

**HASTINGS CITY COUNCIL
SPECIAL MEETING AGENDA**

**Hastings Public Library
314 N. Denver Avenue
September 27, 2023
5:30 PM**

ROLL CALL:

PLEDGE OF ALLEGIANCE:

MOTION TO ADOPT CURRENT AGENDA for September 27, 2023 Special Meeting.

PUBLIC NOTICE - Official Notice of the Special Meeting was published in the Hastings Tribune on Friday, September 22, 2023. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is available for public review. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

AGENDA ITEMS

1. Ordinance No. 4745 adopting the Annual Appropriation Bill for the City of Hastings and adopting appropriate sums for the necessary expenses and liability for the fiscal year 2023-2024 (*Final Reading*)
2. Ordinance No. 4741 to provide modification of monthly billing for electric service and rates for the City of Hastings, Nebraska (*Final Reading*)
3. Ordinance No. 4742 to provide modification of monthly billing for gas service and rates for the City of Hastings, Nebraska (*Final Reading*)
4. Ordinance No. 4743 to provide modification of monthly billing for water service and rates for the City of Hastings, Nebraska (*Final Reading*)
5. Ordinance No. 4744 amending the rate rider for customers receiving electricity from the Hastings Community Solar Farm (*Final Reading*)

ADJOURN:

The Mayor and City Council reserve the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the Mayor and City Council to take up the items on the agenda in sequential order. However, the Mayor and City Council reserve the right to take up matters in a different order to accommodate the schedules of the city council members, person having items on the agenda, and the public.

Department: Finance
Staff Contact: Roger Nash
Council Meeting Date: 9/27/2023

AGENDA ITEM SUMMARY SHEET

Description of Item:

Ordinance No. 4745 adopting the proposed Annual Budget for the City of Hastings for fiscal year 2023-2024

Names of People/Business affected by this action:

Persons who receive municipal services from the City of Hastings
Persons who provide those services
Persons who pay for those services

Why Council action is required:

Council vote is required for ordinance adoption

Type of action requested:

Ordinance

Suggested motion:

Move to adopt Ordinance No. 4745 on final reading.

Deadlines associated with action:

The budget must be filed with the State Auditor and the Adams County Clerk by September 30, 2023.

Department head comments:

This ordinance completes the budget process and allows for appropriations beginning October 1, 2023.

City Administrator comments:

Staff went through a rigorous process to determine their department's needs for next fiscal year. It is my recommendation that council approve the budget as presented.

ORDINANCE NO. 4745

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR THE NECESSARY EXPENSES AND LIABILITY; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of the City of Hastings, Nebraska, as follows:

SECTION 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2023, and ending September 30, 2024. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liability of the City of Hastings. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Adams County, Nebraska, for use by the levying authority.

SECTION 2. That the expenditures set forth in the various funds are approved and appropriated for Fiscal Year 2023-24 in the total amount of **\$214,226,978.54**.

SECTION 3. That the taxes for the City of Hastings for the fiscal year commencing October 1, 2023, be and hereby are levied on the real estate and personal property within the City of Hastings according to law on the assessed valuation of such property taken from the tax rolls of said City for the Fiscal Year 2023-24 in the following amounts:

	<u>Tax Requirement</u>
General Fund	\$6,444,548.00
Museum Fund	1,208,456.00
Debt Service Fund	<u>472,762.00</u>
TOTAL	\$8,125,266.00
Community Redevelopment Authority	<u>\$497,876.51</u>
TOTAL	\$8,623,142.51

SECTION 4. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of September, 2023.

Mayor

ATTEST:

City Clerk

(S E A L)

Approved as to form: _____



City Attorney

Department: Utility Administration
Staff Contact: Brian Strom
Council Meeting Date: 9/27/2023

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of Electric Services and Rates Ordinance No. 4741

Names of People/Business affected by this action:

Electric customers of Hastings

Why Council action is required:

Must be approved by Ordinance

Type of action requested:

Ordinance

Suggested motion:

Move to approve Ordinance No. 4741 on Final Reading.

Deadlines associated with action:

The budget must be filed with the State Auditor and the Adams County Clerk by September 30, 2023.

Department head comments:

To reflect the Electric Cost of Service Study. These rates will go into effect on October 15, 2023.

City Administrator comments:

Staff have carefully considered the appropriate rates for service through their own analysis and through a third party feasibility analysis. To ensure these funds cover operational necessities now and into the future, I recommend that Council approve the proposed rates.

ORDINANCE NO. 4741

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 32-304 OF THE OFFICIAL CITY CODE TO PROVIDE FOR MODIFICATION OF MONTHLY BILLINGS FOR ELECTRIC SERVICE AND RATES; TO REPEAL ALL ORDINANCES AND PROVISIONS INCONSISTENT HERewith; TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

Section 1. That Section 32-304 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby amended to read as follows:

32-304 Rates.

As a tariff of rates based on monthly consumption by each consumer of electrical energy from the electric power plant and distribution system of the City of Hastings, Nebraska, the following schedules are hereby established.

RS-U. RESIDENTIAL SERVICE – URBAN

1. Availability
At any location within the corporate limits of Hastings and Juniata in accordance with the service policies of the Utilities Department.
2. Application
To residential customers in single family dwelling units when all electric service supplied to the dwelling unit is for household purposes and is measured through one meter. If a portion of the electric service supplied to a dwelling unit is used for nonresidential purposes, and the customer can arrange wiring in such a manner that the electric service for residential purposes and non-residential purposes can be metered separately, this rate schedule is applicable to the portion used for residential purposes.
3. Type of Service
Single phase, 60 hertz, 120/240 volts.

4. Rate

EFFECTIVE OCTOBER 15, 2023

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$20.00	\$20.00
Energy Charge		
First 700 kWh, per kWh	\$0.0877	\$0.0877
Next 1300 kWh, per kWh	\$0.0877	\$0.0805
Additional kWh, per kWh	\$0.0877	\$0.0499

5. Minimum Bill is the Customer Charge

6. Seasonal Periods

The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.

7. Energy Cost Adjustment

Energy charges are subject to the provisions of Schedule EAC.

RS-R. RESIDENTIAL AND FARM SERVICE, SINGLE PHASE – RURAL

1. Availability

At any location within the Department's service area and without the corporate limits of Hastings and Juniata in accordance with the service policies of the Utilities Department.

2. Application

Single phase service to single family dwelling units including adjacent farm buildings and farm uses, except for irrigation pumping motors larger than 7-1/2 horsepower, where service is supplied at one point of delivery and measured with one meter. Where two or more family units are supplied through one meter, billing will be under the applicable General Service Schedule. If a portion of the electric service supplied is used for non-domestic or non-farm purposes and the customer can arrange wiring in such a manner that the electric service for domestic and associated farm uses can be metered separately, this schedule is applicable to the portion used for the domestic and farm purposes.

3. Type of Service

Single phase, 60 hertz, 120/240 volts.

4. Rate

EFFECTIVE OCTOBER 15, 2023

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$22.00	\$22.00
Energy Charge		
First 1200 kWh, per kWh	\$0.1020	\$0.1020
Next 1300 kWh, per kWh	\$0.1020	\$0.0886
Additional kWh, per kWh	\$0.1020	\$0.0618

5. Minimum Bill is the Customer Charge

6. Seasonal Periods

The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.

7. Energy Cost Adjustment

Energy charges are subject to the provisions of Schedule EAC.

SGS-U. SMALL GENERAL SERVICE - URBAN

1. Availability

At any location within the corporate limits of Hastings and Juniata in accordance with the service policies of the Utilities Department. Available for commercial, industrial and farm services, for all uses including lighting, heating, and power, where the customer's annual peak demand is less than 175 kW. Not available for standby, breakdown, supplementary or resale service.

2. Application

To any non-residential customer for all electric power and energy requirements. Each premises will be supplied at one point of delivery, and all electric service supplied will be measured through one meter.

3. Type of Service

Single or three phase, if available, 60 hertz, at one of the Department's standard service voltages.

4. Rate

EFFECTIVE OCTOBER 15, 2023

Customer Charge per month	\$23.00
Energy Charge	
First 100 kWh, per kWh	\$0.1416
Next 900 kWh, per kWh	\$0.1178
Additional kWh, per kWh	\$0.0914

5. Minimum Bill is the Customer Charge
6. Energy Cost Adjustment
Energy charges are subject to the provisions of Schedule EAC.
7. City Uses
The following special provisions shall apply to all City of Hastings uses of electrical power, with the exception of the street lighting system:
 - a. The annual customer charge shall be as follows:
 - 1) Effective October 15, 2023: \$23.00

This charge, as well as any energy cost adjustments, shall be included in and identified separately in the annual audit to be conducted by the Department of Utilities.
 - b. The energy charge for all kWh shall be as follows:
 - 1) Effective October 15, 2023: \$0.097 per kWh
 - c. The applicable EAC shall be assessed on all City of Hastings usage in addition to the above energy rate.

SGS-R. SMALL GENERAL SERVICE – RURAL

1. Availability
At any location within the Department's service area and without the corporate limits of Hastings and Juniata in accordance with the service policies of the Utilities Department. Available for commercial, industrial and farm services, for all uses including lighting, heating, and power, where the customer's annual peak demand is less than 175 kW. Not available for standby, breakdown, supplementary or resale service.
2. Application
To any customer for all electric power and energy requirements. Each premises will be supplied at one point of delivery, and all electric service supplied will be measured through one meter.
3. Type of Service
Single or three phase, if available, 60 hertz, at one of the Department's standard service voltages.

