be in monthly payments made by the City Electric Department to the City Treasurer, such payments not to exceed the sum of **Ten Thousand Dollars (\$10,000.00)** per month. Such fund shall be deemed sufficient and such monthly payments shall cease when the fund reaches the sum of **One Million Dollars (\$1,000,000.00)**. No part of the fund shall be withdrawn or expended, except for the purpose of maintenance and improvement of the Electric Light and Power Plant and Electric Transmission System, in the manner prescribed by City Code for payment of claims against other City Funds; provided, however, that the City Council shall have the right to invest the surplus in the Fund in the same manner as provided by law for investment of surplus City Funds.

11-1-12 PROVIDES FOR SALE OF ELECTRIC ENERGY. The City, from the electricity manufactured, produced or purchased by the Municipal Electric Plant owned and operated by the City, shall furnish, transmit and sell electric energy to be used for light, heat, power, refrigeration, and other purposes, to such persons, firms or corporations applying therefor, as shall comply with the laws, ordinances, and regulations now in force, or that may hereafter be in force, governing the Municipal Electric Plant and the sale of electric energy by the City.

11-1-13 **ELECTRIC METER FURNISHED BY CITY.** All electric energy furnished, transmitted and sold by the City, shall be passed through and measured by a meter of some standard, approved and well known make, which shall be provided by the City, and the energy shall be charged to and paid for by the consumer at the rates prescribed by City Code.

11-1-14 **MAINTENANCE AND EXTENSION OF EXISTING STREET LIGHT SYSTEMS; COST; HOW PAID.** Action taken by the City in the creation and expending of its street and park lighting system, as the same now exists, is hereby ratified and confirmed and the Commissioner of Public Property is hereby empowered to maintain and further extend said lighting system as, in his opinion, the needs of the City shall demand; provided, however, that any such extension shall be made subject to the approval of the City Council, and in a manner in strict conformity with the Statutes of the State of Illinois, and City Code. The cost of so maintaining and extending the street and park lighting system, unless otherwise provided for, shall be paid by City Warrants duly drawn against the Electric Light Fund.

11-1-15 **ELECTRIC SERVICE; ANNEXATION REQUIREMENT.**
(A) **Annexation Agreement.**

- (1) If the City consents to furnish electric service to a landowner whose property is located outside of the corporate limits of the City then prior to said services being furnished, or before or after service of those systems is transferred from one landowner or customer to another, said landowner or succeeding landowner must agree to sign an annexation agreement with the City in the form as shown in Appendix "HH" whereby landowner shall agree to submit a petition for annexation to the City within **thirty (30) days** of the beginning of the receipt of said service or upon said property becoming contiguous to the City and upon the request of City, whichever event shall first happen.
- (2) The covenants of said annexation agreement shall run with the land and shall be binding upon the parties, their heirs, executors, administrators, assigns, grantees and all persons claiming thereunder.
- (3) Landowner shall convey or dedicate all necessary easements to the City for the extension of utilities or for other public improvements which may serve not only the subject landowner's property, but other properties contiguous to landowner's property. Said easements or right-of-way shall be located as to cause a minimum of inconvenience in the development of landowner's property.

(Ord. No. 05-06; 03-28-05)

ARTICLE II – ELECTRIC SYSTEM REGULATIONS

11-2-1 **PURPOSE.** These rules and regulations are designed to govern the supply of electricity from the City of Sullivan Electric Department to the Customer to insure satisfactory, safe and uniform operations. They set forth the terms and conditions for establishing, maintaining, and discontinuance of electric service. They specify the terms of all agreements for service except that the City reserves the right to enter into special contracts.

11-2-2 **ELECTRIC SERVICE AND CODES.**

(A) **Service Rejected or Terminated.**

- (1) The City Line Foreman shall have the right to reject any application for service or to terminate service to any customer whose premises, in the judgment of the City Line Foreman, is dangerous to persons or are otherwise unsafe in the vicinity of the City's meter and other facilities.
- (2) Failure to reject an application for the service or the commencement of service by the City Line Foreman shall not constitute an omission, acknowledgement or agreement, either expressed or implied, as to the adequacy, safety or other characteristics of any installation on the customer's premises not owned or maintained by the City.

(B) **Adoption of National Codes.** The City adopts the requirements of the most recent additions of the National Electrical Code (NEC NFPA 70) and the National Electric Safety Code (NEC ANSI C2) and requires all applicants and contractors to conform to these National Codes.

(Ord. No. 23-23; 08-14-23)

11-2-3 **REQUIREMENTS OF APPLICANT.**

(A) **Grant Easement.**

When applying for or taking a new electric service from the City, the City shall require the property owner to grant to the City the right to enter upon the premises to be served and to install or remove, repair or maintain thereon, its lines, meters and other facilities, for the purpose of serving the owner's premises. Each Customer shall afford the City's representatives free access to the Customer's premises at all reasonable hours for the purpose of reading the meter, inspecting the metering and other equipment relating to the City's service, repairing, testing or removing its meter and equipment, and at any time in case of an emergency.

(B) **Pay Damage.**

The Customer shall exercise due care to avoid damage to or dangerous or unsafe conditions adjacent to the City's meter and the other service facilities of the City located on or near the Customer's premises. If the Customer's operations or the manner in which the Customer uses the City's service cause damage to the City's facilities, the Customer shall pay the amount of such damage to the City on demand. If meters or other facilities belonging to the City are damaged or destroyed due to negligence or misuse by the Customer or any member of his family, or by an officer, agent or employee of the Customer, or by sub-tenants, the cost of necessary repairs or replacements shall be paid by the Customer.

