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CHAPTER 7.

ELECTRICITY

Section 7-1. Scope, Application and Meaning of Terms.

- a. The term “City Utilities” in context shall mean the City of Nixa, Missouri; together with their officers, agents, and employees.
- b. The term “customer” and the terms “he”, “him”, or “his”, used in these rules and regulations, shall cover, include and refer to any person, persons, firm, agency or corporation irrespective of gender, who may be a customer or an applicant for electric service.
- c. “Notice to City Utilities” as used herein shall mean written notice addressed: Superintendent, Electric, Utilities, City Utilities, Nixa, Missouri and deposited in the United States mail, postage prepaid.
- d. A “meter” is a mechanical device or devices to measure and record the quantity of electricity supplied to the customer.
- e. Nothing in these rules and regulations shall be construed to impose or place upon City Utilities any obligation, responsibility or duty to inspect, maintain and/or repair any electric or other wiring, apparatus, appliance or equipment (excepting only such metering facilities and transformers, if any, owned by City Utilities as may be installed on the customer’s premises) on the customer’s side of the point of delivery of electric energy to such customer, which is and shall be the point at which the wires of City Utilities first attach to any building or structure on the customer’s premises.
- f. No agent, employee or representative of City Utilities shall have any right or authority to make any promise, commitment or agreement not expressly authorized by these rules and regulations.

Section 7-2. Applications and Contracts for Service.

- a. All contracts for electric service shall be subject to all rules and regulations heretofore or hereafter adopted or promulgated by City Utilities, and to all applicable ordinances (or provisions thereof) of the City of Nixa, Missouri, which may be now or hereafter in force.
- b. All applicants for electric service shall sign in advance at time of planning or start of construction such form or service contract as may be acceptable to City Utilities.

- c. City Utilities will not supply electric service until the customer's application for service shall have been approved by City Utilities, until all necessary permits shall have been obtained by the customer, until inspection has been approved as set forth in subsection (g) hereof, and until City Utilities shall find it practicable to render service.
- d. All contracts for electric service shall be signed in the true name of the customer actually to receive and use such service, unless otherwise permitted by City Utilities in its discretion, and the use of a fictitious name by the prospective customer shall be sufficient reason for refusal and/or termination of service. The name of the customer shall be the head of the household, even though the application for service is made by the wife.
- e. Any change in the identity of the contracting customer at premises shall require a new application and City Utilities may discontinue the electric supply until such new application has been made and accepted by City Utilities.
- f. When it may appear to City Utilities that requested electric service will be temporary, City Utilities may, at its option, either furnish or decline to furnish such service. If City Utilities elects to furnish such service, the applicant for service shall pay to the City Utilities, in advance, the estimated cost of furnishing such service, including the cost of all labor to install and remove, materials and supervision required, less the value determined by City Utilities for such materials and equipment if any as may be removed.
- g. All electric wiring and equipment on the customer's premises must be acceptable to City Utilities and no electrical service, either within or outside the City Limits of Nixa, Missouri, shall be furnished unless and until the wiring and equipment are inspected by the building inspector, and City Utilities receives an approval that it is found by him to meet the standards of electrical wiring and equipment as set forth in the National Electrical Code or other similar electrical code acceptable to City Utilities, provided, however, that City Utilities shall not be deemed to have assumed hereby any duty or responsibility to inspect, repair or maintain any wiring or equipment on the customer's side of the point of delivery as hereinafter located and defined in these rules and regulations.
- h. Permanently assigned house numbers shall be obtained before application for service is accepted and shall be suitably displayed on the property in a visible location before the electric service is installed. These house numbers shall conform with the City numbering system; if located outside the City Limits each house shall be properly identified as requested by City Utilities. No meter is to be set at a house without proper and correct identification. If a house number or identification is changed for any reason, City Utilities shall be notified of such change.

Section 7-3. Security.