4. Rate

EFFECTIVE OCTOBER 15, 2023

Customer Charge per month	\$25.00
Energy Charge	
First 100 kWh, per kWh	\$0.1613
Next 900 kWh, per kWh	\$0.1318
Additional kWh, per kWh	\$0.0945

5. Minimum Bill is the Customer Charge

6. Energy Adjustment Charge

Energy charges are subject to the provisions of Schedule EAC.

**H-U. OPTIONAL ELECTRIC SPACE HEATING AND WATER
HEATING SERVICE – URBAN NON-RESIDENTIAL**

1. Availability

At any location within the corporate limits of Hastings and Juniata in accordance with the service policies of the Utilities Department.

2. Application

To any non-residential customer for separately metered electric space heating and/or water heating for domestic and building services where the annual peak is less than 175 kW. Equipment served and its installation must comply with the standards of the Electric Department.

3. Type of Service

Single phase, 60 hertz, at the service voltage supplied for other uses on the premises. Three phase service is available if such is supplied to the premises for other uses.

4. Rate

EFFECTIVE OCTOBER 15, 2023

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$20.00	\$20.00
Energy Charge		
All kWh, per kWh	\$0.1045	\$0.0758

5. Minimum Bill is the Customer Charge

6. Seasonal Periods

The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.

7. Energy Cost Adjustment
Energy charges are subject to the provisions of Schedule EAC.

**H-R. OPTIONAL ELECTRIC SPACE HEATING AND WATER
HEATING SERVICE – RURAL NON-RESIDENTIAL**

1. Availability
At any location within the Department's service area and without the corporate limits of Hastings and Juniata in accordance with the service policies of the Utilities Department.
2. Application
To any non-residential customer for separately metered electric space heating and/or water heating for domestic and building services where the annual peak demand is less than 175 kW. Equipment served and its installation must comply with the standards of the Electric Department.
3. Type of Service
Single phase, 60 hertz, at the service voltage supplied for other uses on the premises. Three phase service is available if such is supplied to the premises for other uses.

4. Rate

EFFECTIVE OCTOBER 15, 2023

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$20.00	\$20.00
Energy Charge		
All kWh, per kWh	\$0.1143	\$0.0779

5. Minimum Bill is the Customer Charge
6. Seasonal Periods
The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.
7. Energy Cost Adjustment
Energy charges are subject to the provisions of Schedule EAC.

LGS. LARGE GENERAL SERVICE

1. Availability
At any location within the Department's service area in accordance with the service policies of the Utilities Department. Available for commercial, industrial and farm services, for all uses including lighting, heating, and power, where

the customer's annual peak demand is 175 kW or greater but less than 1,000 kW. Not available for standby, breakdown, supplementary or resale service.

2. Application

To any customer for all-electric service for a premises where the service is supplied at one point of delivery and measured through one meter.

3. Type of Service

Three phase, 60 hertz, at one of the Department's standard service voltages.

4. Rate

EFFECTIVE OCTOBER 15, 2023

Demand Charge	
First 175 kW or less of Billing Demand	\$1,519.02
Next 100 kW of Billing Demand	\$8.07
All additional kW of Billing Demand	\$7.73
Energy Charge	
All kWh, per kWh	\$0.0561

5. Minimum Bill is the Demand Charge

6. Billing Demand

The Billing Demand shall be the maximum 15 minutes kW demand measured during the billing month but not less than 75% of the maximum measured kW established during the months of June, July, August or September of the preceding 11 months.

7. Primary Metering

When, at the option of the Department, the electric service provided under this schedule is metered at primary voltage and service is taken at secondary voltage, the billing demand and energy will each be reduced by 2%.

8. Equipment Ownership

When the customer owns and maintains all equipment, except metering, necessary to take service at the Department's established primary voltages of 12 KV or higher, a discount of 40 cents per kW shall be applied to the demand charge.

9. Energy Cost Adjustment

Energy charges are subject to the provisions of Schedule EAC.

10. Power Factor

The customer shall at all times maintain a power factor of not less than 90% lagging to qualify for this rate schedule.

11. Term

Customer electing to take service under Rate Schedule LGS will be billed on this schedule for at least 12 months before having the option to be billed on another schedule.

12. Temporary Partial Reduction of Demand Charge Rider

For customers developing a new business or facility or significantly expanding an existing business, facility or plant, the City of Hastings may reduce the charge on new or increased demand by up to 50% for the first 24 months of service or expansion of service. Customers shall apply for the temporary partial reduction of demand charge through the Hastings Utility Department prior to connection of a new business, facility or plant or the load expansion of an existing business, facility or plant. The application shall be reviewed by the Hastings Utility Board, who shall make a recommendation regarding the percentage of demand reduction for the 24-month period to the Mayor and City Council for approval. If approved, customers applying for this temporary reduction must remain on the LGS electric rate for at least 24 months after the expiration of the 24-month temporary partial reduction period or the total dollar amount of the reduced demand charge for the 24-month temporary partial reduction period shall be repaid to the City of Hastings. Additionally, the customer must comply with all other conditions of the LGS electric rate.

- a. A new business, facility or plant must be on the LGS rate and be subject to the 500 kW minimum requirement charge for a period of 3 billing cycles to establish a "base demand."

The percentage of demand charge reduction shall be based on the kW demand over the "base demand" as follows:

- 0-24% demand increase = 0% demand reduction
- 25-49% demand increase = 20% demand reduction
- 50-99% demand increase = 33% demand reduction
- >100% demand increase = 50% demand reduction

- b. An expansion of an existing business, facility or plant must result in at least a 25% increased demand requirement per month above the "base demand" as defined below. In any month the demand increase does not exceed the 25% of the "base demand" there shall be no temporary partial demand reduction for that month. The increased demand requirement shall be based on the following:

- The "base demand" shall be the greater of 250 kW or the average of the 3 billing cycles before the expansion of business, facility or plant.
- The percentage of the temporary partial reduction of demand charge for the expansion of an existing business, facility or plant shall be the same as for a new business, facility or plant.

LL&P. LARGE LIGHT AND POWER

1. Availability
Service under this schedule is available adjacent to the Department's transmission or distribution voltages of 13.8 KV or greater in accordance with the service policies of the Utilities Department. Available for commercial and industrial services, for all uses including lighting, heating, and power, where the customer's annual peak demand is 1,000 kW or greater. Not available for standby, breakdown, supplementary or resale service.
2. Application
To any customer for all power and energy uses at any one location where service of a single character is taken through one meter at one point of delivery.
3. Type of Service
Three phase, 60 hertz, at one of the Department's transmission voltages.
4. Rate

EFFECTIVE OCTOBER 15, 2023

Demand Charge	
First 1000 kW of Billing Demand	\$8,824.36
All additional kW of Billing Demand	\$8.14
Energy Charge	
All kWh, per kWh	\$0.0496
5. Minimum Bill
The minimum bill is the Demand Charge.
6. Billing Demand
The Billing Demand shall be the maximum 15 minutes kW demand measured during the billing month but not less than 75% of the maximum measured kW established during the months of June, July, August or September of the preceding 11 months.
7. Primary Voltage Service
If service supplied under this schedule is delivered at the Department's primary voltage of 4.16 KV, the Demand Charge shall be increased by an amount equal to \$0.78 per kW of Billing Demand.
8. Transformation Service
If the Department supplies transformation equipment, the customer shall be assessed a monthly facilities charge at the rate of 1.5% of the installed costs of such transformation facilities.
9. Energy Cost Adjustment
Energy charges are subject to the provisions of Schedule EAC.

10. Power Factor
The customer shall at all times maintain a power factor of not less than 90% lagging to qualify for this rate schedule.
11. Term
Customers electing to be billed on Rate Schedule LL&P will be billed on this schedule for at least 12 months before having the option to be billed on another schedule.
12. Temporary Partial Reduction of Demand Charge Rider
For customers developing a new business or facility or significantly expanding an existing business, facility or plant, the City of Hastings may reduce the charge on new or increased demand of up to 50% for the first 24 months of service or expansion of service. Customers shall apply for the temporary partial reduction of demand charge through the Hastings Utility Department prior to connection of a new business, facility or plant or the load expansion of an existing business, facility or plant. The application shall be reviewed by the Hastings Utility Board, who shall make a recommendation to the Mayor and City Council for approval. If approved, customers applying for this temporary reduction must remain on the LL&P electric rate for at least 24 months after the expiration of the 24-month temporary partial reduction period or the total dollar amount of the reduced demand charge for the 24-month temporary partial reduction period shall be repaid to the City of Hastings. Additionally, the customer must comply with all other conditions of the LL&P electric rate.

- a. A new business, facility or plant must be on the LL&P rate and be subject to the 1,000 KW minimum requirement charge for a period of 3 billing cycles to establish a "base demand."

The percentage of demand charge reduction shall be based on the KW demand over the "base demand" as follows:

- 0-34% demand increase = 0% demand reduction
- 35-49% = 25% demand reduction
- >50% demand increase = 50% demand reduction

- b. An expansion of an existing business, facility or plant must result in at least a 35% increase over the "base demand" as defined below. The increased demand requirement shall be based on the following:

- The "base demand" shall be the greater of 1,000 KW or the average of the 3 billing cycles before expansion of business, facility or plant.
- The percentage of the temporary partial reduction of demand charge for the expansion of an existing business, facility or plant shall be the same as for a new business, facility or plant.