(C) **Ground Wires – Detach.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping. The City will hold the owner of the premises responsible and liable for any damage to the property, or injury to the employees of the City caused by such ground wire. All owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected after **five (5) days** written notice, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

(D) **Private Generation.** Except during times when electricity supply from the City is unavailable or is temporarily interrupted other than by reason of discontinuance of service to the particular premises for non-payment of billings or otherwise pursuant to this **Chapter 11**, it shall be unlawful for any person, firm, establishment or entity to supply or provide electricity in or for any premises by means of any generator or other electricity-production system, equipment or facility unless it has complied with **Article III** of the City's Electric Code in **Chapter VI**. This prohibition shall not apply to the use and operations of passive solar electricity generation systems which are otherwise installed and operated in accordance with all applicable laws and ordinances.

(E) **City's Approval Required.** Whenever these Rules and Regulations require the approval or permission of the City, it is the responsibility of the Customer to secure such approval or permission in writing from the City Line Forman before proceeding to make a connection, use equipment or receive service.

11-2-4 APPLICATION FOR ELECTRIC SERVICE.

(A) Applicant requesting new electric service or an existing customer requesting additional or changed electric service shall complete and file at the City Hall an "Application for Electric Service". The application may be obtained at the City Hall. **(See Appendix "H")**

(B) If the Applicant is a tenant of the premises to be served, the property owner, or his legal representative or designated agent, must countersign the application before the application will be granted for all new installations for purposes of granting City an easement within which to lay the electric line on and over the owner's property.

(C) Applications will expire in **one hundred twenty (120) days**. If application expires the fee will be returned to applicant. If service is still desired a new application must be filed and paid for in full.

(D) See **Appendix "I"** for underground installation forms.

11-2-5 ELECTRIC SERVICES; EASEMENTS REQUIRED. Where service lines are laid on private property, an easement shall be granted by the owner thereof providing for the installation and maintenance of the proposed service lines to be installed and maintained by the City and for the extension along or across such property for making other service connections from the same service line. This easement is granted by the owner upon the owner's execution of the "Application for Electric Service" with the location of the easement shown by drawing on the reverse side of the Application. **See Section 39-5-38 for easement specifications.**

11-2-6 INSPECTION. The application for new service shall contain a description of the premises to be served. The City Line Forman or his representative shall have the option of making an inspection of electric wiring of the premises before electrical energy is supplied to determine the adequacy and condition of the wiring. By inspecting a premises and approving it for electric service, the City takes no responsibility in guaranteeing the safety or adequacy of the wiring.

11-2-7 REFUSAL OF SERVICE. The City Line Forman reserves the right to refuse or reject any application for service in any of the following situations:

- (A) Where the Applicant does not pay the necessary application fee required under the provisions of this Code;
- (B) Where service to the Applicant would create unsafe condition(s) to the City's employees or equipment, other customer(s), or to the public;
- (C) Where service would contravene law including orders or regulations of lawfully constituted public agencies;
- (D) Where it is apparent at the time of application that service would be used in an illegal manner or for furtherance of an illegal purpose; or
- (E) Where the Applicant owes the City for service furnished to the Applicant at the same or another address.
- (F) See **Sections 38-2-1 and 38-2-4** for detailed text.

11-2-8 USE OF SERVICE. The following rules of service shall apply:

(A) The City Line Forman may deny service to a Customer, when in his opinion, the wiring and equipment is unsafe or has objectionable characteristics. However, the City will cooperate with the Customer in order to determine the necessary remedial action for such characteristics.

(B) All of Customer's lighting equipment, motor drive equipment, apparatus, and appliances shall be equipped with corrective devices so as to enable the City to maintain a satisfactory standard of electric service. In the case of high motor starting current, violently fluctuating or intermittent loads, etc., the City reserves the right and shall have the right to require Customer to install, at the Customer's expense, transformers and apparatus to correct the objectionable conditions. (These cases may include welders, hoists, elevator motors, pumps, and similar apparatus).

(C) When a separate or oversized substation or transformer must be installed specifically to eliminate the effect of the objectionable load characteristic, and the distribution system would otherwise have the capacity and equipment required to supply a normal load service of the same size, or where separate transformers and/or services are installed at the Customer's request to supply apparatus which may be abnormally sensitive to voltage, the cost of such substation or transformer is considered a corrective device under subparagraph (B) above, and shall be provided at the Customer's expense.

(D) The City retains rates that are applicable to industrial and commercial services which are based on all such Customers maintaining a power factor of not less than **ninety percent (90%)** lagging. In the event a Customer's power factor is less than **ninety percent (90%)** during periods of normal operation, the City reserves the right to require Customer to install, at his own expense, such corrective equipment as may be required to increase Customer's power factor to not less than **ninety percent (90%)**.

(E) When a Customer fails to install the necessary facilities on his premises to correct the objectionable conditions of his loan or fails to prevent such objectionable conditions from interfering with the City's supply of satisfactory service to other Customers, the City shall have the right to deny service to such Customer until the objectionable conditions shall have been corrected in a manner satisfactory to the City.

(F) Where corrective equipment is installed by the City on its distribution system to correct any objectionable condition, the Customer whose service caused the objectionable conditions will be required to pay the City, without refund, the installed cost of such corrective equipment, which said corrective equipment shall remain the property of the City.

(G) See **Sections 38-2-1 and 38-2-4** for detailed text.