- a. All users of electricity shall cash deposits with City Utilities as follows for electrical service: Residential homeowners-\$30.00, Residential renters-\$75.00, Total electric homeowners and rentals-\$150.00, Mobile homes-\$150.00, Commercial users-two times the estimated monthly bill. Deposits shall not bear interest. City Utilities may disconnect electric service without notice, to any customer who may fail to make or maintain the deposit required by City Utilities. All or any portion of the deposit by an electric customer may be applied by City Utilities at any time upon any delinquent or unpaid bill owed by such customer. (#931 1/96)
- b. In the event service is disconnected for nonpayment, the service deposit shall double for the first reconnect and shall be collected prior to reconnect.
- c. Such deposits, as outlined above, shall be refunded at the termination of service after all charges that may be due and payable by the customer have been paid.
- d. A customer who has made application for electric service to a premises shall be held liable for all electric service furnished to such premises until such time as the customer properly notifies City Utilities to discontinue the service for his account.

Section 7-4. Rendering and Payment of Bills.

- a. All bills shall be due and payable when mailed and shall become delinquent ten (10) days after such date. A five percent (5%) surcharge shall be added to all bills not paid by the aforesaid due date. If any bills rendered pursuant to this ordinance are not paid by the 15th day following the billing date, electric service will be subject to being disconnected in accordance with the City of Nixa Utility Billing Department Utility Billing Collection Policy Statement and Procedures. If services are disconnected because of nonpayment, services shall not be reconnected except on full payment of all accounts due and a \$25.00 turn-on charge. (931 1/96 changes 1567 1/09).
- b. Bills and notices to any customer shall be deemed to have been presented and given when deposited in the United States mail addressed to the last known address of such customer as shown on records of City Utilities. Notices to City Utilities shall be given in writing as defined in Section 7-1 (c.).
- c. Electric service to each customer shall be for the sole use of such customer on the premises described in the application for electric service and resale or sub-metering of electric energy by such customer is prohibited. A separate bill shall be rendered for each meter, and electric service furnished to the same customer through separate meters shall not be added or cumulated for billing

purposes, irrespective of the location of the meters excepting only when such separate meters are installed on the same premises for the convenience and at the request of city Utilities, in which event the electric service furnished through said meters may be cumulated for billing purposes.

- d. Payment shall be made at the principal office of City Utilities or at such other conveniently located places as may be designated by City Utilities.
- e. City Utilities will not be bound by bills rendered under mistake of fact as to the quantity and nature of electric service rendered.
- f. City Utilities shall have the right to read meters and render bills either monthly or for such other period as may be deemed practicable by City Utilities and such bills shall be due and payable as provided in Section 7-4 (a).
- g. In case of disputed account involving the accuracy of a meter, such meter may be tested upon the request of the customer and bill will be adjusted as provided in Section 7-21 (a) and (b).
- h. The minimum charge, for each applicable tariff, shall be paid whether such quantity of electrical energy is used or not and no credit shall be allowed for any cause unless discontinuance of service has been requested by the customer and the electric service has been shut off by City Utilities, for the period involved.
- i. If, for any reason, service is discontinued before the expiration of one (1) month from commencement of service, a bill for at least the minimum charge for one (1) month will be rendered.

Section 7-5. Rendition of Service.

City Utilities shall have the right and privilege to discontinue electric service to any customer and/or refuse electric service to any customer, whether theretofore served or not, for any reason which, in the sole judgment and discretion of City Utilities, may be valid or sufficient.

Section 7-6. Discontinuance of service at Customer's Request.

- a. Service will be temporarily discontinued on verbal notice of the customer, or his agent, for a period of 24 hours or less for the repairs or alterations without in any way affecting the existing contract. If such service is rendered, a reasonable charge in such amount as may be determined by City Utilities as reasonable to cover costs incurred may be assessed.
- b. Service will be temporarily discontinued for a period in excess of 24 hours upon the written order of the customer without in any way affecting the

existing contract, providing, however, a turn-on charge in such amount as may be determined by City Utilities as reasonable to cover costs incurred may be assessed.