In either (a) or (b) above, any month in which the demand increase does not exceed the 35% increase over the "base demand," there shall be no temporary partial demand reduction for that month.

LL&P-T. LARGE LIGHT AND POWER – TRANSMISSION

1. Availability
Service under this schedule is available, subject to review and approval of Hastings Utilities, to any customer having a connected load of at least 20,000 kW from the Department's transmission voltage of 115 KV in accordance with the service policies of the Utilities Department. Not available for standby, breakdown, supplementary or resale service.
2. Application
To any customer for all power and energy uses at any one location where service of a single character is taken through one meter at one point of delivery.
3. Type of Service
Three phase, 60 hertz, at Department's 115 KV transmission voltage.
4. Rate

	EFFECTIVE OCTOBER 15, 2023
Customer Charge	\$1,124.55
Demand Charge	
All kW of Billing Demand	\$11.25
Energy Charge	
All kWh, per kWh	\$0.0400
5. Minimum Bill
The minimum bill is the Demand Charge plus the Customer Charge.
6. Billing Demand
The Billing Demand shall be the maximum 15-minute kW demand measured during the billing month but not less than (a) the greater of 75% of the maximum measured kW demand established during the months of June, July, August or September of the preceding 11 months, (b) 20,000 kW or (c) the Contract Demand.
7. Transmission Service
If the Department supplies transmission line, transformation, or transmission system control equipment to serve the customer, the customer shall, at Hastings Utilities option, contract for a minimum Contract Demand and term of service and either pay the full installed cost of the facilities or be assessed a monthly facilities charge at the rate of one and one-half percent (1.5%) of the installed costs paid by Hastings Utilities for such facilities.

8. Energy Cost Adjustment
Energy charges are subject to the provisions of Schedule EAC. A 1.06 loss/conversion adjustment shall be applied for Transmission Service.
9. Power Factor
The customer shall at all times maintain a power factor as close to 100% as practical. When the power factor as determined by continuous measurement of lagging reactive kilovolt ampere hours is less than 95%, the Billing Demand shall be adjusted for power factor as determined by multiplying the Billing Demand by 95% and dividing the product thus obtained by the actual metered power factor, expressed in percent, for the month. The Department may, at its option, use for adjustment the metered power factor as determined by test metering during a period of normal operation of the customer's equipment instead of power factor determined by continuous measurement.
10. Term
Customers electing to be billed on Rate Schedule LL&P-T will be billed on this schedule for the term of the Contract Demand or, if no contract term applies, at least 12 months before Hastings Utilities has the option to bill the customer on another rate schedule.
11. Temporary Partial Reduction of Demand Charge Rider
For customers developing a new business or facility or significantly expanding an existing business, facility or plant, the City of Hastings may reduce the charge on new or increased demand for the first 24 months of service or expansion of service based on the recommendation of the Hastings Utility Board and approval of the Mayor and City Council. Customers shall apply for the temporary partial reduction of demand charge through the Hastings Utility Department prior to connection of a new business, facility or plant or the load expansion of an existing business, facility or plant. If approved, customers applying for this temporary reduction must remain on the LL&P-T electric rate for at least 24 months after the expiration of the 24-month temporary partial reduction period or the total dollar amount of the reduced demand charge for the 24-month temporary partial reduction period shall be repaid to the City of Hastings. Additionally, the customer must comply with all other conditions of the LL&P-T electric rate.
 - a. A new business, facility or plant must be on the LL&P-T rate and be subject to the 20,000 kW minimum requirement charge for a period of 3 billing cycles to establish a "base demand."

The percentage of demand charge reduction shall be based on the kW demand over the "base demand" as follows:

- 0-34% demand increase = 0% demand reduction

- 35-49% = 25% demand reduction
 - >50% demand increase = 50% demand reduction
- b. An expansion of an existing business, facility or plant must result in at least a 35% increase over the "base demand" as defined below. The increased demand requirement shall be based on the following:
- The "base demand" shall be the greater of 20,000 kW or the average of 3 billing cycles before expansion of business, facility or plant
 - The percentage of the temporary partial reduction of demand charge for the expansion of an existing business, facility or plant shall be the same as for a new business, facility or plant.

In either (a) or (b) above, any month in which the demand increase does not exceed the 35% increase over the "base demand," there shall be no temporary partial demand reduction for that month.

IS. IRRIGATION SERVICE

1. Availability
At any location within the Department's service area in accordance with the service policies of the Utilities Department.
2. Application
To all electric service supplied to one point of delivery for irrigation pumping.
3. Type of Service
Three phase, 60 hertz, 240 or 480 volts.
4. Rate

EFFECTIVE OCTOBER 15, 2023	
Customer Charge (annual rate)	\$200.00
Demand Charge (annual rate)	
First 10 connected HP or less	\$418.68
All additional connected HP	\$27.21
Energy Charge	
All kWh, per kWh (monthly rate)	\$0.0716
5. Minimum Bill
The minimum bill shall be the Customer Charge and Demand Charge.
6. Energy Cost Adjustment
Energy charges are subject to the provisions of Schedule EAC.

7. Term
Service under this schedule shall be for a minimum period of 12 months after service has been initiated. The Customer Charge and the Demand Charge are due and payable with the first bill rendered, but not later than April 1, each calendar year.

TSS. TRAFFIC SIGNAL SERVICE

1. Availability
At any location within the corporate limits of Hastings in accordance with the service policies of the Utilities Department.

2. Application
To traffic signal systems located within the City of Hastings.

3. Rate

EFFECTIVE OCTOBER 15, 2023

Energy Charge	
All kWh, per kWh	\$0.0732

Plus, the following special provisions shall apply:

- a. Maintenance of the traffic control systems shall be administered by the Utilities Electric Department, and the City shall be billed for all such charges. Invoices for the maintenance of traffic signals billed to the City shall contain an itemized listing of:
- 1) All replacement parts or materials, as needed, on a net basis.
 - 2) All hourly rental rates of equipment directly utilized in maintenance.
 - 3) All hourly wages directly utilized in maintenance.
- b. Capital improvements of traffic control systems shall be administered by the Utilities Electrical Department upon direction and authorization of the Mayor and City Council with all costs to be paid by the City. The Utilities Electrical Department shall account separately for all such costs.
4. Energy Cost Adjustment
Energy charges are subject to the provisions of Schedule EAC.

EAC. ENERGY ADJUSTMENT CHARGE

Unless otherwise noted, all retail electric sales are subject to the application of an Energy Adjustment Charge (EAC). Said adjustment shall be calculated monthly as follows:

Fuel costs for generation and purchased power costs shall be calculated for each month (Monthly Energy Costs) to reflect changes in the cost of power above the Base Energy Cost. For any period when the actual energy costs for a given month exceed the Base Energy Cost, the energy charge for bills issued shall be increased by an amount equal to the difference between the actual energy cost per kilowatt- hour, less the Base Energy Cost, multiplied by the Loss/Conversion Adjustment, rounded to the nearest tenth of a mill per kWh (nearest \$0.0001 per kWh).

For purposes of this calculation, the Base Energy Cost shall be \$0.0100 per kWh. The applied EAC shall be equal to the average of the calculated monthly EAC for the previous twelve months.

Monthly Energy Costs shall include:

- Fossil fuel consumed in the utility's own plants, and the utility's share of fossil fuel consumed in jointly owned or leased plants including Whelan Energy Center Unit 2; plus
- The energy component of all purchased power agreements, including but not limited to energy charges for Western Area Power Administration purchases, participation energy purchases, purchases from the Southwest Power Pool Integrated Marketplace, and other charges that may result from power purchases; plus
- All fuel and variable energy costs associated with wholesale power sales shall be deducted from the monthly energy costs.

For purposes of the Energy Adjustment Charge, energy costs shall specifically exclude:

- The components of purchased power costs that do not vary based on the energy purchased, such as demand charges.
- The non-fuel cost components associated with participation agreements.

Example of Calculation

Actual Fuel Cost for Period	\$0.0108 per kWh
Base Fuel Cost	\$0.0100 per kWh
Difference	\$0.0008 per kWh

Applied EAC is the average of this difference for the previous six months.

Loss/Conversion Adjustment	
Transmission Service	1.06
Distribution Service	1.10

EAC Adjustment (based on \$0.0008 per kWh)	
Transmission Service	\$0.00085 per kWh
Distribution Service	\$0.00088 per kWh

True Up Calculation

No later than August 1 of each year, HU shall calculate a Monthly True Up based on the following for each of the 12 months ending the prior March 31 the following information:

1. Revenue collected from retail customers for energy component of rates, including Base Energy Costs, Energy Cost Adjustments, and True Up Calculation collections, less the following:
 - a. The Monthly Energy Costs as calculated in this section.
 - b. The collected True Up Rate multiplied by the originally-projected energy sales for those months.
2. The Annual True Up Amount is the total of the Monthly True Up calculated for each of the 12 months ending March 31.

If the Annual True Up Amount is a positive amount indicating a surplus, this surplus amount will be carried forward to future years and used to reduce the True Up amount in future years. If the Annual True Up Amount is a deficit, any prior year surpluses will first be applied to the current year deficit. If there are adequate prior year surpluses to apply and eliminate the deficit, no True Up amount will be collected in the succeeding year. If a deficit remains, the True Up amount will be divided by projected energy sales for the 12-month period beginning October 1 to calculate the "True Up Rate." The True Up Rate will be added to the monthly EAC for the billing months of the immediately-succeeding October through the following September.