11-2-9 **METERING.** The following rules and regulations shall be adhered to:

(A) **Meters Required.** All locations of customer service by the electrical system shall be metered. Meters shall be provided and installed by the City. If, in the opinion of the Line Forman, the situation dictates that a service shall go unmetered due to the lack of a proper meter, the customer will be billed on a flat rate, as determined by the City. All apartments or multi-constructed units shall be provided with individual meters.

(B) **Location.** All meters shall be mounted on an exterior wall in an easily accessible location as designated by the Line Forman or his designated representative. No animals may be located in the vicinity of meters that would inhibit the reading of meters.

(C) **Testing.** Any municipal electrical meter shall be taken out of service and tested upon complaint of the consumer upon payment of a fee of **Forty-Five Dollars (\$45.00)**. If, upon testing, the meter is not within **three percent (3%)** of being accurate, it shall be repaired or replaced and the **Forty-Five Dollar (\$45.00)** fee returned to the consumer. If the meter is within **three percent (3%)** of being correct, the fee will not be refunded.

(D) **Meters Stopped or Registering Inaccurately.** (See Section 38-2-4).

(E) **Tampering.** (See Chapter 38, Article II and 11-2-19).

11-2-10 **RESPONSIBILITY FOR CONTINUITY AND QUALITY OF SERVICE.**

(A) The City endeavors to furnish continuous and adequate service; however, it cannot guarantee the service as to continuity, freedom from voltage and frequency variations or reversal of phase rotation, and will not be responsible or liable for damages to customers' apparatus resulting from such failure or imperfection of service. In cases where such failure or imperfection of service might damage a customer's apparatus, the customer shall install suitable protective equipment.

(B) Emergencies may arise in which it is essential for the City to immediately take lines or equipment out of service, for repairs, and to prevent damage to life or property or to prevent a more serious interruption of service. The City reserves the right to take lines or equipment out of service under such conditions and will attempt to give customers advanced warning of such interruptions as conditions may permit.

(C) The City further reserves the right to take lines and equipment temporarily out of service for short periods for maintenance and changes in construction. Such outages will be planned at a time convenient to customers involved, if at all practical and possible.

11-2-11 EXTENSION FOR NEW SERVICE. The City will make extensions of its lines for the purpose of serving Applicant(s) under the following general terms and conditions:

(A) The location of the premises to be served shall be within a territory where the City is lawfully permitted to render service.

(B) The City shall be supplied with an easement satisfactory to the City from its existing lines to a point adjacent to the premises proposed to be served.

(C) The Applicant and the anticipated usage shall meet the requirements of the applicable Electric Rate Schedule for the type of service requested.

(D) Fees shall be paid as required under this Code.

(E) In the event the City shall require space for facilities of any kind in order to provide service to the Customer under any applicable service classification, the Customer shall furnish free of charge adequate space satisfactory to the City for the location of such equipment. **(See Section 11-2-18)**

11-2-12 STANDARD SERVICE. The standard service voltage for all locations are listed below. Any other service voltage is considered non-standard. The minimum capacity of the service entrance shall be **one hundred (100) Amperes.**

- (A) 120/240 Single Phase 3 Wire Service
- 120/208 3 Phase Wye
- 120/240 3 Phase Delta
- 240/480 3 Phase Delta
- 277/480 3 Phase Wye

11-2-13 NON-STANDARD SERVICE VOLTAGE. There may exist locations where an existing distribution network has other than standard secondary service voltage than listed above. These systems are not necessarily being expanded as an obligation to the City and in certain cases, a new service may be installed at the existing voltages in the electrical network. If a non-standard service voltage or 3-phase service is desired, the owner shall consult with the Line Foreman before purchasing heavy duty residential, commercial or industrial equipment for installation on the electrical system. If it is practical, in the opinion of the Line Foreman, the non-standard service voltage may be provided, however, the owner will bear the additional expense and the risk of extended loss of service in the event of a transformer failure.

11-2-14 SERVICE ENTRANCE METHODS.

(A) Drawings depicting approved service installations shall be furnished to any user, contractor, or prospective user upon completion of a service application per **Appendix "H"**.

(B) The City Line Forman shall, from time to time, propose revisions to the "Service Entrance Drawings". Revisions shall take effect for any new construction, renovation or remodeling started **fifteen (15) days** after passage by the City Council, approval and publication as required by law.

(C) Any new, rebuilt, or upgraded service entrance shall comply with the approved drawings. Failure to comply with the approved drawings shall be sufficient cause to refuse service.

(D) Service will be furnished to customers only after a meter has been installed by the City.

(E) See **Appendix "S"** for Work Order.

11-2-15 CODE COMPLIANCE.

(A) Every contractor or person responsible for the installation of the electric lines, appliances or other equipment related to electric service shall comply with the provisions of this Code.

(B) If, upon inspection by the City Line Forman or the representative, certain installations are found to contain discrepancies, such discrepancies shall be corrected before permanent connection of service will be completed. If the permanent connection of service has been completed, the City Line Foreman may mail the Customer a written request demanding conformity within a **ten (10) day** period or any prior service connection made by the City will be disconnected and terminated.

11-2-16 UTILITY FACILITIES ON CUSTOMER'S PREMISES.

(A) Distribution facilities required to serve either a group of Customers in multi-tenancy premises or a single Customer may be installed by the City partially or totally on the premises being served. The property owner shall make provisions on his property for the installation of City owned facilities required for this service or services and shall grant City an easement as necessary.

(B) The City facilities shall consist of those which, in the opinion of the City Line Foreman are necessary to furnish adequate service. The City will design the installations and will install them in a manner most economical or feasible to the City under the existing conditions. Where the City installation is located in a property owner's building, the applicable provisions of this Code shall be observed, except that metering devices shall be externally accessible.

