

**ORDINANCE NO. 2022-21**

**AN ORDINANCE AMENDING ORDINANCE NOS. 2022-13 AND 2012-11  
ESTABLISHING A SCHEDULE OF NON-RECURRING RATES AND CHARGES  
COLLECTED FOR THE USE OF AND SERVICES PROVIDED BY THE MUNICIPAL  
ELECTRIC UTILITY OF THE CITY OF LEBANON**

WHEREAS, the City of Lebanon, Indiana (“City”) owns and operates through its Utility Service Board (“Board”) an electric utility known as Lebanon Utilities (the “Utility”) for the purpose of providing safe, reliable and efficient electric service in and around the City pursuant to Ind. Code §8-1.5 et. seq., as amended, and other applicable provisions of Indiana Law (collectively, the “Act”);

WHEREAS, Common Council for the City of Lebanon (“City Council”), based upon recommendations from the Board periodically evaluates, changes and readjusts its various fees and charges to collect sufficient revenue in order to pay all the expenses incident to the operation and maintenance of the Utility, including, but not limited to improving the system for existing rate payers; and planning, budgeting, and expanding the facilities in order to serve new customers;

WHEREAS, the electric utility is subject to the jurisdiction of Indiana Utility Regulatory Commission’s (“Commission”);

WHEREAS, the existing rates and charges for electric service provided by the Lebanon Municipal Electric Utility were placed into effect following the approval of the Commission thereof in Cause No. 44142 on September, 12, 2012 and Cause No. 50535 on June 28, 2022;

WHEREAS, the Board, based in part upon the advice of its financial advisor, Baker Tilly Municipal Advisors, LLC (“Baker Tilly”), has adopted Resolution 2022-03 recommending to the City Council various adjustments to the non-recurring fees and charges;

WHEREAS, neither the Board nor the City Council seek to adjust the electric rates, only the non-recurring fees and charges specified in Appendix C;

WHEREAS, the City Council has caused notice of a public hearing set forth hearing on the charges set forth herein to be duly advertised, posted and mailed and has held a public hearing thereon; and

WHEREAS, the City Council finds that the proposed modifications to the City's existing non-recurring fees and charges should be enacted.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Lebanon, Indiana, that the non-recurring fees and charges be modified and therefore Ordinance Nos. 2022-12; and 2012-11 are amended as follows subject to the subsequent approval by the Commission:

**Section 1.**

**Rate RS – Electric Residential Service**

(Pursuant to the IURC Order in Cause No. 44142 dated September 12, 2012)

(Pursuant to the URT elimination approved per IURC Conference Minutes Cause No. 50535 dated June 28, 2022)

(Pursuant to the Non-recurring Rates and Charges modification in Cause No. \_\_\_\_\_ dated \_\_\_\_\_, 2022)

**Availability**

Available through one meter for residential service, including lighting, household appliances, refrigeration, cooking, water heating, space heating and small motors not exceeding three (3) horsepower individual capacity.

**Character of Service**

Alternating current, sixty Hertz, single phase at a voltage of approximately 120 volts two-wire, or 120/240 volts three-wire.

**Rate \***

Customer Charge per month -----	\$7.88
First 300 KWH per month-----	9.52¢ per KWH
Next 700 KWH per month-----	8.93¢ per KWH
Over 1,000 KWH per month-----	8.19¢ per KWH

**Minimum Charge**

The minimum monthly charge shall be the customer charge.

\* Subject to the provisions of Appendices A and B.

**Rate CS – Electric Commercial Service**

(Pursuant to the IURC Order in Cause No. 44142 dated September 12, 2012)

(Pursuant to the URT elimination approved per IURC Conference Minutes  
Cause No. 50535 dated June 28, 2022)

(Pursuant to the Non-recurring Rates and Charges modification in  
Cause No. \_\_\_\_\_ dated \_\_\_\_\_, 2022)

**Availability**

Available to any customer for light and/or power purposes whose maximum load requirements do not exceed 50 kilowatts. Customer must be located on or adjacent to an electric distributions line of the Utility which is adequate and suitable for supplying the service required.