SLS-1. STREET LIGHTING SERVICE

1. Availability
At any location within the corporate limits of Juniata in accordance with the service policies of the Utilities Department.
2. Application
To street lighting systems owned by the Utilities Department.
3. Monthly Rate

EFFECTIVE OCTOBER 15, 2023

All energy usage	\$0.0949/kWh
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4. Energy Cost Adjustment
Charges for electric services under this schedule shall be subject to the provisions of Schedule EAC.

SLS-2. STREET LIGHTING SERVICE

1. Availability
At any location within the corporate limits of Hastings in accordance with the service policies of the Utilities Department.
2. Application
To street lighting systems of the Street Lighting Department located within the City of Hastings.
3. Monthly Rate

EFFECTIVE OCTOBER 15, 2023

All energy usage	\$0.0471/kWh
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Plus, the following special provisions shall apply:

 - a. Operation and maintenance of the street lighting system shall be administered by the Utilities Electrical Department. The Utilities Electrical Department shall bill the Street Lighting Department for all such charges.
 - b. Capital improvements of the Street Lighting Department shall be administered by the Utilities Electrical Department. All such costs shall be billed to the Street Lighting Department.
4. Energy Cost Adjustment
Charges for electric services under this schedule shall be subject to the provisions of Schedule EAC.

SLS. STREET LIGHTING SERVICE

1. Application

To all Utilities Department Electric Accounts served by the following rate schedules, for purposes of funding street lighting services within the electric service territory of Hastings:

- Group 1: RS-U, RS-R (including RS-R Juniata)
- Group 2: SGS-U, SGS-R, SGS-J
- Group 3: IS
- Group 4: LGS, LL&P, LL&P-T

Funding requirements include operation, maintenance, renewals and replacements as well as reimbursement for previous capital improvements funded through an interdepartmental loan within Hastings Utilities.

Rates within this rate schedule are assessed based on the groups listed in this "Application" section.

2. Operation, Maintenance, Renewals and Replacement (O&M/R&R) Rate

The Utilities Department shall bill each applicable Utilities Department Electric Account an O&M/R&R charge as follows:

EFFECTIVE OCTOBER 15, 2023

- Group 1: \$3.22/month
- Group 2: \$4.03/month
- Group 3: \$1.61/month
- Group 4: \$9.66/month

3. Street Light Infrastructure Charge (SLIC) Rate

The Utilities Department shall bill each applicable Utilities Department Electric Account a Street Light Infrastructure Charge (SLIC) to repay the interdepartmental loan used to fund previous street lighting capital improvements. The SLIC will terminate after five years, at which time the interdepartmental loan will have been repaid.

**EFFECTIVE OCTOBER 15, 2023
THROUGH SEPTEMBER 30, 2025**

- Group 1: \$1.36/month
- Group 2: \$1.70/month
- Group 3: \$0.68/month
- Group 4: \$4.07/month

4. Credit for Customer-Owned Lamps in City Right-of-Way
For Utilities Department Electric Accounts that serve customer-owned street lighting located in City right-of-way, a monthly credit of \$1.00 per lamp owned and served by the account shall apply.

5. Accounting
The Utilities Department shall account separately for all revenues, operating expenses, and capital expenditures of aforementioned Street Lighting Services within the Utilities Electric Department.

Section 2. That any ordinance or provisions passed and approved prior to the passage of this ordinance, and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form, said effective date being October 15, 2023, and this ordinance shall thereafter be included in the Hastings City Code book.

Section 4. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this ___ day of September, 2023.

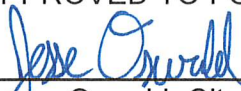
Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)

APPROVED TO FORM:



Jesse Oswald, City Attorney

Department: Utility Administration
Staff Contact: Brian Strom
Council Meeting Date: 9/27/2023

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of Gas Services and Rates Ordinance No. 4742.

Names of People/Business affected by this action:

Gas customers of Hastings

Why Council action is required:

Must be approved by Ordinance

Type of action requested:

Ordinance

Suggested motion:

Move to approve Ordinance No. 4742 on Final Reading.

Deadlines associated with action:

The budget must be filed with the State Auditor and the Adams County Clerk by September 30, 2023.

Department head comments:

To reflect the Gas Cost of Service Study. These rates will go into effect on October 15, 2023.

City Administrator comments:

Staff have carefully considered the appropriate rates for service through their own analysis and through a third party feasibility analysis. To ensure these funds cover operational necessities now and into the future, I recommend that Council approve the proposed rates.

ORDINANCE NO. 4742

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 32-402 OF THE OFFICIAL CITY CODE TO MODIFY MONTHLY BILLINGS FOR NATURAL GAS SERVICE AND RATES; TO REPEAL ALL PARTS OF ORDINANCES AND PROVISIONS IN CONFLICT HEREWITH; TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That Section 32-402 of the Official City Code of the City of Hastings, Nebraska be and the same is hereby amended as follows:

32-402. Rates.

As a tariff of rates based on monthly consumption of each consumer of natural gas from the distribution system of the City, the following schedules are hereby established:

GRS-U. GAS RESIDENTIAL SERVICE - URBAN

- 1. Availability
Within established corporate limits of the City of Hastings.
- 2. Applicability
To single family residences and individually metered apartments for domestic purposes when all service is supplied through a single meter to each customer.
- 3. Character of Service
Standard Hastings Utilities pressures and temperatures.

4. Rates

EFFECTIVE OCTOBER 15, 2023

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$10.00	\$10.00
Usage per hundred ccf	\$0.322	\$0.475

EFFECTIVE OCTOBER 1, 2024

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$11.00	\$11.00
Usage per hundred ccf	\$0.381	\$0.534

EFFECTIVE OCTOBER 1, 2025

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$12.00	\$12.00
Usage per hundred ccf	\$0.445	\$0.598

EFFECTIVE OCTOBER 1, 2026

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$13.00	\$13.00
Usage per hundred ccf	\$0.513	\$0.667

5. Minimum Bill shall be the Customer Charge
6. Seasonal Periods
The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.
7. Purchased Gas Adjustment
Subject to application of Btu and Purchased Gas Adjustment.
8. General Terms and Conditions
Service will be furnished under the General Terms and Conditions of Hastings Utilities.

GGU-U. GAS GENERAL SERVICE - URBAN

1. Availability
Within established corporate limits of the City of Hastings.
2. Applicability
To any customer for non-domestic purposes or multiple family domestic use where all service is taken through a single meter at one location, and where the customer's peak winter usage does not exceed 3,000 ccf per month.
3. Character of Service
Standard Hastings Utilities pressures and temperatures.

4. Rates

EFFECTIVE OCTOBER 15, 2023

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$15.00	\$15.00
Usage per hundred ccf	\$0.340	\$0.498

EFFECTIVE OCTOBER 1, 2024

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$17.00	\$17.00
Usage per hundred ccf	\$0.399	\$0.557

EFFECTIVE OCTOBER 1, 2025

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$19.00	\$19.00
Usage per hundred ccf	\$0.463	\$0.621

EFFECTIVE OCTOBER 1, 2026

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$21.00	\$21.00
Usage per hundred ccf	\$0.531	\$0.689

5. Minimum Bill shall be the Customer Charge

6. Seasonal Periods

The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.

7. Purchased Gas Adjustment

Subject to application of Btu and Purchased Gas Adjustment.

8. General Terms and Conditions

Service will be furnished under the General Terms and Conditions of Hastings Utilities.

GLGS-U. GAS LARGE GENERAL SERVICE – URBAN

1. Availability

Within established corporate limits of the City of Hastings.

2. Applicability

To any customer for non-domestic purposes or multiple family domestic use where all service is taken through a single meter at one location, and where the

customer's peak winter requirement is greater than 3,000 and less than 60,000 ccf per month.

3. Character of Service

Standard Hastings Utilities pressures and temperatures.

4. Rates

EFFECTIVE OCTOBER 15, 2023

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$55.00	\$55.00
Usage per hundred ccf	\$0.350	\$0.477

EFFECTIVE OCTOBER 1, 2024

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$60.00	\$60.00
Usage per hundred ccf	\$0.409	\$0.536

EFFECTIVE OCTOBER 1, 2025

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$65.00	\$65.00
Usage per hundred ccf	\$0.473	\$0.600

EFFECTIVE OCTOBER 1, 2026

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$70.00	\$70.00
Usage per hundred ccf	\$0.541	\$0.668

5. Minimum Bill shall be the Customer Charge

6. Seasonal Periods

The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.

7. Purchased Gas Adjustment

Subject to application of Btu and Purchased Gas Adjustment.

8. General Terms and Conditions

Service will be furnished under the General Terms and Conditions of Hastings Utilities.

GRS-R. GAS RESIDENTIAL SERVICE - RURAL

1. Availability
Within established service area but outside the corporate limits of the City of Hastings.
2. Applicability
To single family residences and individually metered apartments for domestic purposes when all service is supplied through a single meter to each customer.
3. Character of Service
Standard Hastings Utilities pressures and temperatures.
4. Rates

EFFECTIVE OCTOBER 15, 2023

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$11.00	\$11.00
Usage per hundred ccf	\$0.326	\$0.500

EFFECTIVE OCTOBER 1, 2024

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$12.00	\$12.00
Usage per hundred ccf	\$0.385	\$0.559

EFFECTIVE OCTOBER 1, 2025

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$13.00	\$13.00
Usage per hundred ccf	\$0.449	\$0.623

EFFECTIVE OCTOBER 1, 2026

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$14.00	\$14.00
Usage per hundred ccf	\$0.517	\$0.691

5. Minimum Bill shall be the Customer Charge
6. Seasonal Periods
The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.
7. Purchased Gas Adjustment
Subject to application of Btu and Purchased Gas Adjustment.

