

# ORDINANCE No. 1119 E

## APPROVING THE ELECTRIC RATE ADJUSTMENTS AND BUDGET BILLING OF THE ELECTRIC TARIFF

**WHEREAS**, the Board of Directors of the City of Fort Morgan, Colorado, Electricity Distribution Enterprise hereby finds and declares it to be in the public interest and in the interest of the customers of the City's electric utility that the Enterprise change the payment in lieu of taxes and capital contribution amount from a percentage to a per kWh charge; and,

**WHEREAS**, it has been recommended by the City's consultants, McFadden Consulting Group, Inc., that the Residential, Commercial General and Municipal Rate be adjusted as follows: that the Consumer Charge be reduced from \$5.42 to \$4.93 and that the Energy Charge be reduced from \$0.0715 to \$0.0380; and,

**WHEREAS**, it has also been recommended that Commercial Demand Meters, Larger Commercial, and Irrigation rates be adjusted as follows: that the Demand Charge be increased from \$9.3330 to \$9.5071 and that the Energy Charge be reduced from \$0.0650 to \$0.0328; and,

**WHEREAS**, it has also been recommended that Transmission rates be adjusted as follows: that the Demand Charge be increased from \$9.2399 to \$9.4387 and that the Energy Charge be reduced from \$0.0620 to \$0.0308; and,

**WHEREAS**, the Board of Directors hereby finds and declares it to be in the public interest and in the interest of the customers of the City's electric utility that the Enterprise adjust Sheets 61, 62 and 63, Section 6.4, Budget Billing, changing the calculation of the monthly amount from 1/11<sup>th</sup> to 1/12<sup>th</sup> of the total of the past twelve bill cycles and requiring a customer to have resided for a minimum of twelve months in the residence to which the budget billing plan is being applied; and,

**WHEREAS**, Article VII, Sec. 3 of the *Charter of the City of Fort Morgan* gives the council "power by ordinance to fix and regulate rates, fares and charges for service by public utility corporations and to change the same every five years; provided, that rates, fares or charges shall not be changed without examination by competent inspectors . . ."; and,

**WHEREAS**, the rate adjustments and revisions have been recommended by competent inspectors, McFadden Consulting Group, Inc.; and,

**WHEREAS**, changes in electric rates may be adopted by a resolution; however, all tariff changes must be adopted by ordinance and thus the foregoing rates are being adopted pursuant to this **Ordinance** for the purposes of economy and efficiency, and all future changes to the gas rates will be done as indicated in the City's regulations; and,

**WHEREAS**, pursuant to §40-3-104, C.R.S. 2011, Public Notice was given on October 12, 2011, regarding the change in rates; and,

**WHEREAS**, the "Fourth Revised" Sheet No. 15 and 16 (incorporated herein by this reference) shall be effective November 1, 2011; and,

**WHEREAS**, the "First Revised" Sheet No. 61, 62, and 63 adopted (incorporated herein by this reference) shall be effective November 1, 2011.

**NOW, THEREFORE, BE IT ORDAINED** BY THE BOARD OF DIRECTORS OF THE ELECTRICITY DISTRIBUTION ENTERPRISE OF THE CITY OF FORT MORGAN, COLORADO, THAT:

1. The Electricity Distribution Enterprise of the City of Fort Morgan, Colorado, does hereby adopt "Fourth Revised" Sheet No. 15 and 16, effective November 1, 2011.

2. The Enterprise does hereby adopt the amended language in the "First Revised" Sheet No. 61, 62, and 63, effective November 1, 2011.

3. This **Ordinance** shall be in full force and take effect after its passage and approval as provided by law, retroactive to November 1, 2011.

4. This **Ordinance** shall not alter or change the City's requirements or ability to change rates by resolution. The purpose of including the rate change with the tariff change is for efficiency and economy.

INTRODUCED, READ ON FIRST READING AND ORDERED PUBLISHED this 1st day of November, 2011.

ELECTRICITY                      DISTRIBUTION  
ENTERPRISE OF THE CITY OF FORT  
MORGAN, COLORADO

BY: /s/ Terry L. McAlister  
President

ATTEST:

/s/ John J. Brennan  
Secretary

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this 15th day of November, 2011.

ELECTRICITY                      DISTRIBUTION  
ENTERPRISE OF THE CITY OF FORT  
MORGAN, COLORADO

[ SEAL ]

/s/ Terry L. McAlister  
By: Terry McAlister  
President

ATTEST:

/s/ John J. Brennan  
John Brennan  
Secretary

STATE OF COLORADO    )  
COUNTY OF MORGAN    )    ss.  
CITY OF FORT MORGAN )

**CERTIFICATE**

I, John J. Brennan, the duly appointed, qualified and acting Secretary of the City of Fort Morgan, Colorado, Electricity Distribution Enterprise, do hereby certify and attest that the foregoing **ORDINANCE NO. 1119 E** was, as a proposed Ordinance, duly and legally presented to the Board of Directors of the Enterprise at a regular meeting of the Fort Morgan City Council on the 1st day of November, 2011. Said Ordinance, as proposed,

was duly read at length at said regular meeting, and thereafter the same was, on the 4th day of November, 2011, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed Ordinance was again taken up and read a second time, duly and legally passed, approved and adopted by the Board of Directors of the Enterprise at a regular meeting of the City Council held on the 15th day of November 2011. Within five (5) days after its final passage, said Ordinance was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 18th day of November 2011.

/s/ John J. Brennan  
John Brennan, Secretary