(C) The property owner shall furnish, at his own expense, own and maintain the necessary indoor or outdoor enclosures, structural supports and accessories as specified by the City. Payment to the City shall be made prior to installation.

11-2-17 CUSTOMER'S RESPONSIBILITY FOR CITY EQUIPMENT.

(A) The Customer shall be responsible for all damage caused to the City's equipment by the Customer. He shall be responsible for all loss resulting from interference or tampering including compensation for consumed service not recorded by the meter.

(B) Meters are sealed by the City and such seals shall not be broken or tampered with without the consent of the City except in cases of emergency. The City shall be notified as soon as possible after a seal has been broken.

11-2-18 INCREASE IN CUSTOMER'S LOAD.

(A) When a customer makes application for service, he shall specify the amount of electrical load to be connected to the electrical system so that the City may determine the adequate service of sufficient capacity for the operation of the equipment to be serviced.

(B) The Customer's connected load shall not be increased beyond the limits hereinafter stated until the Customer has given written notice to the City and the additional load has been approved by the City Line Forman.

11-2-19 RESALE OF SERVICE. Electrical energy provided by the City shall not be sold to a third party or otherwise disposed of by a third party. The energy provided by the City shall be for the sole use of its Customers.

11-2-20 SUB-METERING. No sub-metering shall be permitted except by the City Electric Department. Energy sold under this Code is for the use of the Customer and not for resale.

11-2-21 RENTED DUSK-TO-DAWN LIGHTS. Private lighting luminaires (dusk-to-dawn lighting services) for home, schools, security, churches, commercial areas, and industry shall be provided where feasible and in keeping with good electrical practice, as per the following specifications:

(A) A self-contained, automatic, Dusk-to-Dawn lighting fixture shall be furnished and installed, or caused to be installed, by the City. Such fixture shall meet the standards and specifications of the City on existing wood pole structures for the customer's use at a monthly charge rate set out in **Addendum "A"**. The charge will be added to the customer's monthly utility bill and shall become an integral part of said bill. The City will be responsible for making the installation, furnishing the electricity for the operation of the lamp, provide all the necessary maintenance (including the replacement of lamps, but excluding malicious damage).

(B) The customer shall have the responsibility to notify the City of any interruption of service of the Dusk-to-Dawn Lighting. The City will restore service only during regularly scheduled working hours. The customer shall remove any obstruction to the installation of the City-owned facilities. Trimming of trees to improve the distribution of light shall be the customer's responsibility. The customer shall provide any permits or easements required for the installation or maintenance of the City-owned facilities and permit access to such facilities by the City's vehicles and personnel. A lighting agreement shall be substantially in the form provided for the **Appendix "BB"**.

11-2-22 **TRIMMING TREES.** All trees necessarily trimmed as aforesaid shall be so trimmed that they may retain their original form and usefulness as nearly as may be, and as not to be mutilated or rendered unsightly or useless for shade or other purposes, or unnecessarily prevented or retarded from following their natural growth and development. Whenever, by resolution, the Council deems it expedient, it may require any reasonable change or replacing of any pole or wire which unduly interferes with the growth of trees or any system of tree planting in this City, subject, however, to the vested and lawful right of the owners of such poles or wires. Trimming of trees to be done for the safety and operational duties of the Electrical Department.

(Ord. No. 12-21; 11-13-12)

ARTICLE III – ELECTRIC RATES

11-3-1 RESIDENTIAL RATES. The following rates are established for the User Charge system:

(A) **Residence Electric Service.**

- (1) Net Rate per Month Customer charge - \$11.80 plus
- (2) Energy Charge
12.616 cents net per KWH for all KWH per month

(B) **Residence Electric Service – Outside City Limits.**

- (1) Net Rate per Month Customer Charge - \$13.40 plus
- (2) Energy Charge
14.320 cents net per KWH for all KWH per month

(C) **Residential All Electric (One Meter) Including Heating – Year Round Rate.**

- (1) Net Rate per Month Customer Charge - \$11.80 plus
- (2) Energy Charge
11.440 cents net per KWH for all KWH per month

(D) **Residential All Electric (One Meter) Including Heating – Year Round Rate – Outside City Limits.**

- (1) Net Rate per Month Customer Charge - \$13.40 plus
- (2) Energy Charge
13.061 cents net per KWH for all KWH per month

(E) **Other.** No other heating or cooling medium allowed with the rate described in **Section 11-3-1(C)** or **11-3-1(D)**. Customer may have a decorative gas log with usage less than **twenty (20) therms** per month. Customer may have a backup heat source for emergency use only.

(Ord. No. 23-30; 09-11-23)

11-3-2 COMMERCIAL AND INDUSTRIAL RATES.

(A) **Small Commercial Service.**

- (1) Net Rate per Month Customer Charge; \$19.00 – Single Phase per meter; \$24.00 – Three Phase per meter plus
- (2) Energy Charge
13.394 cents net per KWH for all KWH per month
- (3) The above rate is for customers with usage of less than **twenty-five thousand (25,000) KWH** per month and certain seasonal customers such as grain elevators and fertilizer plants.

(B) **Small Commercial Service – Outside City Limits.**

- (1) Net Rate per Month Customer Charge; \$22.00 – Single Phase per meter; \$28.00 – Three Phase per meter plus
- (2) Energy Charge
15.182 cents net per KWH for all KWH per month

(C) **Commercial All Electric (Including Heating) – Year Round Rate.**

- (1) Net Rate per Month Customer Charge; \$19.00 – Single Phase per meter; \$24.00 – Three Phase per meter plus
- (2) Energy Charge
12.857 cents net per KWH for all KWH per month
- (3) The above rate is for customers with usage of less than **twenty-five thousand (25,00) KWH** per month and certain seasonal customers such as grain elevators and fertilizer plants.
- (4) NO other heating or cooling medium allowed on this rate. Customer may have backup heat source for emergency use only.