8. General Terms and Conditions
 Service will be furnished under the General Terms and Conditions of Hastings Utilities.

GGG-R. GAS GENERAL SERVICE - RURAL

1. Availability
 Within established service area but outside the corporate limits of the City of Hastings.
2. Applicability
 To any customer for non-domestic purposes or multiple family domestic use where all service is taken through a single meter at one location, and where the customer's peak winter requirement does not exceed 3,000 ccf per month.
3. Character of Service
 Standard Hastings Utilities pressures and temperatures.

4. Rates

EFFECTIVE OCTOBER 15, 2023

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$15.00	\$15.00
Usage per hundred ccf	\$0.330	\$0.504

EFFECTIVE OCTOBER 1, 2024

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$17.00	\$17.00
Usage per hundred ccf	\$0.389	\$0.563

EFFECTIVE OCTOBER 1, 2025

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$19.00	\$19.00
Usage per hundred ccf	\$0.453	\$0.627

EFFECTIVE OCTOBER 1, 2026

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$21.00	\$21.00
Usage per hundred ccf	\$0.521	\$0.695

5. Minimum Bill shall be the Customer Charge

6. Seasonal Periods
The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.
7. Purchased Gas Adjustment
Subject to application of Btu and Purchased Gas Adjustment.
8. General Terms and Conditions
Service will be furnished under the General Terms and Conditions of Hastings Utilities.

GLGS-R. GAS LARGE GENERAL SERVICE - RURAL

1. Availability
Within established service area but outside the corporate limits of the City of Hastings.
2. Applicability
To any customer for non-domestic purposes or multiple family domestic use where all service is taken through a single meter at one location, and where the customer's maximum winter requirement is greater than 3,000 ccf and less than 60,000 ccf per month.
3. Character of Service
Standard Hastings Utilities pressures and temperatures.

4. Rates

EFFECTIVE OCTOBER 15, 2023

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$60.00	\$60.00
Usage per hundred ccf	\$0.338	\$0.473

EFFECTIVE OCTOBER 1, 2024

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$62.50	\$62.50
Usage per hundred ccf	\$0.397	\$0.532

EFFECTIVE OCTOBER 1, 2025

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$65.00	\$65.00
Usage per hundred ccf	\$0.461	\$0.596

EFFECTIVE OCTOBER 1, 2026

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$67.50	\$67.50
Usage per hundred ccf	\$0.529	\$0.664

5. Minimum Bill shall be the Customer Charge
6. Seasonal Periods
The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.
7. Purchased Gas Adjustment
Subject to application of Btu and Purchased Gas Adjustment.
8. General Terms and Conditions
Service will be furnished under the General Terms and Conditions of Hastings Utilities.

GLV-D. GAS LARGE VOLUME - DEMAND

1. Availability
Within established rate areas of Hastings Utilities.
2. Applicability
To any customer for non-domestic purposes where all service is taken through a single meter at one location, and where the customer's maximum winter usage is greater than 60,000 ccf per month. This rate is optional.
3. Character of Service
Standard Hastings Utilities pressures and temperatures.
4. Rates

EFFECTIVE OCTOBER 15, 2023

Customer Charge	\$150.00
Demand per ccf times the peak winter usage within the past 11 months	\$0.140
Usage per ccf	\$0.225

EFFECTIVE OCTOBER 1, 2024

Customer Charge	\$155.00
Demand per ccf times the peak winter usage within the past 11 months	\$0.150
Usage per ccf	\$0.284

EFFECTIVE OCTOBER 1, 2025

Customer Charge	\$160.00
Demand per ccf times the peak winter usage within the past 11 months	\$0.160
Usage per ccf	\$0.348

EFFECTIVE OCTOBER 1, 2026

Customer Charge	\$165.00
Demand per ccf times the peak winter usage within the past 11 months	\$0.172
Usage per ccf	\$0.416

5. Minimum Bill shall be the Customer Charge and Demand Charge
6. Seasonal Periods
The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.
7. Purchased Gas Adjustment
Subject to application of Btu and Purchased Gas Adjustment.
8. General Terms and Conditions
Service will be furnished under the General Terms and Conditions of Hastings Utilities.

GLV-I. GAS LARGE VOLUME - INTERRUPTIBLE

1. Availability
Within established rate areas of Hastings Utilities and to the extent gas under this Schedule is available to Hastings Utilities.

2. Applicability
 To any customer for non-domestic purposes where all service is taken through a single meter at one location, and who has executed an agreement with the City whereby, in a period of curtailment or interruption, the customer can switch to alternate fuel(s) to maintain operation or curtail all operations requiring the use of natural gas from the City distribution system. Customer must demonstrate the capability to remain off the City system. Customer must remain on the rate a minimum of 12 consecutive months.

3. Minimum Usage
 10,000 ccf/Month (1,000 MMBtu/month)

4. Character of Service
 Standard Hastings Utilities pressures and temperatures.

5. Rates

EFFECTIVE OCTOBER 15, 2023

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$150.00	\$150.00
Usage per ccf	\$0.324	\$0.388

EFFECTIVE OCTOBER 1, 2024

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$155.00	\$155.00
Usage per ccf	\$0.383	\$0.447

EFFECTIVE OCTOBER 1, 2025

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$160.00	\$160.00
Usage per ccf	\$0.447	\$0.511

EFFECTIVE OCTOBER 1, 2026

	<u>Summer Period</u>	<u>Winter Period</u>
Customer Charge per month	\$165.00	\$165.00
Usage per ccf	\$0.515	\$0.579

6. Minimum Bill shall be the Customer Charge

7. Seasonal Periods
 The Summer Period shall be the billing months of June through September and the Winter Period shall be the billing months of October through May.

8. Purchased Gas Adjustment
 Subject to application of Btu and Purchased Gas Adjustment.

9. Failure to Interrupt
In the event a customer is unwilling or unable to interrupt all service under this schedule when required by Hastings Utilities, customer shall be liable for 110% of all penalties and charges arising from said failure.
10. General Terms and Conditions
Service will be furnished under the General Terms and Conditions of Hastings Utilities.

GITS. GAS INTERRUPTIBLE TRANSPORTATION SERVICE

1. Availability
 - a. This rate schedule is available to any customer with facilities served by Hastings Utilities who has executed an Agency Agreement with Hastings or purchased natural gas from a qualified third-party supplier and who has had monthly usage of greater than 10,000 ccf (1,000 MMBtu) during any of the previous 12 months. If a customer is below the threshold to qualify for this rate but was served on this rate schedule as of January 1, 2020, it may continue to take service under this rate schedule.
 - b. Service under this rate schedule is subject to all contractual requirements of existing interstate pipeline service agreements that Hastings currently has in place with Tallgrass Interstate Gas Transmission (TIGT), Trailblazer Pipeline Company (Trailblazer), or their successors or assigns, or any other pipeline and/or supplier(s) with which Hastings enters into a contract. Continuous service may not be available.
2. Applicability
 - a. This rate schedule shall apply to gas purchased by customer through an Agency Agreement with Hastings or from a qualified third-party supplier and delivered to the Hastings Town Border Station (Hastings TBS), and received, transported, and delivered by Hastings to customer's premises, when Hastings and customer have executed an agreement for service under Schedule GITS. All third-party suppliers must hold and utilize TIGT pipeline capacity to effectuate delivery of gas to the Hastings TBS.
 - b. Service under this rate schedule shall be subject to interruption or curtailment at the sole discretion of Hastings.
 - c. All gas delivered hereunder by Hastings shall be thermally balanced by the customer.
 - d. Requests for service will be granted on a first-come/first-served capacity and/or contractual available basis.

3. Rates

EFFECTIVE OCTOBER 15, 2023

Customer Charge per billing period per Delivery Point \$150.00

Charge per MMBtu delivered during each billing period \$0.778

EFFECTIVE OCTOBER 1, 2024

Customer Charge per billing period per Delivery Point \$155.00

Charge per MMBtu delivered during each billing period \$0.837

EFFECTIVE OCTOBER 1, 2025

Customer Charge per billing period per Delivery Point \$160.00

Charge per MMBtu delivered during each billing period \$0.901

EFFECTIVE OCTOBER 1, 2026

Customer Charge per billing period per Delivery Point \$165.00

Charge per MMBtu delivered during each billing period \$0.965

- a. Transfer Fee - Hastings will include on the customer's invoice a charge equal to 6.5% of the gross monthly billing from the customer's natural gas supplier, which shall include all charges associated with delivery of the supply to the Hastings TBS. In the event the customer is unable or unwilling to provide Hastings a copy of its actual invoice to verify pricing, Hastings will bill the customer on an assumed gas cost based upon the first of the month index price listed in the publication *Platts Gas Daily Price Guide* for the higher of the Northern Natural Gas Company Demarcation, or the Colorado Interstate Gas Co. Rocky Mountains indices, plus \$1.00/MMBtu.
- b. Application Fee and Other Charges - In addition to the monthly charges set forth above, customer shall pay (i) an Application Fee of \$250.00 with each Request for Transportation Service, and (ii) all directly assignable costs related to such service, including, as applicable, the cost of any electronic metering and/or telemetering and any other facilities constructed or installed to provide transportation service and all Exit Fees (see General Terms and Conditions).