The availability of this Schedule to polyphase customers is in the process of elimination and is withdrawn except for polyphase customers contracting for service hereunder prior to September 4, 1985 and will not be applicable to any future polyphase customers. If service hereunder is at any time discontinued at the Customer’s option, this Schedule shall not again be available.

**Character of Service**

Alternating current, sixty Hertz, single phase at a voltage of approximately 120/240 volts and polyphase at one of the following voltages: 120/240 volts four-wire Delta, 240 volts three-wire Delta, 480 volts three-wire Delta, 120/208 volts four-wire Wye, or 277/480 volts four-wire Wye, where available.

**Rate \***

	<b><u>Single Phase</u></b>	<b><u>Polyphase</u></b>
Customer Charge per month -----	\$15.27	\$34.48
First 500 KWH per month-----	10.82¢ per KWH	11.06¢ per KWH
Next 1,000 KWH per month-----	9.74¢ per KWH	10.01¢ per KWH
Next 1,000 KWH per month-----	8.88¢ per KWH	9.11¢ per KWH
Over 2,500 KWH per month-----	8.50¢ per KWH	8.76¢ per KWH

**Minimum Charge**

The minimum monthly charge shall be the customer charge.

\* Subject to the provisions of Appendices A and B.

**Rate MS – Electric Municipal Service**

(Pursuant to the IURC Order in Cause No. 44142 dated September 12, 2012)

(Pursuant to the URT elimination approved per IURC Conference Minutes  
Cause No. 50535 dated June 28, 2022)

(Pursuant to the Non-recurring Rates and Charges modification in  
Cause No. \_\_\_\_\_ dated \_\_\_\_\_, 2022)

**Availability**

Available to any metered municipal customer for light and/or power purposes. Customer must be located on or adjacent to an electric distribution line of the Utility which is adequate and suitable for supplying the service required.

**Character of Service**

Alternating current, sixty Hertz, single phase at a voltage of approximately 120/240 volts and polyphase at one of the following voltages: 120/240 volts four-wire Delta, 240 volts three-wire Delta, 480 volts three-wire Delta, 120/208 volts four-wire Wye, or 277/480 volts four-wire Wye, where available.

**Rate** \*

Customer Charge per month -----	\$15.27
All KWH used per month-----	7.86¢ per KWH

**Minimum Charge**

The minimum monthly charge shall be the customer charge.

\* Subject to the provisions of Appendices A and B.

**Rate CS – Small General Power Service**

(Pursuant to the IURC Order in Cause No. 44142 dated September 12, 2012)

(Pursuant to the URT elimination approved per IURC Conference Minutes Cause No. 50535 dated June 28, 2022)

(Pursuant to the Non-recurring Rates and Charges modification in Cause No. \_\_\_\_\_ dated \_\_\_\_\_, 2022)

**Availability**

Available to any customer for light and/or power purposes.

**Character of Service**

Alternating current, sixty Hertz, at any standard polyphase voltage supplied by Utility in the locality for which the service is requested.

**Rate \***

Customer Charge per month -----	\$59.11
First 500 KWH per month-----	13.21¢ per KWH
Next 2,000 KWH per month-----	11.82¢ per KWH
Next 2,500 KWH per month-----	9.87¢ per KWH
Next 5,000 KWH per month-----	9.04¢ per KWH
Over 10,000 KWH per month-----	8.57¢ per KWH

**Minimum Charge**

The minimum monthly charge shall be the customer charge.

**Metering Adjustment**

If service is metered at a voltage greater than 480 volts, the energy measurements shall be decreased by one and one-half percent (1 ½%) to convert such measurements to the equivalent of metering at the Utility’s secondary voltage.

\* Subject to the provisions of Appendices A and B.

**Rate PPL – Electric Primary Power and Light Service**

(Pursuant to the IURC Order in Cause No. 44142 dated September 12, 2012)

(Pursuant to the URT elimination approved per IURC Conference Minutes  
Cause No. 50535 dated June 28, 2022)

(Pursuant to the Non-recurring Rates and Charges modification in  
Cause No. \_\_\_\_\_ dated \_\_\_\_\_, 2022)

**Availability**

Available for any customer contracting for a specified capacity of not less than 50 kilovolt-amperes. Applicant must agree to a one-year term of service and must be located adjacent to an electric transmission line of the Utility that is adequate and suitable for supplying the service required.