(D) **Commercial All Electric (Including Heating) – Year Round Rate – Outside City Limits.**

- (1) Net Rate per Month Customer Charge; \$22.00 – Single Phase per meter; \$28.00 – Three Phase per meter plus
- (2) Energy Charge
14.573 cents net per KWH for all KWH per month
- (3) NO other heating or cooling medium allowed on this rate. Customer may have backup heat source for emergency use only.

(E) **Large Commercial – 25,000 KWH to 200,000 KWH Usage Per Month.**

- (1) Net Rate per Month Customer Charge of \$75.00 plus
- (2) Net Rate per Month Demand Charge (for maximum demand used each month; demand being the highest 15 consecutive minute period in the month) - \$8.50 per KWH of billing demand plus
- (3) Energy Charge
10.565 cents net per KWH for all KWH per month
- (4) The City of Sullivan will determine the Power Factor each month and if found to be less than **ninety percent (90%)**, the monthly demand charge may be increased by an amount equal to **Twenty Cents (\$0.20)** per KWH of Demand for each percent, or fraction thereof, for each percent less than **ninety percent (90%)**.
- (5) Any customer causing harmonic interference on the power system will take the appropriate steps to eliminate this problem within a reasonable time limit.

(F) **Industrial Power – 200,000 KWH or Above Usage Per Month.**

- (1) Net Rate per Month Demand Charge (for maximum demand used each month; demand being the highest 15 consecutive

minute period in the month) - \$8.50 per KWH of billing demand plus

- (2) Energy Charge
9.489 cents net per KWH for all KWH per month
- (3) The City of Sullivan will determine the Power Factor each month and if found to be less than **ninety percent (90%)**, the monthly demand charge may be increased by an amount equal to **Twenty Cents (\$0.20)** per KWH of Demand for each percent, or fraction thereof, for each percent less than **ninety percent (90%)**.
- (4) Any customer causing harmonic interference on the power system will take the appropriate steps to eliminate this problem within a reasonable time limit.

(G) **Industrial Power – 200,000 KWH or Above Usage Per Month - Outside City Limit.**

- (1) Net Rate per Month Demand Charge (for maximum demand used each month; demand being the highest 15 consecutive minute period in the month) - \$8.50 per KWH of billing demand plus
- (2) Energy Charge
10.378 cents net per KWH for all KWH per month
- (3) The City of Sullivan will determine the Power Factor each month and if found to be less than **ninety percent (90%)**, the monthly demand charge may be increased by an amount equal to **Twenty Cents (\$0.20)** per KWH of Demand for each percent, or fraction thereof, for each percent less than **ninety percent (90%)**.
- (4) Any customer causing harmonic interference on the power system will take the appropriate steps to eliminate this problem within a reasonable time limit.

(H) **Interruptible Power Rate.** Interruptible Power Rate is available to a Customer, subject to the conditions of this Article, and at the discretion of the City, for the supply of electricity to those customers whose individual power requirements exceed 200,000 kilowatts of interruptible power monthly, and have operating characteristics which permit, without delay, interruption of the supply of service for indefinite periods of time. The City shall have the right to limit the aggregate amount of Interruptible Power available to the customer.

Service will be furnished in the form of three-phase, 60 Hz power, to be metered at a point selected by the City.

(Ord. No. 23-30; 09-11-23)

11-3-3 CITY SERVICES. All City accounts will be classified into the appropriate rate structure based on usage. **(Ord. No. 23-31; 09-25-23)**

11-3-4 **TERMS OF PAYMENT.** Customer's monthly bills will be computed at the net rate, and shall be paid in accordance with the provisions of **Article II of Chapter 38.** See **Appendix "U"** for Billing and Disconnection Policy and **Appendix "V"** for Contested Utility Shut-Off Hearing Notice.

11-3-5 **OUTSIDE RATE.** Outside City limit rates are now made a part of **Sections 11-3-1** and **11-3-2.**

11-3-6 **ENERGY COST ADJUSTMENT.** The foregoing rates shall be to coincide with increases in cost of fuel used for generation and/or the cost of purchased electric power as follows:

When the Current Cost of Power delivered to customers in the City exceed the Base Cost of Power purchased and generated, the difference may be applied as a KWH charge to customers monthly billing at an amount equal to the cost difference. The following provides an illustration of the computation and provides definitions needed to clarify the computation.

Base Cost of Power. 8.108 cents per KWH.

Current Cost of Power. Total current purchased power bill estimated (usually invoiced by IMEA on or near the **fifteenth (15th)** of each month) plus total fuel and fuel related costs on City owned generation divided by total sales of electricity not including City sales.

Energy Cost Adjustment. (Current Cost of Power minus Base Cost of Power).

11-3-7 **TAX.** All billings are subject to **five percent (5%)** Illinois Gross Receipts Tax on the use and consumption of electricity as provided in the Public Utility Revenue Act.

11-3-8 **RELOCATION OF SERVICE.** When there is a change in the Customer's operation or construction which, in the judgment of the Municipal Electric Utility of the City of Sullivan, makes the relocation or improvement of the facilities necessary, or if the relocation or improvement is requested by the Customer, the Municipal Electric utility will move or improve such facilities at the Customer's expense to an acceptable location.