- c. Telemetry Facilities and Charges - Subsequent to a request for service, and prior to initiation of service, electronic metering and/or telemetry facilities must be installed and operable in accordance with current policies and practices of Hastings.
 - d. Modernization Charges - In the event the Federal Energy Regulatory Commission (FERC) permits an interstate pipeline to collect through its rates via a surcharge to Hastings, costs related to modernizing the pipeline's facilities and infrastructure to enhance the efficiency and safe operation of the pipeline's system pursuant to the FERC Policy Statement in Docket No. PL15-I-000, Cost Recovery Mechanisms for Modernization of Natural Gas Facilities, Hastings shall pass on all such additional costs to the customer so Hastings remains revenue neutral.
 - e. Interstate Pipeline Rate Case - In the event an interstate pipeline that serves Hastings files a Rate Case with FERC, and FERC allows the implementation of rates that are different than the incremental pipeline transportation and/or fuel costs customer has in effect with Hastings through an Agency Agreement, Hastings reserves the right to adjust those incremental costs to allow recovery from customer so Hastings remains revenue neutral.
4. Minimum Monthly Bill
The Customer Charge, associated Pipeline Charges, Modernization Charges and applicable Penalty Charges, if any, along with the associated Transfer Fee.
5. Agency Agreement
Customer may, at Hastings' option, execute an Agency Agreement provides for Hastings to procure a supply of natural gas and handle certain administrative duties involved with delivering gas to customer. Customer shall be responsible for all other terms and requirements of this rate schedule.
6. Receipt and Delivery
- a. A customer who has purchased third-party gas shall be solely responsible for scheduling and securing delivery of said transportation gas to the Hastings TBS, unless otherwise agreed to in writing by Hastings.
 - b. The Receipt Point shall be the Hastings TBS and the Delivery Point shall be the retail meter at the customer's facility located within the Hastings distribution service area.
 - c. A change of either a Receipt or Delivery Point will be treated as new service.
 - d. All gas delivered to transporting pipeline(s) for transportation and delivery to Hastings, and further transportation hereunder to the customer, shall at all

times conform to the generally applicable quality and delivery condition specification of each receiving transporter's FERC approved pipeline tariff.

- e. Ownership of gas transported by Hastings shall at all times remain with the customer.

7. Capacity Constraints

Service under this rate schedule is subject to the physical and contractual constraints of Hastings' gas system pertinent to each Delivery Point.

8. Customer Balancing Obligation

- a. Customer shall have the obligation to Balance, on a daily basis, Receipts of transportation gas scheduled at the Hastings TBS with Deliveries of such gas by Hastings to the customer's facilities.
- b. The customer is responsible for keeping informed as to daily Receipts from its supplier of gas so as to enable it to adjust its consumption of gas to ensure that Receipts and Deliveries of gas into and out of Hastings' system will be kept as near to zero as practicable.
- c. The customer is permitted to incur a daily Positive Imbalance of the quantities received by Hastings on the customer's behalf. On any day a Negative Imbalance occurs, the Swing Service Fee shall be applied.

Swing Service Fee: On any day during the contract period that customer has a Negative Imbalance or exceeds the contracted maximum daily transportation amount in MMBtu, or customer's Daily Transport Limit, customer shall be billed a Swing Service Fee on the overconsumption (MMBtu). For all gas usage over the customer's Daily Transport Limit, customer shall be charged the price of replacement gas per MMBtu based on the "Platts-Gas Daily Price Guide: Cheyenne Hub" daily price point for the corresponding date(s) of overage and all other charges exhibited in the customer's Agency Agreement. An Administrative Charge of 10% of the total replacement gas charge shall be built in to the Swing Service Fee.

- d. Continuous or willful incurring of imbalances that exceed the limits as established herein will constitute grounds for Termination of Service under this schedule. In the event of Termination of Service, immediate settlement of the imbalance will be made under the terms described in Sections 9 and 10 herein.

9. Settlement of Imbalances

- a. On a monthly basis, the customer will receive an Imbalance Statement from Hastings which will show the quantities scheduled and received by Hastings on behalf of the customer, deliveries to the customer's facilities and any imbalance resulting from the over or under-delivery of gas.
- b. All monthly Positive Imbalances shall be cashed out in accordance with the Monthly Balancing provisions of the FERC approved TIGT pipeline tariff.

- c. All monthly Negative Imbalances, except those incurred on a Critical Day(s) or where Swing Service Fee was applied, will be deemed to have been purchased from Hastings at the Applicable Retail Sales Rate.

10. Penalties for Imbalance

- a. Customers with an imbalance in excess of the limits permitted under Section 8(c) will be subject to the Swing Service Fee plus 110% of any pipeline imbalance penalty incurred by Hastings as a result of customer's imbalance, if any, should the imbalance occur on a Critical Day.
- b. If Hastings incurs increased gas or transportation costs or any penalties whatsoever due to a customer's imbalance on a Critical Day, those costs will be passed on to the customer at 110% of cost.

11. Customer Interruption and Curtailment Obligations

- a. Service hereunder is available only to customers who can and will immediately reduce or cease the taking of gas if curtailment or interruption is called for by Hastings, in its sole discretion. If customer refuses to reduce or cease the taking of gas at the delivery point(s) as requested and within the notice period, Hastings may, in its sole discretion, bill customer for service at the greater of the customer's applicable standard sales service rate or 110% of all supply and penalty costs incurred by Hastings resulting from customer's non-compliance, or discontinue service to customer. In the event Hastings must physically disconnect service as a result of customer's non-compliance, customer will be charged on a Time and Material basis for all costs incurred by Hastings to discontinue and/or reconnect service.
- b. If it can be determined with reasonable accuracy that customer's gas supply is not available at the receipt point in sufficient volume to match customer's deliveries, Hastings may, in its sole discretion, order customer to reduce takes at the delivery point(s) to match gas entering at the receipt point. Said amount, if any, shall be the customer's Curtailment Quantity.

12. Service Regulations

All other Terms and General Conditions, and regulations applicable to this service shall apply to the extent not inconsistent with this tariff.

13. Alternative Fuels Adjustment

- a. In the interest of continuity of service, and at the sole discretion of Hastings, the rates for interruptible transportation service hereinabove may be adjusted down to reflect the cost of alternative fuels and supplies.
- b. In the case of alternative fuels, Hastings may require from the customer written and verifiable documentation of the end use cost of alternative fuels.
- c. In no case shall the applicable rates be less than the Minimum Allowable Cost of Hastings.

14. First Right of Refusal
Customer shall notify Hastings if customer receives a bona fide offer from a third party to supply natural gas under terms which, in customer's opinion, are more favorable than those offered by Hastings. Customer further agrees that Hastings shall have the first right of refusal to match the third party offer. Customer shall provide Hastings with a copy of such third party offer or sign an affidavit which identifies the terms and conditions of any such offer. For 30 working days following receipt of such notification, Hastings shall have the right to match such third party offer which would otherwise be accepted by customer. If Hastings matches such offer, customer and Hastings shall enter into a contract which contains such terms. Hastings' failure to match such third party offer within 30 working days following receipt of notification shall constitute a waiver of Hastings' right to meet the third party offer.
15. Definitions
- a. Critical Day: Critical Day shall mean any day, or portion thereof, that a pipeline transporter issues a Directional Notice or Critical Time Operational Flow Order (OFO), or equivalent, or when Hastings shall be curtailed in whole or part by a pipeline transporter, operational issue, or any similar period of interruption due to limitations or constraints of supply or delivery capacity.
 - b. Customer's Curtailment Quantity: The maximum daily transportation amount in MMBtu, if any, which customer is allowed to use during periods of restriction or curtailment. Said amount must be confirmed by contract, in writing, or by fax with Hastings, prior to usage.
 - c. Minimum Allowable Cost: An amount which is less than the fully allocated cost of service, but which is greater than the marginal cost of operation of the Hastings Gas System.
16. Rate Term
A customer shall remain on a rate for a minimum of 12 consecutive months, unless determined to be on a non-applicable rate by Hastings or upon mutual consent of Hastings and the customer.
17. Force Majeure
All service under this schedule is subject to interruption under conditions of Force Majeure (see General Terms and Conditions).
18. General Terms and Conditions
Service will be furnished under the General Terms and Conditions of Hastings Utilities.

GFTS. Gas Firm Transportation Service

1. Availability

- a. This Rate Schedule (Schedule) is available to any customer with facilities served by Hastings Utilities (Hastings) who has executed an Agency Agreement with Hastings or purchased natural gas from a qualified third-party supplier and who has had peak monthly usage of greater than 10,000 ccf (1,000 MMBtu) during any of the previous 12 months.
- b. Service under this Schedule is subject to all contractual requirements of existing interstate pipeline service agreements that Hastings currently has in place with Tallgrass Interstate Gas Transmission (TIGT), Trailblazer Pipeline Company (Trailblazer), or their successors or assigns, or any other pipeline and/or supplier(s) with which Hastings enters into a contract. Continuous service may not be available.

