

CHAPTER 52: ELECTRICAL SYSTEM

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Statutory reference:

Authority to own, operate utility services, see Neb. RS 16-681

§ 52.01 OWNERSHIP.

(A) The city owns and operates the city electrical system through the City Administrator. When performing duties for the electrical system, the City Administrator shall be referred to as the Light Commissioner. The Council, for the purpose of defraying the cost of the care, management and maintenance of the city electrical system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the tax shall be known as the Electrical Fund and shall remain in the custody of the City Treasurer. The Light Commissioner shall have the direct management and control of the city electrical system and shall faithfully carry out the duties of his or her office. He or she shall have the authority to adopt rules and regulations for the safe and efficient management of the electrical system subject to the supervision and review of the Council.

(B) The Council shall, by resolution, set the rates to be charged for services rendered and shall file them in the office of the City Clerk for public inspection at any reasonable time.
(2002 Code, § 82-71)

§ 52.02 CONTRACTS AND TERMS.

The city, through its electrical system, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law, its Electrical Department may see fit to do so. The rules, regulations and rates for electric service named in this chapter shall be considered a part of every application made for electric service and shall be considered a part of the contract between every consumer served by the Electrical Department. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by customers and the furnishing of electric service to any applicant or customer shall constitute a contract between applicant or customer and the city, to which both parties are bound. If a customer should violate any of the provisions of the contract or any reasonable rules and regulations that the electrical system may adopt, the Light Commissioner or his or her agent shall cut off or disconnect the electric service from the building or place of such violation; and no further connection of electric service for such building or place shall again be made save or except by order of the Commissioner or his or her agent.

(2002 Code, § 82-72)

§ 52.03 CONSUMER'S APPLICATION.

Every person desiring electrical service must make application to the Light Commissioner or his or her agent. Any applicant may be required to make a service deposit in such amount as has been set by the Council and on file at the office of the City Clerk. Electricity may not be supplied to any house or building, except upon the written order of the Light Commissioner. The system shall not supply to any person outside the corporate limits electrical service without special permission from the Council; and the entire cost of wire, installation and other expenses shall be paid by the consumer. Nothing in this section shall be construed to obligate the city to supply electrical service to non-residents.

(2002 Code, § 82-73)

§ 52.04 ELECTRICAL SERVICE CONTRACTS.

(A) Contracts for electrical service are not transferable. Any person wishing to change from one location to another may be required to make a new application and sign a new contract. If any consumer shall sell, dispose or remove from the premises where service is furnished in his or her name, or if the premises are destroyed by fire or other casualty, he or she shall at once inform the Light Commissioner, who shall cause the electrical service to be shut off from the premises.

(B) If the consumer should fail to give such notice, he or she shall be charged for all electricity used on the premises until the Light Commissioner is otherwise advised of such circumstances.

(2002 Code, § 82-74)

§ 52.05 INSTALLATION EXPENSE.

The city shall provide a point of delivery on the customer's property line in reasonable proximity to the city's distribution system and will furnish the meter, meter socket and labor from such point of delivery to the point of distribution. The cost of wire beyond the point of delivery shall be borne by the customer.

(2002 Code, § 82-75)

§ 52.06 METERS.

(A) All electrical meters shall be read at least one time each month during which electrical service is used between the fifteenth day and the twenty-eighth day of each month.

(B) All electric current furnished customers by the electric distribution system of the city shall be measured by meter, furnished and set by the city. Only meters approved by the city shall be installed or used by customers. For convenience of the customers, the city will install meters for each customer of electricity, which meters shall be and remain the property of the city. No person, except an authorized agent of the city, shall be allowed to set meters or make connections to the electric service of the distribution system of the city. The customer shall keep all meters clean and in repair at the expense of the customer. The owner or tenant of premises where a meter is located shall provide ready and convenient access to the meter so that it may easily be examined and read by the Light Commissioner or his or her authorized agents. All meters shall be tested at the customer's request at the expense of the customer any reasonable number of times. If the test shows the electric meter to be running 2% or more fast, the expense of such test shall be borne by the city. The city reserves the right to test any electric service meter at any time; and if the meter is found to be beyond repair, the city shall always have the right to place a new meter on the customer's electric service fixtures at the city's expense. Should a customer's meter fail to register properly, the customer shall be charged for electric service during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year. If no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Light Commissioner. It shall be unlawful for any person to tamper with any electric meter, or by any means or device to divert electricity from the service line so that the electricity shall not pass through the meter, or while passing through the meter, to cause the meter to register inaccurately.