- c. Service will be permanently discontinued at the customer's request when proper notification is made to City Utilities. Upon receipt of such notification, City Utilities shall read the customer's meter and charges for electric service rendered up to and including the time of cutoff shall be computed and will become due and payable immediately.

Section 7-7. Access to Premises.

Employees of City Utilities shall have the right to enter upon the premises of any electric customer at any time during ordinary business hours for the purpose of reading meters, examining, testing, changing and/or moving any electrical equipment, meters, apparatus and/or wiring of City Utilities, making a connected load count, or measuring the customer's maximum electric demand.

Section 7-8. Limitation of Responsibility of City Utilities.

- a. City Utilities shall have no duty, obligation or responsibility with respect to electric wiring, fixtures, equipment or apparatus on the premises of an electric customer, other than to provide an electric meter and a service connection from the distribution system of City Utilities to the point of delivery of electric energy to the customer, which shall be at the point where the wires of City Utilities first attach to any building or other structure on the customer's premises.
- b. The customer shall notify City Utilities immediately of any change or changes in connected load or in electric equipment on the customer's premises, which might affect electric service to such customer or to any other electric customer of City Utilities; and City Utilities shall have no duty, obligation or responsibility arising out of or resulting from the customer's failure so to notify City Utilities.
- c. City Utilities shall not be liable for any injury, damage or loss resulting from the use of electric energy on the customer's premises, or from the presence, location, maintenance or use of any wiring, fixtures or equipment on the customer's premises.
- d. Nothing shall be attached or fastened to, or placed upon, any poles, wires, fixtures or equipment of City Utilities unless prior permission in writing shall have been given by the management of City Utilities; and City Utilities shall not be liable for any injury, damage or loss arising out of or resulting from any such attachment to its poles, wires, fixtures or equipment.

Section 7-9. Customer's Responsibility.

- a. Each customer shall pay City Utilities for all damage to, or destruction of, property of City Utilities located on or off of the customer's premises where such is caused directly or indirectly by the customer or his officers, agents, or employees, excepting only that resulting from ordinary wear and tear, acts of God and acts of employees of City Utilities.
- b. Each customer shall notify City Utilities promptly of any defect in electric wiring, equipment or apparatus of City Utilities or of any existing condition, which might affect electric service to the customer or might be dangerous to person or property. All such notices and all complaints concerning electric service by City Utilities shall be made in writing to City Utilities at its principal office.
- c. If any electric customer has on his premises any wiring, connection, apparatus or device which prevents the electric meter or meters on such premises from registering or recording properly all energy used or to be used or which enables such customer to obtain or use any electric energy without the same having been registered and/or recorded properly by an electric meter or meters of City Utilities, or if any electric customer shall fail or refuse to observe, fulfill and comply faithfully with all rules and regulations heretofore or hereafter promulgated by City Utilities, City Utilities shall have the right to discontinue electric service to such customer and to terminate any contract or contracts with such customer immediately and without notice to the customer.
- d. City Utilities may, at its option, refuse to render electric service to any electric customer whose service has been discontinued; and in the event of such discontinuance of service, service will not be restored (1) until the customer shall have paid in full for all electric energy theretofore furnished by City Utilities to the customer's premises (including all energy which has not been registered or recorded properly by an electric meter or meters of City Utilities) and has paid for all damage to electric meters or other equipment, facilities or property of City Utilities, and (2) until the customer's wiring and service installations shall, at the customer's sole risk, cost and expense, have been placed in such condition as shall be acceptable to City Utilities.

Section 7-10. Change in Customer's Load.

No electric customer shall increase his connected electric load more than twenty percent (20%) without prior notice to and consent by City Utilities.

Section 7-11. Continuity of Service.

City Utilities will use ordinary diligence in rendering electric service but does not guarantee constant or continuous service. By application for electric service, each electric customer shall be deemed hereby to have agreed (1) that City Utilities may interrupt or suspend service at any time, either with or without notice, for inspection, repair, maintenance, alteration or change on the customer's premises or elsewhere and (2) that City Utilities shall have no duty, obligation, responsibility or liability for or by reason of any such interruption or suspension of service, or for any damage or loss resulting there from.