11-3-9 **INSTALLATION REQUIREMENTS.**

(A) **Single Phase Installation.** Any load 10 HP or above will have a low voltage or "soft-start" system.

(B) **Three Phase Installation.** Any load over 20 HP will have a low voltage or "soft-start" system.

11-3-10 INSTALLATION CHARGE. The Municipal Electric Utility of the City shall have the option of establishing an installation charge to provide electric service, and when in the judgment of the Municipal Electric Utility, the costs of providing such service would be abnormally high in order to provide a special character of service or the providing of an electrical service causes an unusual expense, in order to provide such service. Charges for installation of three-phase service to commercial or industrial customers shall be determined on a case by case basis in accordance with the City's actual equipment and installation costs for the project.

11-3-11 OPERATIONAL INFLATION ADJUSTMENT. The stated energy charges for electricity shall be subject to adjustment at the beginning of each fiscal year to partially compensate for the effect of economic inflation in the amount of **four percent (4%)**. The Operational Inflation Adjustment is to be applied annually at the review and discretion of the City Council.

(Ord. No. 18-6; 05-14-18)

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]

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ARTICLE IV – FIBER OPTIC COMMUNICATIONS NETWORK

11-4-1 FIBER OPTIC COMMUNICATIONS NETWORK. The Commissioner of the Department of Public Property shall operate and manage the fiber optic communications network for the City in the same manner in which said Commissioner operates the Electric Department. Said Commissioner shall have the further authority to enter into such contracts with such public and/or private entities who seek to use said fiber optic network and said Electric Department shall retain all income derived from the operation of said fiber optic network in the same manner as rates for residents electric service are collected on behalf of the City by said department.

11-4-2 COMMISSIONER, DUTIES, AUTHORITY: RATES FOR USAGE. The rates for usage of said fiber optic lines for individual businesses, industries, and governmental entities shall be an annual fee which shall be an annual fee negotiated by the Commissioner on behalf of the City and between the City and a user, and shall be a rate established per mile (per pair). In addition thereto, an annual fee of **Three Hundred Dollars (\$300.00)** per mile (per pair) for maintenance shall be charged to user if said user's total line usage is over **eighty percent (80%)** above ground. There will be a one-time maintenance fee charged to a user if over **eighty percent (80%)** of the fiber used by said user is underground. Said maintenance fee and said usage fee shall be paid at the beginning of each year of usage.

If a user desires to operate broadband telecommunications services over said fiber optic network then an additional annual fee shall be negotiated by the Commissioner on behalf of the City and said user. **(Ord. No. 12-27; 12-26-12)**

(Ord. No. 07-27; 11-12-07)

ARTICLE V – NET METERING

11-5-1 **AVAILABILITY.** The City shall make available, upon request, net metering service to any customer taking service from the City and who meets the requirements set forth in this Article. For purposes of this Article, “net metering” means service to an electric customer under which electric energy generated by that electric customer from an eligible on-site generating facility owned by that customer and, under some circumstances, delivered to the local distribution facilities, may be used to offset electric energy provided by the electric utility to the electric customer as provided for in this Article. The term “net metering” is not used as a limiting term, but rather is used in its general sense to include the full range of methods for valuing customer self-generation and implementing fair credits for excess energy delivered to the municipal distribution system by the customer. For multi-unit residential and commercial buildings, if all units are on the same account it qualifies as a single customer for purposes of this Article. If individual units are separately metered and individual tenants have individual accounts, then the term “customer” only refers to the building owner and any usage by the owner. The City cannot be responsible to allocate renewable generation facilities to individual accounts in a multi-unit residential or commercial building. Before the project starts construction, customer must complete the attached application form and receive approval from the Commissioner of Public Property. Before the project in service date, the contractor must complete and deliver the attached Certificate of Completion to the City Clerk.

11-5-2 **ON-SITE GENERATING FACILITY DEFINED.** For purposes of this Article, an eligible on-site generating facility shall be defined as a renewable generating facility such as a photovoltaic facility and small wind turbines and may include technology to store renewable energy at the customer's premises. Other forms of renewable generation shall be considered on a case-by-case basis. In all cases, facilities interconnected must be deemed by the City to be renewable to qualify for this Article.

11-5-3 **INTERCONNECTION STANDARDS.** The electric generating facility must also abide by the City's Interconnection Standards currently in place at the time of installation to be an eligible on-site generating facility.

11-5-4 **ELIGIBILITY.** Subject to the limitations set forth herein, the City shall make net metering service available upon request to any City residential or small commercial electric customer with an eligible on-site generating facility owned by the customer. The determination whether a customer is a residential or small commercial customer is based on the rate classification under which the customer takes electric service. The eligible on-site generating facility shall be located on the customer's premises and on the customer's side of the billing meter and be sized to primarily produce only enough electricity to offset the customer's own electrical requirements. Proper sizing of eligible on-site generating facilities shall be determined as set forth in **Section 11-5-13** below.

11-5-5 **CASE-BY-CASE BASIS.** Any request for net metering service by a customer that is not a residential or small commercial customer shall be considered on a case-

by-case basis. The decision with respect to such facilities shall be made by the Commissioner of Public Property based on potential impacts to the distribution system or portions thereof and to the property of other customers of the City. Customers that do not qualify for net metering service under this Policy shall be permitted to interconnect and self-generate as required by and in accordance with the Federal Energy Regulatory Commission's rules under the Public Utility Regulatory Policies Act (PURPA) on a case-by-case basis.

