

**RESOLUTION NO. 10-06**

**A RESOLUTION REVISING THE PUBLIC STREET LIGHTING AND PRIVATE OUTDOOR LIGHTING ELECTRIC RATE SCHEDULE AS ESTABLISHED BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA; RESCINDING ALL RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Utilities Commission, City of New Smyrna Beach, Florida, has the full and exclusive authority over the management, operations and control of all the City's utilities and the authority to prescribe rules and regulations governing the use of such facilities, wherever such are provided by the Utilities Commission and to make such changes from time to time in the Rules and Regulations as it deems necessary; and

**WHEREAS**, two public hearings have been duly noticed and held on April 17, 2006 and May 15, 2006.

**NOW, THEREFORE, BE IT RESOLVED BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1:** That the following rate schedules have been revised as shown on the tariff sheets attached to and made a part of this resolution as follows: Ninth Revised Sheet No. 7.0 - PUBLIC STREET LIGHTING AND PRIVATE OUTDOOR LIGHTING ELECTRIC SERVICE RATE SCHEDULE; Eleventh Revised Sheet No. 7.1 - CONTINUATION OF NINTH REVISED SHEET NO. 7.0; Eighth Revised Sheet No. 7.2 - CONTINUATION OF ELEVENTH REVISED SHEET NO. 7.1; and THIRD REVISED SHEET NO. 12.1 - CONTRACT FOR PRIVATE OUTDOOR LIGHTING.

**SECTION 2:** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 3:** All Resolutions in conflict herewith are hereby rescinded and superseded.

**SECTION 4:** After adoption by the Utilities Commission, this Resolution shall be effective for all bills rendered by the Utilities Commission commencing with the first billing cycle in June, 2006.

THE ABOVE AND FOREGOING RESOLUTION was introduced at a \_\_\_\_\_ regular \_\_\_\_\_ meeting of the Utilities Commission, City of New Smyrna Beach, Florida, held on \_\_\_\_\_ May 15, \_\_\_\_\_, 2006, by Commissioner \_\_\_\_\_ Spangler \_\_\_\_\_, who moved its adoption, which motion was seconded by Commissioner \_\_\_\_\_ Hall \_\_\_\_\_, and upon roll call vote of the Commission was as follows:

CHAIRMAN

VICE CHAIRMAN

SECY-TREAS.

ASST. SECY-TREAS.

COMMISSIONER

\_\_\_\_\_  
James T. Nelson  
\_\_\_\_\_  
William E. Hall  
\_\_\_\_\_  
John Spangler  
\_\_\_\_\_  
Kurt Kemmer

Yes  
Yes  
Yes  
Yes  
Yes

APPROVED:

\_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
William E. Hall  
SECRETARY-TREASURER

SEAL

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
Utilities Commission Attorney

**RATE SCHEDULE SL-3**  
**PUBLIC STREET LIGHTING AND PRIVATE OUTDOOR LIGHTING**  
**ELECTRIC SERVICE RATE SCHEDULE**

The Utilities Commission shall charge and collect for public street lighting and private outdoor lighting on the basis of availability, application, character of service, monthly rates, minimum charge, tax adjustment clause, and fuel and purchased power cost adjustment clause.

Availability

This schedule is available throughout the Utilities Commission service area in accordance with the service policies of the Commission and in accordance with the contract for private area lighting and street lighting for individuals as shown in Third Revised Tariff Sheet No. 12.1.

Application

For year-round automatically controlled, dusk-to-dawn street lighting of public streets and areas, and private outdoor lighting of yards, driveways, parking lots, walkways and other areas.

Character of Service

Service includes lamp renewals, automatically controlled energy from approximately dusk each day until approximately dawn the following day, and maintenance of the facilities. The Utilities Commission will replace all burned-out lamps and will maintain its facilities during regular daytime working hours as soon as practical following notification by the customer that such work is necessary. The Utilities Commission shall be permitted to enter the customer's premises at all reasonable times for the purpose of inspecting, maintaining, and installing and removing any or all of its equipment and facilities. The customer shall reimburse the Utilities Commission for the cost of any maintenance work which is required due to vandalism.