Section 7-12. Point of Delivery and Service Entrance.

- a. It shall be the sole responsibility of each prospective customer to obtain from City Utilities information as to the point at which City Utilities will attach its service wires to customer's premises, and thereafter to wire said premises, in accordance with such information. City Utilities shall have no responsibility, duty or obligation to furnish service at any point other than that designated by City Utilities.
- b. The point of delivery of all electric energy furnished by City Utilities to any electric customer shall be at the point where the wires of City Utilities first attach to any building or other structure on the customer's premises. At such point City Utilities will attach its service wires by house knobs, racks or "dead-ends", provided, however, that all structural brackets or framework required for attaching high voltage service wires (carrying 2,300 volts or more) to the customer's premises shall be furnished and installed by the customer at his sole risk, cost and expense.
- c. The maximum length of service wires which will be run to a residential or commercial customer will be established by City Utilities' Engineering Department.
- d. City Utilities will permit the installation of service at any point on a building, residential or commercial, so long as the service wires are not required to cross a ridge of the roof, and that they meet other provisions of these rules and regulation. City Utilities will not be required to build additional line facilities in order to reduce customer-wiring costs to serve a prospective customer when existing lines can be used. Where services are installed which will require the service wires to overhang the roof, the weather head shall be located at a sufficient height above the roof to permit National Electric Code clearance between the roof and service conductors.
- e. All service wires carrying nominal voltage of 115 and/or 230, with which single-phase or three-phase is supplied, shall be run from the point of delivery

to the service switch and protective cabinet in continuous rigid metallic conduit which shall enter and be made fast to the protective cabinet by means of bushings and lock-nuts. All wires, over which service is rendered at higher voltage, i.e., at 2,300 volts or higher, also shall be run in continuous rigid metallic conduit and shall terminate in pot heads required under these rules and regulations.

- f. All service wires shall conform, in size and in conductivity, to all requirements of the National Board of Fire Underwriters, and in no case shall service wires be smaller or have lower conductivity than No. 8 B. & S. gauge copper wire. At the point of delivery, service wires shall extend through conduit at least twenty-four (24) inches except where service wires carrying higher voltages terminate in pot heads.
- g. The point of service entrance for low voltage service shall be the point at which service wires enter the customer's conduit. This point of service shall be not less than 12 feet above the ground in installations where City Utilities' service wires may be attached above the customer's conduit. Where "mast type" services are installed which require service wires to be attached below the customer's weather heads, such service mast shall consist of rigid metallic conduit with a minimum inside diameter of two inches, and the height of the weather head shall be such that not less than 12 feet from lower service wire to ground elevation will be provided. The point of service entrance for higher voltage service, i.e., service at 2,300 volts or higher, shall not be less than 20 feet above the ground, unless a lower point of service entrance is isolated and barricaded to the satisfaction of City Utilities, to prevent access thereto at all times.

Section 7-13. Meter Location and Installation.

- a. Each customer shall provide a meter location on the side of the house, which is satisfactory and acceptable to the electric department where metering equipment furnished by the electric department will be installed. All meters installed for single-family residences shall be located on the exterior of a side outside wall where meter reading and repair can be accomplished without entering the residence. When remodeling results in enclosing the existing meter location, the customer shall re-wire the meter location to a side outside wall. All multiple meter installations for multifamily residences and apartments shall be located on the exterior of a side outside wall, except that an inside location will be permitted, provided access to the meters is available at all times. All meter installations for commercial buildings shall be located on the exterior of outside walls except where traffic, adjacent structures, etc., make an outside location unavailable or hazardous as may be determined by the electric department.