(2002 Code, § 82-76)

§ 52.07 FEES AND COLLECTIONS.

The Council has the power and authority to fix the rates to be paid by electrical consumers for the use of electricity. All rates shall be on file for public inspection at the office of the City Clerk. The Light Commissioner or his or her authorized agent shall bill the consumers and collect all money received by the city on the account of the city electrical system. He or she shall faithfully account for and pay over

the money to the City Treasurer all revenue collected by him or her, taking his or her receipt in duplicate, filing one with the City Clerk and keeping the other on file in his or her official records. (2002 Code, § 82-77)

§ 52.08 MINIMUM RATES.

All electrical consumers shall be liable for the minimum rate provided by resolution unless the consumer shall, by written order, direct the Light Commissioner to shut off the electricity, in which case he or she shall not be liable thereafter for electrical service until the electricity is turned on again. (2002 Code, § 82-78)

§ 52.09 SERVICE DEPOSIT FUND.

The service deposit required for electrical service shall be promptly paid upon demand by all customers of the electrical system. From the deposit shall be deducted all delinquent electrical charges. The service deposit shall be collected by the Light Commissioner and immediately turned over to the City Treasurer, who shall keep the fees in a trust fund for the customers of the electrical system. This fund shall be put out at interest separate and apart from other funds. Interest arising from the fund shall be expended solely for the repair of equipment and property of the city electrical system. (2002 Code, § 82-79)

§ 52.10 RESTRICTED USE.

The city electrical system does not guarantee the delivery of electric current over the lines of the distribution system, except when it has sufficient power, current, equipment and machinery to do so. The Light Commissioner has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The city shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the city has no control and the city expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (2002 Code, § 82-80)

§ 52.11 BUILDING MOVING.

Should any house or building moving occur or be necessary and it becomes necessary in such work to remove or disturb any of the property or wires of the city electrical system, the work shall not be done, except upon written permission received from the Light Commissioner, who shall then order paid in advance the actual cost of moving the wires; and such cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing and replacing the wires or apparatus

of the electrical system shall be paid out of the deposit made prior to moving; and any surplus remaining after all expenses are paid shall be returned to the applicant, if in the course of moving the building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded.

(2002 Code, § 82-81)

§ 52.12 POSTING SIGNS.

It shall be unlawful for any person to post, tack or fasten to the poles, structures, fixtures or equipment of the city electrical system any sign, poster, advertisement or banner without written permission from the Light Commissioner.

(2002 Code, § 82-82) Penalty, see § 51.99

§ 52.13 COMMON REGULATIONS.

(A) *Definitions.* For the purpose of Chapter 51 of this code and this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The electric distribution system of the city.

CUSTOMER. Any person taking electrical service from the city.

DEMAND or **MEASURED DEMAND.** The number of kilowatts shown by the city's meter for the 15-minute period of the customer's greatest kilowatt-hour use during the billing period.

LIGHT COMMISSIONER. As referred to in this section shall include his or her agents.

PRIMARY VOLTAGES. Any voltage higher than 600 volts in normal use in the city.

RESIDENCE. Premises where the customer lives, such as a dwelling, trailer, apartment or unit of a multi-family dwelling, equipped with cooking facilities.

SECONDARY VOLTAGES. Any voltage less than 600 volts available from the city at the customer's premises.

(B) *Access to city's equipment.* The customer shall, without expense to the city, permit access to all equipment and facilities owned by the city and located on the customer's premises at all reasonable hours. The customer shall permit the city to trim or cause to be trimmed the limbs and tops of trees to the extent that such trimming shall be necessary to avoid interference.