Limitations of Service

Lights to be served hereunder shall be at locations that, in the opinion of the Utilities Commission, are easily and economically accessible to the Utilities Commission equipment and personnel for construction and maintenance. The location of lighting fixtures shall be by mutual agreement and shall not be so located as to create a public nuisance. The Utilities Commission, while exercising reasonable diligence at all times to furnish service hereunder, does not guarantee continuous lighting and will not be liable for damages for any interruption, deficiency, or failure of service and reserves the right to interrupt service at any time for necessary repairs to lines and equipment, or for system protection.

(Continued on Eleventh Revised Sheet No. 7.1)

ISSUED BY: \_\_\_\_\_

  
GENERAL MANAGER/CEO

EFFECTIVE: JUNE 1, 2006

(Continued from Ninth Revised Sheet No. 7.0)

**RATE SCHEDULE SL-3  
PUBLIC STREET LIGHTING AND PRIVATE OUTDOOR LIGHTING  
ELECTRIC SERVICE RATE SCHEDULE (Cont.)**

<u>Monthly Rate</u> <u>Nominal Wattage and Light Fixture Type</u>	<u>Average</u> <u>Daily</u> <u>kWh Usage</u>	<u>Rate Per Month</u>		
		<u>Energy</u>	<u>Fixture</u>	<u>Total</u>
<b>Mercury Vapor Lighting Service (*)</b>				
175 Watt, Incandescent Street Light Unit on Existing Pole	2.354	\$2.41	\$5.29	\$ 7.70
400 Watt, Incandescent Street Light Unit on Existing Pole	5.214	\$5.32	\$7.15	\$12.47
<b>High Pressure Sodium Vapor</b>				
100 Watt, High Pressure Sodium Vapor Light Unit on Existing Pole	1.512	\$1.54	\$5.08	\$ 6.62
150 Watt, High Pressure Sodium Vapor Light Unit on Existing Pole	2.068	\$2.96	\$5.84	\$ 8.80
250 Watt, High Pressure Sodium Vapor Light Unit on Existing Pole	3.068	\$3.68	\$7.60	\$11.28

(\*) Closed Service Schedule; available only to existing customers at existing locations as of October 1, 1982.

Additional Facilities:

When existing (planned) overhead or underground Utilities Commission distribution facilities can't be used for street lighting or can't provide for private outdoor lighting of yards, driveways, parking lots, walkways, etc., the customer must pay a contribution-in-aid-of-construction to the Utilities Commission for additional street or area lighting. In addition, each street light pole will have a \$2.00 per month maintenance charge. All facilities installed by or for the Utilities Commission shall become the property of the Utilities Commission.

In existing or planned overhead areas, additional facilities are cables, miscellaneous items and poles:

Pole (typical height)  
30 wood pole - \$92

In existing or planned underground areas, customer trenching and installation of the conduit is required according to Utilities Commission specifications. Additional facilities are cables, boxes, miscellaneous items, light fixtures and poles:

Light Fixtures and poles

100 Watt Contempo light fixture installed on a 16 foot aluminum pole -	\$349.68
250 Watt Contempo light fixture installed on a 16 foot aluminum pole -	\$349.68
100 Watt Post Top light fixture installed on a 16 foot concrete pole -	\$892.43
100 Watt Post Top light fixture installed on a 20 foot concrete pole -	\$941.83

(Continued on Eighth Revised Sheet No. 7.2)

**RATE SCHEDULE SL-3**  
**PUBLIC STREET LIGHTING AND PRIVATE OUTDOOR LIGHTING**  
**ELECTRIC SERVICE RATE SCHEDULE (Cont.)**

(Continued from Eleventh Revised Sheet No. 7.1)

Fuel and Purchased Power Cost Adjustment Clause

The amount computed at the above monthly rate shall be adjusted plus or minus by an amount calculated in accordance with the formula specified in the Utilities Commission's Fuel and Purchased Power Cost Adjustment Clause which is a part of the "Monthly Rate" of this rate schedule. The Monthly Fuel and Purchased Power Cost Adjustment charges, if any, will be determined as follows:

Daily kWh usage x days in billing period x monthly energy cost  
adjustment factor (expressed dollars per kWh)

Tax Adjustment Clause

Electric service under this schedule is subject to the provisions of the Tax Adjustment Clause.