- b. The customer will furnish meter bases with a minimum capacity of 200 amps for detachable type meters, which shall be used in all installations unless prior permission to the contrary is given by the electric department. The meter base must be installed in the service line ahead of all switches.
- c. No meters shall be removed or relocated and no meter seal shall be broken other than by an authorized employee of City Utilities.
- d. A meter will not be installed on or in an unfinished portion of any building except under special arrangement with City Utilities for the purpose of furnishing temporary service.
- e. Any meter installation on the exterior of a building or other structure shall be at least 5 feet above the ground. (937 11/95).
- f. When there are 2 or more meter installations in the same building, all such meters shall, whenever possible, be grouped at the same point which shall be accessible to all tenants or occupants of the building.
- g. When a meter is mounted on a pole either of the City Utilities or a customer, the customer shall, at his expense, furnish and install all conduit and wiring in conduit to a point not more than 1 foot below the low voltage distribution lines of City Utilities. City Utilities may restrict the installation of customer-owned conduit, switches or other electrical devices on City Utilities' poles where such installation would result in hazards to City Utilities' workmen.
- h. All wires on the load side of a meter shall run directly to a point of distribution and shall not run back through the main line switch cabinet.
- i. Only one service entrance connection for lighting and for each class of power shall be installed in any building. Where a customer may desire separate metering facilities for different portions of any building or premises, the customer shall provide a place, suitable and acceptable to City Utilities, for the service switches and all metering equipment for the entire building or premises. All meters for the same building or premises must be located in the same area, grouped as close as practical. This meter location area must be accessible to all tenants or occupants of the building, and to City Utilities' employees for the purpose of inspection and maintenance. Multifamily residences and establishments consisting of a group of buildings, such as tourist courts, shopping centers, apartment houses and institutions, will be served by a single service and single meter for each class of service provided. This rule may be waived for the convenience of City Utilities.

- j. For low voltage installations in excess of 200 amperes per phase, City Utilities will furnish the current transformer cabinet which shall be located within 10 feet of the meter and shall be mounted by the customer in such manner as may be satisfactory and acceptable to City Utilities. Housing for all high voltage metering installations, i.e., for 2,300 volts or more, will be provided by City Utilities.

Section 7-14. Service Switch and Protective Cabinet.

- a. Each service switch and protective cabinet shall be installed as near to the point of delivery as shall be practicable; and unless the meter is installed in a substantial cabinet or on a regular switchboard, it must be not less than 5 ½ feet and not more than 7 feet above the floor.
- b. Each service switch and protective cabinet shall be installed in a location where such switch and cabinet shall be free from vibration, damage from mechanical injury, excessive heat, moisture, injurious fumes, etc., and where such switch cabinet shall be readily accessible to employees of City Utilities with minimum inconvenience to occupants of premises and in a location which shall be satisfactory and acceptable to City Utilities.
- c. All service entrance switches shall be of totally enclosed, externally operated type; and if installed out-of-doors, shall be weatherproof and shall be installed at a point not more than 6 feet above the ground.
- d. The service entrance switch shall be installed in a protective steel box having facilities for sealing the box closed, for sealing the switch open, and for testing the meter. City Utilities shall have the right to designate and specify the type of protective cabinet for any particular service, or to require any customer to change the type of protective cabinet being used.
- e. On three-wire, single-phase service, the neutral wire shall not be fused.

Section 7-15. Grounding of Secondaries and Service Wires.

All new 115-volt, two-wire and 115-230 volt, three-wire, single-phase installations shall be grounded at the meter location on the line side of the entrance switch and cutout. The ground wire for the service neutral conductor shall be run to the water piping system when available and connected at a point which is readily accessible for inspection by representatives of City Utilities. The size of the ground wire and the method of installation thereof shall be in accordance with the National Electric Code. The customer shall provide a metallic bond across the water meter location when cold water pipes are used as the neutral conductor ground.

Section 7-16. Service Connections.