**Character of Service**

Alternating current, sixty Hertz, at any standard polyphase voltage supplied by Utility in the locality for which the service is requested.

**Rate \***

<u>Customer Charge (Monthly)</u> -----	\$98.51
 <u>Maximum Load Charge (Monthly)</u>	
Each KVA of Billing Maximum Load -----	\$17.38 per KVA
 <u>Energy Charge (In Addition to the Maximum Load Charge)</u>	
First 300 hours' use of Billing Maximum Load -----	3.58¢ per KWH
Over 300 hours' use of Billing Maximum Load -----	3.10¢ per KWH

**Measurement of Maximum Load and Energy**

Maximum load shall be measured by suitable instruments provided by the Utility and in any month the maximum load expressed in kilovolt-amperes shall be the average number of kilowatts in the 30-minute interval in such month during which the energy metered is greater than in any other such 30-minute interval in such month, divided by the average lagging power factor (expressed as a decimal) calculated for the month. For billing purposes, the billing

maximum load, shall be the greater of the maximum load occurring during the month or fifty (50) KVA. Energy shall be measured by suitable integrating instruments provided by the Utility.

If service is metered at a voltage of approximately 480 volts or lower, the maximum load measurements shall be increased by one percent (1%) and the energy measurements shall be increased by one and one-half percent (1 ½%) to convert such measurements to the equivalent of metering at the Utility's primary voltage.

**Minimum Charge**

The minimum monthly charge shall be the customer charge.

\* Subject to the provisions of Appendices A and B.

## Rate OL – Outdoor Lighting Service

(Pursuant to the IURC Order in Cause No. 44142 dated September 12, 2012)

(Pursuant to the URT elimination approved per IURC Conference Minutes  
Cause No. 50535 dated June 28, 2022)

(Pursuant to the Non-recurring Rates and Charges modification in  
Cause No. \_\_\_\_\_ dated \_\_\_\_\_, 2022)

### Availability

Available only for continuous year-round service for outdoor lighting to any residential, farm, commercial or industrial customer located adjacent to an electric distribution line of Utility.

### Character of Service

Outdoor Lighting Service using lamps available under this schedule.

### Rate \*

<u>Type of Lamp</u>	<u>Rate per Lamp per Month</u>
175 watt mercury vapor	\$5.04
250 watt mercury vapor	\$6.13
400 watt mercury vapor	\$8.52
100 watt sodium vapor	\$4.31
200 watt sodium vapor	\$7.49
400 watt sodium vapor	\$13.01
150 watt sodium vapor	\$6.14
250 watt sodium vapor	\$7.49

  

<u>Special Contracts</u>	<u>Rate per Lamp per Month</u>
175 watt mercury vapor	\$4.82
250 watt mercury vapor	\$5.81

When Utility is required to install a pole to provide customer with Outdoor Lighting Service, customer shall be required to pay, in addition to the above charges, \$1.55 per month.

### Hours of Lighting

All lamps shall burn approximately one-half hour after sunset until approximately one-half hour before sunrise each day in the year, approximately 4,000 hours per annum.

\* Subject to the provisions of Appendices A and B.

**Rate SL – Public Street Lighting Service**

(Pursuant to the IURC Order in Cause No. 44142 dated September 12, 2012)

(Pursuant to the URT elimination approved per IURC Conference Minutes  
Cause No. 50535 dated June 28, 2022)

(Pursuant to the Non-recurring Rates and Charges modification in  
Cause No. \_\_\_\_\_ dated \_\_\_\_\_, 2022)

**Availability**

Available for any standard overhead Public Street Lighting Service.

**Character of Service**

Public Street Lighting Service using lamps available under this schedule.