(C) *Title to facilities installed on customer's premises.* Title to all property installed or supplied by the city on a customer's premises is and shall remain in the city, and the property may be removed by

the city at any time. The customer shall protect the property of the city on a customer's premises and maintain clear and safe access to such property at all reasonable times.

(D) *Continuity of service.*

(1) The city will endeavor to supply but does not guarantee continuity of service of a generally accepted standard. Interruption of service for repairs, alterations, want of supply, conditions on a customer's premises dangerous to persons, property or service of the customer or others, non-payment by the customer of amounts payable under this chapter, failure by the customer to provide means of access for obtaining regularly scheduled readings of the meter or for testing the city's metering equipment or prevention of fraud or abuse shall not be a breach by the city of its responsibility.

(2) The customer waives claim for, and by accepting service, releases and discharges the city for claims for, and shall indemnify and save harmless the city from, any and all loss and damage arising from interruption of service, or on account of injury to persons (including death), or damage to property on the premises of a customer, or under a customer's control, unless such loss, damage or injury is the natural, probable and reasonably foreseeable consequence of the city's negligence, and such negligence is the sole and proximate cause for such loss or damage.

(E) *Unlawful use of service.* In any case of tampering with meter installation or interfering with its proper functioning or any other unlawful use or diversion of service by any person, or evidence of any such tampering, unlawful use or service diversion, the customer shall be liable to immediate discontinuance of service and to prosecution under applicable laws. The city shall be entitled to collect from the customer at the appropriate rate for all power and energy not recorded on the meter by reason of such unlawful use or diversion, plus all expenses incurred by the city on account of such unauthorized acts.

(F) *Discrimination.* No electric service shall be furnished to any customer under any other rate than as provided in this section, and there shall be no discrimination in rates as between customers using equal amounts of energy for the same purpose under the same condition.

(G) *Combined residential and general service.* A customer in a single-family dwelling, parts of which are used for a commercial purpose, shall purchase service under the applicable commercial rate schedule.

(H) *Electric heating.* The city does not assume responsibility for the installation or the operation of the customer's space heating equipment, nor does the city assume any responsibility with respect to the customer's premises, such as the insulation of the area to be heated. Electric space heating equipment shall conform to the following.

(1) All permanently installed heaters larger than 1,650 watts shall be designed to operate at 208, 240, 277 or 480 volts.

(2) Space heating equipment shall be permanently installed and so connected that a single thermostat controls no more than ten kilowatts of heating load. In the case of a central system, heating

elements shall be energized in step stages of not more than ten kilowatts per step, with a minimum time delay of ten seconds between steps.

(I) *Special facilities.* The city's investment for special facilities or equipment to serve a customer shall not exceed two and one-half times the city's estimated annual revenue to be received from customer service.

(J) *Temporary service.* A charge will be made for each temporary single-phase service connection, consisting of service wires and meter only. When more than the connection of service wires is required, the customer shall pay for the work done for the city on a cost-plus basis.

(K) *Underground service entrances.*

(1) Underground service entrances shall be installed, owned and maintained by the customer.

(2) For residential customers, the city will provide a point of delivery at a point on the customer's property line in reasonable proximity to the city's distribution system.

(3) For non-residential customers, the city may, at its option, extend underground primary service to a transformer located on the customer's property. The customer shall pay the city the estimated excess costs of providing underground primary service in lieu of overhead service.

(4) All new services and all service entrances replaced by reason of a change in the customer's load shall be underground. The city will continue to own and maintain existing overhead service so long as they are adequate to serve the customer's load.

(L) *Service deposits.* The city shall require each application for electrical service to have a service deposit in an amount set by Council resolution. If a customer maintains record of prompt payment for two years or 24 months, the deposit shall be refunded. Prior to refunding of any deposit, there shall be deducted all delinquent electrical charges. The city reserves the right if delinquency occurs to require a service deposit again.

(M) *Net monthly bill.* The net monthly bill is the charge computed at the net monthly rate. The net monthly bill shall apply when payment is made on or before the due date.