2. Applicability

- a. This Schedule shall apply to gas purchased by customer through an Agency Agreement with Hastings or from a qualified third-party supplier and delivered to the Hastings Town Border Station (Hastings TBS), and received, transported, and delivered by Hastings to customer's premises, when Hastings and customer have executed an agreement for service under Schedule GFTS. All third-party suppliers must hold and utilize TIGT pipeline capacity to effectuate delivery of gas to the Hastings TBS.
- b. Service under this rate schedule shall not be subject to interruption or curtailment except for operational emergencies, Force Majeure conditions, issuance of an Operational Flow Order (OFO), or the equivalent, by a transporting pipeline, or failure of customer to secure adequate supplies of gas, as outlined in Section 11 hereinafter.
- c. All gas delivered hereunder by Hastings shall be thermally balanced by customer.
- d. Requests for service will be granted on a "first-come/first-served" capacity and/or contractually available basis.

3. Rates

EFFECTIVE OCTOBER 15, 2023

Customer Charge per billing period per Delivery Point	\$160.00
Demand Charge per MMBtu	\$5.85
MMBtu times the peak daily Winter usage within the past 24 months. If actual usage data is not available, the	

Utility Department may estimate peak day values.

Charge per MMBtu delivered during each billing period \$0.896

EFFECTIVE OCTOBER 1, 2024

Customer Charge per billing period per Delivery Point \$175.00

Demand Charge per MMBtu \$6.73
MMBtu times the peak daily Winter usage within the past 24 months. If actual usage data is not available, the Utility Department may estimate peak day values.

Charge per MMBtu delivered during each billing period \$1.030

EFFECTIVE OCTOBER 1, 2025

Customer Charge per billing period per Delivery Point \$190.00

Demand Charge per MMBtu \$7.67
MMBtu times the peak daily Winter usage within the past 24 months. If actual usage data is not available, the Utility Department may estimate peak day values.

Charge per MMBtu delivered during each billing period \$1.174

EFFECTIVE OCTOBER 1, 2026

Customer Charge per billing period per Delivery Point \$200.00

Demand Charge per MMBtu \$8.67
MMBtu times the peak daily Winter usage within the past 24 months. If actual usage data is not available, the Utility Department may estimate peak day values.

Charge per MMBtu delivered during each
billing period

\$1.327

- a. Transfer Fee - Hastings will include on the customer's invoice a charge equal to 6.5% of the gross monthly billing from customer's natural gas supplier, which shall include all charges associated with delivery of the supply to the Hastings TBS. In the event customer is unable or unwilling to provide Hastings a copy of its actual invoice to verify pricing, Hastings will bill the customer on an assumed gas cost based upon the first of the month index price listed in the publication *Platts Gas Daily Price Guide* for the higher of the Northern Natural Gas Company - Demarcation, or the Colorado Interstate Gas Co. Rocky Mountains indices, plus \$1.00/MMBtu.
- b. Application Fee and Other Charges - In addition to the monthly charges set forth above, customer shall pay (i) an Application Fee of \$250.00 with each Request for Transportation service, and (ii) all directly assignable costs related to such service, including, as applicable, the cost of any electronic metering and/or telemetering and any other facilities constructed or installed to provide transportation service and all Exit Fees (see General Terms and Conditions).
- c. Telemetering Facilities and Charges - Subsequent to a request for service, and prior to initiation of service, electronic metering and/or telemetering facilities must be installed and operable in accordance with current policies and practices of Hastings.
- d. Modernization Charges - In the event the Federal Energy Regulatory Commission (FERC) permits an interstate pipeline to collect through its rates via a surcharge to Hastings, costs related to modernizing the pipeline's facilities and infrastructure to enhance the efficiency and safe operation of the pipeline's system pursuant to the FERC Policy Statement in Docket No. PL15-1-000, Cost Recovery Mechanisms for Modernization of Natural Gas Facilities, Hastings shall pass on all such additional costs to the customer so Hastings remains revenue neutral.
- e. Interstate Pipeline Rate Case - In the event an interstate pipeline that serves Hastings files a Rate Case with FERC, and FERC allows the implementation of rates that are different than the incremental pipeline transportation and/or fuel costs customer has in effect with Hastings through an Agency Agreement, Hastings reserves the right to adjust those incremental costs to allow recovery from customer so Hastings remains revenue neutral.

4. Minimum Monthly Bill

The Customer Charge, associated Pipeline Charges, Modernization Charges and applicable Penalty Charges, if any, along with the associated Transfer Fee.

5. Agency Agreement

Customer may, at Hastings' option, execute an Agency Agreement which provides for Hastings to procure a supply of natural gas and handle certain administrative duties involved with delivering gas to customer. Customer shall be responsible for all other terms and requirements of this rate schedule.

6. Receipt and Delivery

a. A customer who has purchased third-party gas shall be solely responsible for scheduling and securing delivery of said transportation gas to the Hastings TBS, unless otherwise agreed to in writing by Hastings.

b. The Receipt Point shall be the Hastings TBS and the Delivery Point shall be the retail meter at the customer's facility located within the Hastings distribution service area.

c. A change of either a Receipt or Delivery Point will be treated as new service.

d. All gas delivered to transporting pipeline(s) for transportation and delivery to Hastings, and further transportation hereunder to the customer, shall at all times conform to the generally applicable quality and delivery condition specification of each receiving transporter's FERC approved pipeline tariff.

e. Ownership of gas transported by Hastings shall at all times remain with the customer.

7. Capacity Constraints

Service under this Schedule is subject to the physical and contractual constraints of Hastings' gas system pertinent to each Delivery Point.

8. Customer Balancing Obligation

a. Customer shall have the obligation to Balance, on a daily basis, Receipts of transportation gas scheduled at the Hastings TBS with Deliveries of such gas by Hastings to the customer's facilities.

b. The customer is responsible for keeping informed as to daily Receipts from its supplier of gas so as to enable it to adjust its consumption of gas to ensure that Receipts and Deliveries of gas into and out of Hastings' system will be kept as near to zero as practicable.

c. The customer is permitted to incur a daily Positive Imbalance of the quantities received by Hastings on the customer's behalf. On any day a Negative Imbalance occurs, the Swing Service Fee shall be applied.

Swing Service Fee: On any day during the contract period that customer has a Negative Imbalance or exceeds the contracted maximum daily transportation amount in MMBtu, or customer's Daily Transport Limit, customer shall be billed a Swing Service Fee on the overconsumption (MMBtu). For all gas usage over the customer's Daily Transport Limit, customer shall be charged the price of

replacement gas per MMBtu based on the “Platts-Gas Daily Price Guide: Cheyenne Hub” daily price point for the corresponding date(s) of overage and all other charges exhibited in the customer’s Agency Agreement. An Administrative Charge of 10% of the total replacement gas charge shall be built in to the Swing Service Fee

- d. Continuous or willful incurring of imbalances that exceed the limits as established herein will constitute grounds for Termination of Service under this schedule. In the event of Termination of Service, immediate settlement of the imbalance will be made under the terms described in Sections 9 and 10 herein.

9. Settlement of Imbalances

- a. On a monthly basis, the customer will receive an Imbalance Statement from Hastings which will show the quantities scheduled and received by Hastings on behalf of the customer, deliveries to the customer's facilities and any imbalance resulting from the over or under-delivery of gas.
- b. All monthly Positive Imbalances shall be cashed out in accordance with the Monthly Balancing provisions of the FERC approved TIGT pipeline tariff.
- c. All monthly Negative Imbalances, except those incurred on a Critical Day(s), or where a Swing Service Fee was applied, will be deemed to have been purchased from Hastings at the Applicable Retail Sales Rate.

10. Penalties for Imbalance

- a. Customers with an imbalance in excess of the limits permitted under Section 8(c) will be subject to the Swing Service Fee plus 110% of any pipeline imbalance penalty incurred by Hastings as a result of customer's imbalance, if any, should the imbalance occur on a Critical Day.
- a. If Hastings incurs increased gas or transportation costs or any penalties whatsoever due to a customer's imbalance on a Critical Day, those costs will be passed on to the customer at 110% of cost.

11. Customer Interruption and Curtailment Obligations

- a. If it can be determined with reasonable accuracy that customer's gas supply is not available at the receipt point in sufficient volume to match customer's deliveries, Hastings may, in its sole discretion, order customer to reduce takes at the delivery point(s) to match gas entering at the receipt point.
- b. If customer refuses to reduce or cease the taking of gas at the delivery point(s) as requested and within the notice period, Hastings may, in its sole discretion, bill customer for service at the greater of the customer's applicable standard sales service rate or 110% of all supply and penalty costs incurred by Hastings resulting from customer's non-compliance, or physically discontinue service to customer. In the event Hastings must physically disconnect service as a result of customer's non-compliance, customer will be charged on a Time and

Material basis for all costs incurred by Hastings to discontinue and/or reconnect service.

- c. In the event that a transporting pipeline issues an Operational Flow Order (OFO), or the equivalent, Hastings may, at its sole discretion, reduce or suspend total deliveries of transportation gas to customer during the duration, or any portion thereof, that an OFO is in existence. Said amount, if any, shall be the Customer's Curtailment Quantity.
- d. If all or a portion of transportation service is suspended to a customer, Hastings may attempt to continue serving the customer's full requirements but customer will pay Hastings the higher of customer's standard sales service rate or the actual incremental cost, plus 10%, of any replacement supply obtained to serve customer.
- e. In the event that an OFO results in supply or operational restrictions that limits or threatens Hastings' ability to serve its entire system load, Hastings may order customer to reduce or eliminate the taking of natural gas at the delivery point(s) during the duration of an OFO. If a customer fails to adjust takes to the ordered level, Hastings may continue to serve the customer and shall invoice consumption at a rate of 110% of all associated costs, including but not limited to pipeline penalties, supplier variance/penalty costs and incremental replacement supply costs, or may physically discontinue service to customer.