Terms of Payment

The terms of payment shall be in accordance with the provisions set forth on Sheet No. 4.0. A Contract must be filled out prior to the customer receiving outdoor lighting.

ISSUED BY: R J Rodi  
GENERAL MANAGER/CEO

EFFECTIVE: JUNE 1, 2006

No. \_\_\_\_\_

UTILITIES COMMISSION  
City of New Smyrna Beach, Florida  
CONTRACT FOR PRIVATE OUTDOOR LIGHTING

This Agreement made and entered into on \_\_\_\_\_, by and between \_\_\_\_\_, whose mailing address is \_\_\_\_\_, hereinafter called the CUSTOMER, and the Utilities Commission, City of New Smyrna Beach, Florida, hereinafter called the COMMISSION.

The CUSTOMER agrees to rent from the COMMISSION private outdoor lighting in consideration of the charges, terms and conditions specified herein.

(1) CHARGES:

a. Existing Pole (Utilities Commission owned or rented)

Number	Type and Size	Rate Per Unit	Monthly Charge
_____	100 Watt High Pressure Sodium	\$ 6.62	\$ _____
_____	150 Watt High Pressure Sodium	\$ 8.80	\$ _____
_____	250 Watt High Pressure Sodium	\$ 11.28	\$ _____

b. Additional Pole and Light Fixtures (For convenience of customer, customer must furnish and install conduit from transformer or pedestal to light.)

Number	Type and Size	Initial Charge	Monthly Charge (\$2 Per Pole)
_____	30' Wood Pole @ \$92.00	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	100 W Contempo/16' Aluminum Pole @ \$349.68	\$ _____	\$ _____
_____	250 W Contempo/16' Aluminum Pole @ \$349.68	\$ _____	\$ _____
_____	100 W Post Top/16' Concrete Pole @ \$892.43	\$ _____	\$ _____
_____	100 W Post Top/20' Concrete Pole @ \$941.83	\$ _____	\$ _____

d. Miscellaneous Charges/CIAC\*

Number	Type and Size	Initial Charge	Monthly Charge
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
<b>TOTAL</b>		<b>Initial Charge</b>	<b>Monthly Charge</b>
		\$ _____	\$ _____

The above rates are subject to change in accordance with rate changes approved by the Florida Public Service Commission and are subject to the fuel adjustment clause applicable taxes.

- (2) The equipment and facilities shall be installed and maintained by the COMMISSION and remain the property of the COMMISSION, and the CUSTOMER hereby grants to the COMMISSION the right to enter the CUSTOMER's premises for the installation, maintenance and removal of such equipment or facilities.
- (3) This contract shall be for a minimum initial term of three (3) years from the commencement of service, and shall continue thereafter until terminated by either party by written notice thirty (30) days prior to termination. During the initial term of this contract, the CUSTOMER may terminate said contract by paying to the COMMISSION in one lump sum the total amount of charges which would be payable during the remainder of the initial term of service, LESS the energy charges.
- (4) If the CUSTOMER desires relocation of a light, a relocation charge will be made for the amount of actual time and material involved.
- (5) This contract shall not be assigned by the CUSTOMER without written consent of the COMMISSION.
- (6) The CUSTOMER shall own or have a contractual vested interest in the property that the private outdoor lighting pole is to be installed upon.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the date and year first written above.

Contract Effective Date: \_\_\_\_\_

BY: \_\_\_\_\_  
(Customer)

Account No. \_\_\_\_\_  
Phone No. \_\_\_\_\_  
Initial Charges Collected \_\_\_\_\_  
Installation Complete \_\_\_\_\_

UTILITIES COMMISSION  
City of New Smyrna Beach, Florida

\*Contribution-in-aid-of-Construction

ISSUED BY: R. J. Rodi  
GENERAL MANAGER/CEO

EFFECTIVE: JUNE 1, 2006