- a. The term “service connection” shall mean that portion of the distribution system installed for the particular use of any given customer, to-wit, that portion of the distribution system extending from the nearest pole of City Utilities to the point of delivery, i.e., to the first point of attachment to a building or other structure on the customer’s premises, and shall not include any lines, poles or facilities located on streets, alleys, public places or rights-of-way of City Utilities.
- b. City Utilities shall own all service aerial connections.
- c. All underground services shall be 2-inch schedule 40 PVC placed in the ditch 30 inches deep with glued joints and 36 inch sweep ells on all corners and up to pole and meter loop. 2 o aluminum wire on services up to 150 amp and 4 o wire on 200 amp service is required. A distance of 35 feet of wire coiled up should be left at the bottom of the pole and also 2 feet of wire should be extended out from the meter base. House numbers must be stamped on the meter base if more than one meter appears at that location. The house number must be on the house before the electric service will be hooked up. (937 11/95).
- d. Fuses of adequate capacity shall be installed and properly housed between any underground cable and the distribution wires of City Utilities. All underground services shall be installed and maintained at the sole risk, cost and expense of the customer.

Section 7-17. Line Extensions.

- a. Where new pole and line construction is deemed necessary to serve an applicant or group of applicants, such applicant or group of applicants shall, as part of the consideration for City Utilities extending its electric distribution system, execute and deliver, without cost, to City Utilities such easement indentures as in the opinion of City Utilities are, or may be required at the time the extension is made, or may be required in the future to extend the electric distribution system to an applicant or a group of applicants located adjacent to the premises to be served by such extension, and he or they may be required to contribute, in advance, that part of the estimated cost of construction in excess of the amount which, in the judgment of City Utilities may be justified by the estimated average annual usage of the prospective customer. Provision for refund shall be made on such bases as City Utilities may determine to be equitable and proper.

- b. City Utilities may not be required to set poles on, or run wires across lots or property owned by persons other than the applicant for electric service.

Section 7-18. Trimming of Trees and Obstructions.

City Utilities shall have the right, privilege and authority to trim trees, overhanging branches, hedges, shrubs or other obstructions which might endanger the safety or interfere with the construction, operation and maintenance of any cross-arms, wires, conductors, insulators or other electrical fixtures, devices or apparatus of City Utilities. By acceptance of electric service from City Utilities, each electric customer shall be deemed conclusively to have granted such right, privilege and authority to City Utilities; and if any electric customer thereafter should challenge or object to exercise of such service to such customer may be refused and/or discontinued for that reason alone.

Section 7-19. Power Installations.

- a. Before purchasing any motor or power-consuming appliance to be supplied from the system of City Utilities or before installing any power service, any customer or prospective customer should confer with City Utilities concerning such motor or other power-consuming appliance which the customer proposes to purchase or install, and concerning the starting or controlling equipment therefore, for City Utilities specifically reserves and shall have the right to specify the character, type, voltage, frequency and phase of any power installation to be served from its system.
- b. Any motor with a rating in excess of 5 H. P. must be three-phase, except where the furnishing of three-phase service would involve additional expense to City Utilities or would be impracticable. City Utilities may, at its option, require any motor with a rating of 5 H. P. or less to be single phase.
- c. City Utilities will not install separate meters for single-phase lighting and power service unless the connected single-phase load is in excess of 7 ½ H. P.
- d. All single-phase motors with a rating in excess of ½ H. P., which draw more than 10 amperes full load running current shall be served at 230 volts.
- e. All three-phase motors shall be served at 230 volts or at such other voltages as approved by City Utilities.
- f. Any motor or other power-consuming appliance with a rating of 20 H. P. or more must have inherent characteristics or must be equipped with such starting or controlling devices as will limit the starting current under all conditions to a value not exceeding 3 times the full load running current; however, these requirements may be waived for such period of time as City

Utilities determines if there is no adverse effect on the quality of services afforded other customers.

- g. City Utilities shall not seal meters or motors, which are used for air conditioning equipment when the request is made in order to avoid paying the minimum charge for connected load of the air conditioning equipment.

Section 7-20. Transformer Installations and Transformer Vaults.