(N) *Gross monthly bill.* The gross monthly bill is the charge computed at the gross monthly rate. The gross monthly bill shall apply when payment is made after the due date.

(O) *Due date.* The due date is the tenth day of the month following the date on which a customer's bill is computed, after which date such bill shall become delinquent and the gross monthly bill shall apply. If the tenth day falls on a Saturday, Sunday or holiday, the deadline for payment without penalty shall be extended to the next working day.

(P) *Payment.* The customer shall pay for electric service monthly or at such other interval as is prescribed by the applicable rate schedule. The net bill shall apply if payment is made on or before the

due date. If a bill is not paid by the due date, the gross bill shall apply and the bill shall become delinquent; and the city reserves the right to discontinue service. Discontinuance of service is governed in §§ 51.15 through 51.20 of this title. Service discontinued for delinquency will not be reconnected until all charges, including the reconnection charge, have been paid.

(Q) *Reconnection charge.* If a customer whose service has been disconnected, either by his or her order or by reason of delinquency, requests a reconnection of such service within 12 months of the time of disconnection, a reconnection charge equal to the sum of the monthly minimum charges for the period of disconnection shall also be collected. The minimum reconnection charge shall be equal to the sum of three months' minimum charges.

(R) *Transfer of demand.* When service is established to a new customer at an existing location, the demand established by the previous customer at that location will be considered as having been established by the new customer. Upon showing of good cause, the city may waive the transfer of demand to a new customer.

(S) *Tax clause.* To the total of all charges for services under the appropriate rate schedule shall be added applicable existing state and city taxes, and also added shall be any new or additional taxes or increases in the rates of existing taxes imposed after the effective date of the rate schedules by any governmental authority upon the service rendered by the city.

(T) *Residential service.* Residential service rates shall be applicable to single-phase service at secondary voltages to single-family residences.

(U) *General service.* General service rules shall be applicable to single-phase or three-phase service at primary or secondary voltages for non-residential uses as determined by the city.

(V) *General service demand.* General service demand rates shall be applicable to existing or to new customers with demands of 50 kilowatts, but not more than 1,000 kilowatts for three consecutive months, whose entire requirements are taken through one meter, under a contract of standard form.

(W) *Supplemental service.* Supplemental service rates shall be applicable to the customer of the city receiving a base allotment of power from Western Area Power Administration and requiring supplemental power in order to meet its total requirements.

(X) *Large power.* Large power rates shall be applicable to existing customers or to new customers with demands of 1,000 kilowatts or more whose entire requirements are taken through one meter, under a contract of standard form.

(Y) *City service.* City service rates shall be applicable to any customer meeting city criteria for service and to any electrical load in which the city has sole investment and interest.

(Z) *Dusk-to-dawn lighting.* Dusk-to-dawn lighting rates shall be applicable to private, outdoor lighting service to customers taking service under the customer classifications of this chapter when the

lighting facilities are installed and operated as an extension of the city's electric distribution system, except where, in the judgment of the city, service is impractical. Service under this rate shall be unmetered and the luminaries will operate automatically each night from dusk to dawn. All facilities necessary for service under this schedule shall be installed, owned and maintained by the city. The customer, however, will be responsible for the cost of replacing any parts of the facilities damaged by vandalism.

(AA) *Power procurement cost adjustment.* There shall be added to or subtracted from each customer's bill an amount equal to the number of kilowatt hours of energy consumed by the customer during the billing period multiplied by the power procurement cost adjustment factor. The power procurement cost adjustment factor shall be based upon the power production cost adjustment included in the city's most recent invoice for wholesale services from Nebraska Public Power District.

(BB) *Rates.* The electrical rates for residential service, general service, general service demand, supplemental service, large power, city service, dusk-to-dawn lighting and power procurement cost adjustment factor shall be established by Council resolution.
(2002 Code, § 82-83) (Ord. 97-22, passed 10-28-1997; Ord. 99-8, passed 8-17-1999; Ord. 2009-23, passed 11-17-2009)