11-5-6 **CITY AUTHORITY.** Notwithstanding the provisions of **Section 11-5-4**, the City reserves the authority to withhold, deny or delay approval of the interconnection of proposed on-site generating facilities and of net metering service hereunder if the operation of the facility would be unsafe or pose a risk of adverse impacts to the distribution system or portions thereof or to the property of other customers of the City. The City shall withhold approval for only so long as is reasonably necessary to remedy the risk of adverse impact. The City shall only deny approval if the adverse impact cannot reasonably be remedied or if the customer refuses to meet all applicable State and local safety and electrical code requirements or refuses to provide for payment of the costs of the improvements to the facility or the system that are required to accommodate the otherwise eligible on-site generating facility. The City shall not be required to make unscheduled improvements to its distribution system or portions thereof to remedy the situation causing the delayed or withheld approval unless the customer agrees to pay for the reasonable costs thereof. Likewise, the City may require a customer with an approved on-site generating facility that has been installed and begun to operate to suspend operations of the facility if it becomes unsafe or causes adverse impacts to the distribution system or portions thereof or to the property of other customers of the City, and such suspension shall be in place only so long as is reasonably necessary to remedy the adverse impact. The City may require the customer to disconnect the on-site generating facility from the distribution system in serious situations.

11-5-7 **MEASURING AND CREDITING ENERGY.** Energy generated by the customer-owned generator during the billing period may supply all or a portion of the energy required by the customer's load. The customer shall be credited for excess energy delivered by the customer to the City at the meter from the approved on-site generating facility.

For all eligible on-site generating facilities, including those approved and in service on or prior to the effective date of the 2022 revisions to this Article, the following credit method shall be used to determine excess energy credit: For energy delivered by the utility to the customer at the meter, as reflected in the meter reading, shall be billed at the appropriate utility full retail energy rate. For any excess energy generated by the customer from an approved on-site generating facility and delivered by the customer to the utility at the meter, as reflected in the meter reading, a credit shall be created and applied to the customer's bill based upon the lesser of the full retail energy rate for the customer class and the avoided cost of energy. Avoided cost shall be determined as set forth in **Section 11-5-10** below. The City shall install an appropriate meter to measure both the energy delivered by the utility to the customer at the meter and the energy delivered by the customer to the utility at the meter from the approved on-site generating facility.

Credits from electric energy delivered to the municipal distribution system by the customer shall be used to offset usage based electric energy (kWh) charges only. No such credits shall be applied to, and the customer shall remain responsible for, (i) taxes, fees, and other charges that would otherwise be applicable to the net amount of electric energy (kWh)

purchased by the customer from the City or consumed by the customer, and (ii) other charges to the customer under any other rules, regulations or rates that are not based on per kilowatt-hour (kWh) charges, including but not limited to, basic service charges, customer service charges, facilities charges, demand charges, KVAR charges, transformation charges, taxes and assessments billed on other than kWh basis, rental fees, and late fees.

The City shall carry over any unused credits earned and apply those credits to subsequent billing periods to offset usage based electric energy (kWh) charges only for electric energy supplied to the customer by the City until all credits are used or until the end of the annual period. The annual period shall end each year on **April 30**; provided however for new net metering customers with generating facilities installed during an annual period, the annual period shall end on **April 30** of the following year. At the end of the annual period or in the event that the customer terminates service at the service location with the City prior to the end of annual period, any remaining credits in the customer's account shall expire and no credit or payment shall be due to the customer for such expired credits. In the event of termination of an account qualifying for net metering under this policy, any outstanding credits are surrendered. No credit or payment shall be due to the customer for such surrendered credits. Under no circumstance will credit for excess energy transfer to a new customer at the service location after the customer's service with the City terminates.

11-5-8 **COSTS.** Any costs the City incurs associated with the interconnection of generating facilities by a customer, including but not limited to changes in metering (to include installation of a bi-directional meter), or other physical facilities, whether on the customer's premises or a reasonably necessary upgrade to the municipal distribution system or a portion thereof that is not on the customer's premises, shall be borne by the customer seeking to install or for whom the generating facility was installed; provided however that such costs shall be capped at **One Thousand Five Hundred Dollars (\$1,500.00)** to each qualifying customer interconnecting facilities of 10 kW or less. For those facilities greater than 10 kW that are deemed to qualify under this policy, all costs associated with the interconnection of the generating facility shall be borne by the customer seeking to install or for whom the generating facility was installed. Costs assessed under this Section shall be demonstrable and cost based. Such costs shall not include or be based on reduced sales by or lost revenues to the City associated with net metering service.

11-5-9 **DOCUMENTATION.** The City shall develop such documents as needed to implement this policy and any customer applying for or taking service hereunder shall execute all appropriate documents.

11-5-10 **AVOIDED COST DEFINED.** For all approved on-site generating facilities, including currently existing facilities, "avoided cost" shall be determined by the Base Cost of Power as stated in **Section 11-3-6**, Energy Cost Adjustment, of the City's Code of Ordinances. The rate in cents per kWh as published and approved by the governing body of the City is based on calculations and the average cost of purchased power by the City from its electric wholesale supplier. The rate in service at the effective date of the 2022 revisions to this Article was 8.108 cents per kWh. Such rate shall be reviewed annually and amendments shall be approved in a public meeting.