- a. Where a customer's electrical load is such that it cannot be served properly from a conventional 115-230 volt service connection and where adequate and suitable space for installation of transformers in an adjacent street or alley is not available, the customer shall furnish and set apart, without charge, a space on his premises which, in the opinion of City Utilities, shall be satisfactory and adequate for installation of the necessary transformers to serve such customer.
- b. Where a customer's electrical load is such that, in the opinion of City Utilities, a vault inside the customer's building is required or needed for installation of transformers, the customer shall furnish and set apart without charge, a space inside his building which, in the opinion of City Utilities, shall be satisfactory and adequate for installation of the necessary transformers to serve such customer. The customer shall, at his sole cost and expense, construct and prepare the vault in conformity with all rules, regulations and requirements of the National Board of fire Underwriters and likewise shall furnish and install, at the customer's sole cost and expense, all bus work, conduits, disconnecting devices and hardware in said vault.
- c. City Utilities will provide, furnish and install transformers for electric service at voltages of 115-230 volts except for those customers who qualify for service under the ELP rate schedule. Transformers to provide electric service at any voltage or voltages other than 115-230 volts shall be furnished and installed by the customer at his sole cost and expense, except under special conditions as may be approved by City Utilities.

Section 7-21. Testing of Meters.

- a. City Utilities may remove any meter for routine tests, repairs and replacement.
- b. Whenever, upon test by City Utilities, any electric meter is found to have an average error of not more than two percent, such meter shall be considered to be accurate and correct, and no adjustment shall be made in any charge or bill for service prior to the day of such test. If, upon test by City Utilities, any electric meter shall be found to have an average error of more than two percent, such meter shall be corrected or replaced, at the option of City Utilities, and an approximate correction of error found upon test of such meter

shall be made in the bills or charges for electric service measured through said meter during a period of not more than 60 days prior to the date of such test.

- c. If it be found that, during any period of time, an electric meter has failed to register, the customer served through said meter shall be billed by City Utilities, and shall pay to City Utilities, a charge for electric energy delivered during such period of time which shall be estimated and computed by City Utilities on the basis of (1) the electric energy accurately recorded by such meter during the period of 30 days preceding or succeeding the time when such meter was discovered to have failed to register or before the same was found to be in error, except where failure to register was due to tampering with said metering equipment, and (2) any and all other available information pertaining to proper determination of the customer's usage and load.

Section 7-22. Moving of Distribution Lines and Equipment.

If City Utilities is requested to move, relocate or rebuild any of its lines, poles or equipment to permit the moving of any house or structure or for any reason which would benefit any person, persons, firm or corporation other than City Utilities, the cost of such moving, relocating and/or rebuilding shall be paid in full by such person, persons, firms or corporation who may request such moving, relocating and/or rebuilding. Before City Utilities will move, relocate or rebuild any line, pole or other equipment, a cash deposit in such amount as may be fixed by City Utilities, which shall be adequate and sufficient to cover in full the estimated cost of such moving, relocating or rebuilding shall be made with City Utilities.

Section 7-23. Severability Provision.

It is hereby declared that the sections, subsections, paragraphs, sentences, clauses, and all other parts of these rules and regulations, either large or small, are severable and are not matters of mutually essential inducement, it being the purpose of the City of Nixa, Missouri, to determine, approve and enact appropriate rules and regulations pertaining to and governing the operation of the Electric Department of City Utilities and the furnishing of electric service to customers of City Utilities, in accordance with the Constitution and statutes of the State of Missouri and the Charter of the City of Nixa, Missouri; and if any one or more sections, subsections, paragraphs, sentences, clauses or other parts of these rules and regulations shall be for any reason adjudged unconstitutional, or invalid, such judgment shall not impair, invalidate or affect the remaining portions and such judgment shall be confined in its operation to the specific provision of provisions so held to be unconstitutional or invalid.

Section 7-24. Rate for Residential, Small Commercial, Industrial Power Users and Private Outdoor Lighting Users.