**Rate \***

<u>Type of Lamp</u>	<u>Rate per Lamp per Month</u>
100 watt mercury vapor	\$5.72
175 watt mercury vapor	\$6.23
250 watt mercury vapor	\$7.25
100 watt sodium vapor	\$5.10
200 watt sodium vapor	\$8.85
400 watt sodium vapor	\$15.38
150 watt sodium vapor	\$7.25
250 watt sodium vapor	\$8.85

<u>City of Ulen</u>	<u>Rate per Lamp per Month</u>
100 watt sodium vapor	\$4.69
175 watt sodium vapor	\$5.09

**Hours of Lighting**

All lamps shall burn approximately one-half hour after sunset until approximately one-half hour before sunrise each day in the year, approximately 4,000 hours per annum.

\* Subject to the provisions of Appendices A and B.

**Section 2.**

Electric Utility  
City of Lebanon, Indiana

**Appendix A**

**Rate Adjustments**

The Rate Adjustments shall be on the basis of a Purchased Power Cost Adjustment Tracking Factor occasioned solely by changes in the cost of purchased power and energy, in accordance with the Order of the Indiana Utility Regulatory Commission, approved September 12, 2012 in Cause No. 44142 (Pursuant to the URT elimination approved per IURC Conference Minutes dated June 28, 2022) as follows:

Rate Adjustments applicable to the below listed Rate Schedules as follows:

Residential Service Rate	RS	\$	per kWh
Commercial Service Rate			
Single Phase	CS 10	\$	per kWh
Three Phase	CS 30	\$	per kWh
Municipal Service Rate	MS	\$	per kWh
Primary Power Light Rate	PPL	\$	per kVA
Small General Power Rate	SGP	\$	per kWh
Outdoor Lighting and Street Lighting Rate	OL & SL	\$	per kWh

**Section 3.**

Electric Utility  
City of Lebanon, Indiana

**Appendix B**

Rate Adjustments applicable to the below listed Rate Schedules as follows:

Residential Service Rate	RS	\$	per kWh
Commercial Service Rate			
Single Phase	CS 10	\$	per kWh
Three Phase	CS 30	\$	per kWh
Municipal Service Rate	MS	\$	per kWh
Primary Power Light Rate	PPL	\$	per kVA
		\$	per kWh
Small General Power Rate	SGP	\$	per kWh
Outdoor Lighting and Street Lighting Rate	OL & SL	\$	per kWh
<b><u>Average Change in Schedule of Rates</u></b>			
Residential Service Rate	RS	\$	per kWh
Commercial Service Rate			
Single Phase	CS 10	\$	per kWh
Three Phase	CS 30	\$	per kWh
Municipal Service Rate	MS	\$	per kWh
Primary Power Light Rate	PPL	\$	per kVA
		\$	per kWh
Small General Power Rate	SGP	\$	per kWh
Outdoor Lighting and Street Lighting Rate	OL & SL	\$	per kWh

#### **Section 4.**

Electric Utility  
City of Lebanon, Indiana

#### **Appendix C**

- (a) **Returned Check Charge.** If a check, draft, order or like instrument tendered to the City is dishonored or returned unpaid for any reason, the customer may be charged an amount not to exceed Thirty Dollars (\$30.00). The charge shall not be considered an interest charge, a finance charge, a time-price differential, or any charge of a similar nature.
- (b) **Meter Deposit.** Any individual, partnership, association, business, or corporation renting real property or improvements and desirous of service from the City's electric utility, hereinafter customer, renter, or depositor, shall make application and pay a meter deposit of a minimum of an estimated average of two (2) months electric service to the subject property. The City shall have the right to request proof of the customer's interest in the property served by the electric utility by presentation of a copy of deed, contract, lease, or agreement, and to request that the meter deposit be made and held in the customer's name. Meter deposits are held by the Utility in the customer's name(s) until returned or applied to the customer account consistent with Utility Policy. If a deposit is being held upon discontinuance of service, the City shall apply all or any part of the customer's meter deposit to payment of any outstanding electric charges, including any delinquencies, with the renter's or purchaser's meter deposit being first applied to the payment of electric charges followed by the owner's meter deposit. The remaining balance of meter deposit shall be refunded to the depositor. The depositor shall be responsible for providing the City with a proper forwarding address.
- (c) **Late Fee.** A customer who has not paid all charges on an account on or before the due date stated on the bill, shall be assessed a late payment charge of three percent (3%) on any outstanding balance.