11-5-11 **METHOD FOR DETERMINING RIGHT-SIZE.** The maximum size in kilowatts of the eligible on-site generating facility for an individual customer service location in the rate categories identified in **Section 11-5-4** shall be determined as follows:

The installation of a renewable generating facility under this Article is intended to supply all or a portion of the customer's own usage of electricity. Therefore, in order to be approved, a renewable generating facility must be properly sized so as not to exceed the customer's expected peak demand based on the customer's current energy needs. It is also important to the customer that the generating facilities are properly sized because the credits under this Article for excess energy delivered to the distribution system expire if not used within the time period established in this Article. As part of the interconnection application, customer's energy usage will be analyzed using 36-months of historical energy usage (if available) in order to calculate the customer's expected peak demand. If a customer provides documentation specifying why the usage has increased over that time, such as home renovation/addition or installation of electric heating or an electric vehicle charging station on the premises, then the previous 12-month period shall be used to determine the average for the expected peak demand. If the applicable months of data are not available for an individual customer, the average usage amounts by other similar customers of the City, as determined by the City, shall be used to set the expected annual usage. If facilities are allowed for customers in other rate classes, the rightsizing shall be determined on a case-by-case basis. In addition to the foregoing historic usage, the City shall consider potential adverse impacts to the distribution system and to other customers of the City that will be caused by or expected to be caused by the installation of the new renewable generating facility at the particular customer service location as part of the interconnection application review. The maximum size of the eligible on-site generating facility for an individual customer service location shall be reduced below the expected peak demand of the customer to mitigate the potential adverse impacts to the distribution system or portions thereof and to the other customers of the City unless the customer pays for any necessary upgrade to the system or portion thereof to avoid the potential adverse impact.

11-5-12 **AMENDMENT RIGHTS.** The City reserves the right to interpret, amend or rescind this Article. Nothing herein is intended to, nor shall it create a right for a customer to rely on any particular netting or crediting methodology contained in the policy from time to time, and all rates for excess credits are subject to change in accordance with the laws of the State of Illinois governing municipalities.

11-5-13 **DISPUTE RESOLUTION PROCESS.** Citizen and customer concerns generally with this Net Metering Policy may be raised in the public comment portion of any open meeting of the governing body of the City at any time and will be considered by the governing body in accordance with its normal processes. Individual customer complaints, disputes or concerns shall be raised in the first instance with the Electric Distribution Foreman. If the matter cannot be resolved at the utility staff level, this issue shall be reduced to writing and forwarded to the Commissioner of Public Property who shall schedule a meeting in person or by telephone or other communications media (i.e., Zoom call) with the customer. The customer may invite its contractor or other consultant to participate in the meeting. If this process fails to resolve the matter, the customer may appeal it to the circuit court and exercise whatever rights and remedies the customer may have in law or equity. This policy shall be posted on the City website along with appropriate contact information.

(Ord. No. 22-8; 04-11-22)

ARTICLE VI – INTERCONNECTION

11-6-1 **INTERCONNECTION SERVICES.** The City shall make available, upon request, interconnection services to any customer that meets the required guidelines. Interconnection services in this Article refers to on-site generating facilities connected to the City's electric distribution system in a manner that will allow excess electricity generated by the eligible on-site generating facility to be safely delivered onto the City's electric distribution system.

11-6-2 **GUIDELINES.** Guidelines for interconnecting to the utility system are as follows:

(A) Only generating facilities that have been approved by the Electric Department of the City shall be interconnected with the City's electric distribution system.

(B) Interconnection Services shall only be available to premises with aggregated total generation at a single customer site of less than 1 MW.

(C) All interconnections shall comply with IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems (IEEE 1547) as they may be amended from time to time.

(D) All auxiliary generation interconnections shall have a time delay set for no less than **two (2) minutes**.

(E) The City is under no obligation to purchase energy supplied to the utility under this standard. This does not preclude the customer meeting applicable standards that would allow the customer to supply power onto the utility's system and receive credit for such energy under the utility's Net Metering Ordinance.

(F) If the customer qualifies under the Interconnection standard but does not qualify under the Net Metering Ordinance then any energy delivered to the utility system shall be surrendered to the utility with no value. The City will install a meter that will not provide any credit for energy delivered to the utility system and the customer will pay for any costs associated with the meter change.

(G) Customers will comply with all other applicable utility standards for interconnection.

(H) Capacity of 10 kW or less and interconnected to the utility system shall comply with IEEE 1547 Section 5.5, Periodic Interconnection Test. All interconnection related protective functions and associated batteries shall be periodically tested at intervals specified by the manufacturer system integrator, or the authority that has jurisdiction over the Distributed Resources interconnection, or all tests shall be performed at a minimum of every **three (3) years**. Periodic test reports shall be maintained and submitted to the City's Electric Department.

(I) Systems of greater than 10 kW or less than 1 MW and interconnected to the utility system shall comply with IEEE 1547, Section 5.5, Periodic Inspection Test. All test reports shall be submitted to the City's Engineering Department after completion of the yearly testing.

(J) Reports required under **Section 11-6-2(G) and (H)** must be submitted with **thirty (30) days** of the anniversary date of the energizing of the interconnect generating. If the required reports are not received within the period, the generation must be disconnected until the reports are submitted.

(K) The customer shall carry a liability insurance policy issued by a licensed insurance carrier with an A.M. Best rating of B+ or better that provides protection against claims for damages resulting from (i) bodily injury, including wrongful death; and (ii) property damage arising out of the customer's ownership and/or operation of the distributed generating facility under this policy. The limits of such policy shall be at least **One Million Dollars (\$1,000,000)** per occurrence for those customers with small generating facilities. The customer shall provide a certificate of insurance containing a minimum **thirty (30) day** notice of cancellation to the City prior to connection of the customer's facility to the electric system. The customer shall provide proof of insurance once per year to the City.

(Ord. NO. 16-9; 06-27-16)