The following electrical rates are hereby established:

<u>RESIDENTIAL RATE:</u>	Service Availability	\$ 6.00
	First 1,000 kWh	\$.0802/kWh
	In excess of 1000 kWh	\$.0760/kWh

<u>SMALL COMMERCIAL RATE:</u>	Service Availability (1 Ø)	\$ 6.00
	Service Availability (3 Ø)	\$ 12.00
	First 1,500 kWh	\$.0802/kWh
	In excess of 1500 kWh	\$.0760/kWh

<u>INDUSTRIAL RATE:</u>	Service Availability	\$150.00
	kW Demand	\$ 5.55/kW
	kW Energy charge	\$.0525/kWh

<u>PRIVATE OUTDOOR LIGHTING:</u>	\$ 7.05 per month
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** Rate is subject to the Fuel cost Adjustment Rider

The industrial rate is available for commercial consumers with a measured demand in excess of 75 kW.

The measured demand shall be the kilowatts as shown by or computed from the City's demand meter. Installation of demand meters is at the discretion of the City Administrator.

(1494 9/07 effective beginning November 15th and 30th billing period)

Section 7-25 Net Metering Service.

- a. Applicable Service Territory: Net metering is available in the distribution service territory of the City of Nixa at any point on the existing facilities that have adequate capacity and suitable voltage for delivery of service.
- b. Availability of Service: Net metering service is available to any customer that owns and operates a solar, wind, or biomass generating facility or hydrogen fuel cell with a capacity of not more than one hundred (100) kilowatts that is located on the customer's premises, is interconnected and operates in parallel with the Utility's existing transmission and distribution facilities, and is intended primarily to offset part or all of the customer's own electrical power

requirements. This rider I offered in compliance with Consumer Clean Energy Act (386.887, RSMo Supp. 2002) and Missouri Public Service Commission Rule 4 CSR 240-20.065.

c. Definitions:

1. Net Metering means measuring the difference between the electricity supplied by Nixa and the electricity generated by an eligible customer-generator and fed back to the electric grid over the applicable billing period.
2. Nixa or City includes the City of Nixa, its electric department and electric system.
3. Customer-Generator is a consumer of electric energy who purchases electric energy from the City of Nixa and is the owner of a qualified net metering unit.

d. Monthly Billing/Rate(s)

1. The electric service charge shall be computed in accordance with the monthly billing under the customer's effective standard rate schedule. Under this net metering rider, only the kilowatt-hour (kWh) units of a customer-generator's bill are affected.
2. If the electricity supplied by Nixa exceeds the electricity generated by the customer-generator during the applicable billing period, the customer-generator shall be billed for the net billable kWhs supplied by Nixa in accordance with the rates and charges under Nix's standard rate schedule applicable to the customer.
3. If the electricity generated by the customer-generator exceeds the electricity supplied by Nixa, the customer-generator shall be credited for the net value of the electric energy delivered to Nixa during the applicable billing period at Nixa's avoided cost, with this credit appearing with the customer-generator's bill no later than the following billing period.
4. Nixa's avoided cost to be credited shall be the cost per kilowatt-hour (kWh) of energy received by the city of Nixa Electric Department during the billing period multiplied by the number of kWh registered at the customer-generators meter.

e. Special Conditions.

1. The customer-generator must have a signed Standard Interconnection Application/Agreement for Net Metering with Nixa and obtained any required permits.

2. The customer-generator is responsible for all costs associated with its generating facility and is also responsible for all costs related to any modifications to the facility that may be required by Nixa for purposes of safety and reliability.
3. A net metering facility shall meet all applicable safety and performance standards established by the National Electric Safety Code, the National electric Code, the Institute of Electrical and electronic Engineers, and Underwriters Laboratory.
4. The customer-generator is responsible for obtaining liability insurance and such other requirements listed on the Interconnection Application/Agreement for Net Metering. (#1574 2/09)

Sections 7-26 through 7-35 reserved.