(d) Connection Fee. A customer shall be responsible for paying the actual costs of the meter (each) and related supplies in order to connect to the City electric system.

(e) Non-Payment Fee (Reconnect Fee). A customer's service that is subject disconnect for non-payment, shall be assessed a non-payment fee as follows:

<b>Single Phase Customers</b>	\$40.00
<b>Three Phase Customers</b> (Single Customer at Connection)	\$195.00
<b>Three Phase Customers</b> (Multiple Customers at Connection)	\$290.00

(f) Service Trip Fee. The per trip charge for each service call to the customer site as follows:

<b><u>Residential User</u></b>	\$45.00
<b><u>All Other Users</u></b>	\$110.00

(g) After Hours Fee. A Service fee in addition to other applicable fees, will be applied for services performed outside the normal business hours and schedule of the Utility. The After Hours Fee shall be as follows, with a one hour minimum:

<b><u>All Users</u></b>	\$85.00 per hour
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(h) Meter Base Charge. Any customer requesting new service shall supply the necessary meter base subject to the Construction Standard Specifications of the City of Lebanon and as determined, from time to time by the Utility in its sole and exclusive discretion. Any existing customer service that requires replacement of the meter base shall supply the necessary meter base subject to the Construction Standard Specifications of the City of Lebanon and as determined, from time to time by the Utility in its sole and exclusive discretion.

(i) AMR (Smart) Meter Opt Out. The Electric Utility measures its service through the use of AMR meters. Subject to the General Terms and Conditions of Service and subject to the availability of commercially reasonable alternative measuring meters, a customer may request a non-AMR meter, subject to a one-time fee (per service) of \$75.00 and \$15.00 per month.

(j) System Tampering Charge. Any damage resulting from unauthorized use or tampering with the electric utility system (including meters) will result in a charge for the cost of repair (actual labor, materials, vehicle(s) and equipment) and the estimated usage at the applicable rate, subject to the below minimum charge.

**Residential Customers**                      \$100.00

**All Other Customers**                      \$500.00

**Section 5.**        The rates, charges and fees set forth in this Ordinance shall be reviewed every calendar year for continued applicability and financial necessity. There is a zero percent difference in the rates and charges between property located outside the corporate boundaries of the City as compared to property located within the corporate boundaries of the City.

**Section 6.**        Any portion of the other Ordinances in conflict with a provision in this Ordinance is hereby superseded to the extent inconsistent herewith. The provisions, rates, and charges of this Ordinance are severable. In the event any one or more of the provisions contained in this Ordinance should be invalid or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and/or the prior Ordinances of the City, shall not in any way be affected or impaired and shall remain in full force and effect. Furthermore, to the extent a rate, charge or provisions in this Ordinance is declared invalid, the higher of the valid charge or the original charge or fee previously established by the City shall be effective and/or retroactive as though unaltered. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

**Section 7.**        The provisions of this Ordinance shall take effect upon the approval of the Indiana Regulatory Commission and effect upon its adoption, effective date, any publication required by law.

All of which is CONSIDERED, APPROVED AND ADOPTED by the Common Council of the City of Lebanon, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
John Copeland

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John Copeland

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John Copeland

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Brent Wheat

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Brent Wheat

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Mike Kincaid

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Mike Kincaid

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Mike Kincaid

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Keith Campbell

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Morris Jones

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Morris Jones

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Morris Jones

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Dick Robertson

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Dick Robertson

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Dick Robertson

**ATTEST:**

\_\_\_\_\_  
Clerk-Treasurer, Tonya Thayer

I hereby certify that Ordinance 2022-21 was delivered to the Mayor of Lebanon on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ : \_\_\_\_\_ m

\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2022-21  
this \_\_\_ day of \_\_\_\_\_, 2022

I hereby VETO ORDINANCE 2022-21  
this \_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Matthew T. Gentry, Mayor

\_\_\_\_\_  
Matthew T. Gentry, Mayor