12. Service Regulations

All other Terms and General Conditions, and regulations applicable to this service shall apply to the extent not inconsistent with this tariff.

13. Alternative Fuels Adjustment

- a. In the interest of continuity of service, and at the sole discretion of Hastings, the rates for firm transportation service hereinabove may be adjusted down to reflect the cost of alternative fuels and supplies.
- b. In the case of alternative fuels, Hastings may require from customer written and verifiable documentation of the end use cost of alternative fuels.
- c. In no case shall the applicable rates be less than the Minimum Allowable Cost of Hastings.

14. First Right of Refusal

Customer shall notify Hastings if customer receives a bona fide offer from a third party to supply natural gas under terms which, in customer's opinion, are more favorable than those offered by Hastings. customer further agrees that Hastings shall have the first right of refusal to match the third party offer. customer shall provide Hastings with a copy of such third party offer or sign an affidavit which identifies the terms and conditions of any such offer. For 30 working days following receipt of such notification, Hastings shall have the right to match such third party

offer which would otherwise be accepted by customer. If Hastings matches such offer, customer and Hastings shall enter into a contract which contains such terms. Hastings' failure to match such third party offer within 30 working days following receipt of notification shall constitute a waiver of Hastings' right to meet the third party offer.

15. Definitions

- a. **Critical Day:** Critical Day shall mean any day, or portion thereof, that a pipeline transporter issues a Directional Notice or Critical Time Operational Flow Order (OFO), or the equivalent, or when Hastings shall be curtailed in whole or part by a pipeline transporter, or any similar period of interruption due to limitations or constraints of supply or delivery capacity.
- b. **Customer's Daily Transport Limit:** The maximum daily transportation amount, in MMBtu, which customer has contracted with Hastings. Said limit may be used by customer on any day in which no restriction or curtailment is in effect.
- c. **Customer's Curtailment Quantity:** The maximum daily transportation amount in MMBtu, if any, which customer is allowed to use during periods of restriction or curtailment. Said amount must be confirmed by contract, in writing, or by fax with Hastings, prior to usage.
- d. **Minimum Allowable Cost:** An amount which is less than the fully allocated cost of service, but which is greater than the marginal cost of operation of the Hastings Gas System.

16. Rate Term

A customer shall remain on a rate for a minimum of 12 consecutive months, unless determined to be on a non-applicable rate by Hastings or upon mutual consent of Hastings and customer.

17. Force Majeure

All service under this schedule is subject to interruption under conditions of Force Majeure (see General Terms and Conditions).

18. General Terms and Conditions

Service will be furnished under the General Terms and Conditions of Hastings Utilities.

GENERAL TERMS AND CONDITIONS

All purchases of natural gas from Hastings Utilities are subject to the following General Terms and Conditions:

1. Advantageous Rate

To the extent that more than one rate may be available for a given customer usage, it shall be the responsibility of the customer to choose the rate which may be best

for the customer. The Utility will attempt to provide as much information as possible in helping the customer determine which rate may be most advantageous.

2. Billing Due Date

All bills are due and payable upon receipt. Bills are delinquent 15 days after the date of billing and shall be subject to all applicable penalties and other charges.

3. Btu Adjustment

All retail gas sales are subject to a monthly Btu adjustment based upon the average monthly Btu content of the purchased and produced gas. The adjustment shall be calculated as follows:

$$\text{Btu Adjusted Sales} = \text{Metered ccf Sales} * (\text{Average Btu Content}) / 1,000 \text{ Btu}$$

4. Changing Rates – Term of Contract

In the event that a customer chooses to change to another available rate classification, the customer must remain on the new rate for a period of not less than one year. If customer does not remain on Schedule GITS or GFTS for 36 consecutive months, Hastings may bill customer for any unamortized cost of electronic metering and/or telemetering facilities.

5. Exit Fees

Any customer that is receiving or has received natural gas service from Hastings Utilities, and desires to receive natural gas supply and/or service from any third party other than Hastings Utilities, shall send written notification of their desire by certified mail or hand delivery to Manager of Utilities, Hastings Utilities, P.O. Box 289, Hastings, NE., 68902-0289, not less than 90 days prior to the desired date of receiving third party supply and/or service. Within 30 days after receipt of said notification, Hastings Utilities shall advise customer as to whether they qualify to receive third party supply and/or service. If customer does qualify to receive third party supply and/or service, such notification shall include an Exit Fee payment obligation due and payable to Hastings Utilities as a result of said modification of service. Customer shall be obligated to pay these charges in full, or make acceptable payment arrangements, not less than 30 days prior to the date customer desires to begin receiving third party supply and/or service.

Exit Fees shall include all costs, charges or obligations previously contracted for or otherwise incurred by Hastings Utilities on behalf of customer prior to Hastings' receipt of written notice from customer. Exit Fees shall include a pro rata share of all short and long term gas supply and pipeline charges, capital improvements, gas supply realignment costs and any other costs or charges which will continue to be incurred by Hastings Utilities as a result of customer receiving service and/or supply from a third party. Said fees may be waived in whole or in part on a case by case basis at the sole discretion of Hastings Utilities.

6. Force Majeure

In the event that Hastings Utilities is rendered unable to carry out its obligations under this Agreement, either in whole or in part, by reason of force majeure, it is agreed that Hastings Utilities shall give notice and provide the full particulars of such force majeure in writing or by telegraph to the affected customer(s) as soon as possible after the occurrence of the causes relied upon. The obligations of Hastings Utilities hereto, to the extent that they are affected by a condition of force majeure, shall be suspended during the period of such force majeure condition.

The term Force Majeure, as employed herein, shall mean acts of God, strikes, facility maintenance, lockouts or other industrial disturbances, acts of the public enemy, wars, blockages, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, tornadoes, storms, floods, washouts, arrest and restraint of rulers and peoples, necessity for compliance with any court order, law ordinance or resolution promulgated by a governmental authority having jurisdiction, civil disturbances, explosions, breakage or accident to machinery or lines of pipe, sudden partial or sudden entire failure of wells, failure to obtain materials and supplies due to governmental regulations, and causes of like or similar kind, whether herein enumerated or not, and not within the control of Hastings Utilities, and which by the exercise of due diligence Hastings Utilities is unable to overcome; however, the exercise of due diligence shall not require settlement of strikes or labor disputes against the better judgment of Hastings Utilities.

7. Seasonal Periods

Unless otherwise noted, the following definitions shall apply:

- Summer Period: Summer rate(s) shall apply to the billing months of June through September.
- Winter Period: Winter rate(s) shall apply to the billing months of October through May.

PURCHASE GAS ADJUSTMENT (PGA)

1. Purchase Gas Adjustment

All retail gas sales are subject to the application of a Purchase Gas Adjustment (PGA). Said adjustment shall be made when deemed appropriate by Hastings Utilities and shall be determined as follows:

Purchased and produced gas costs shall be calculated on an annual basis. For these purposes, the Cost of Gas shall mean the total cost, including all transportation, demand, commodity, fuel and other supply related charges. In addition, to the extent the difference between the actual Cost of Gas and the Base Gas Supply Cost is less than zero, the Cost of Gas shall be adjusted to include other costs associated with gas supply, including as an example the portion of accumulated costs associated with the Trailblazer hedging

transaction necessary to bring the difference to zero . Costs as calculated under this section shall be adjusted to a volume-based amount by applying the Btu adjustment using the base heat content included in the Btu adjustment clause. This amount is referred to as “Actual Cost of Gas” herein.

The Base Gas Supply Cost for the tariffs presently in effect are \$2.70 for the summer months of June through September and \$3.49 for the winter months of October through May.

The applied PGA in a given month shall be the average of the calculated difference between the Actual Cost of Gas and Base Gas Supply Cost.

2. Allocation of Season Costs

Costs incurred because of winter season usage may be charged to winter season sales, irrespective of the month or season in which the costs are due and payable. The example, the demand charges associated with No-Notice Service may be received on a monthly basis, however, the pro rata share of those costs shall be included in the winter season cost of gas calculations. The pro ration shall be based upon the firm summer/winter peak day demands.

3. Purchase Gas Adjustment Calculations

The actual or estimated production costs, including any corrective adjustments from the previous period, shall be the basis for the PGA. The Base Gas Supply Cost shall then be subtracted from this number and the result multiplied by the Loss/Conversion ratio. The PGA adjustment shall be multiplied times the appropriate monthly customer usage to determine the monthly billing adjustment.

Example of Calculation:

Actual Gas Cost(s) for the Period	\$3.211 per mcf
Base Gas Cost	<u>\$3.111</u> per mcf
Difference	\$0.100 per mcf
Loss/Conversion Adjustment	\$0.100 per mcf
PGA Adjustment	\$0.0100 per ccf of sales

4. True Up Calculation

No later than August 1 of each year, HU shall calculate a Monthly True Up based on the following for each of the 12 months ending the prior March 31:

- a. Revenue collected from retail customers for gas supply, including Base Gas Supply Costs, Purchased Gas Adjustments, and True Up Calculation collections, less the following:
 - i. The Actual Cost of Gas as calculated in this section.

- ii. The collected True Up Rate multiplied by the originally projected gas sales for those months.
- b. The Annual True Up Amount is the total of the Monthly True Up calculated for each of the 12 months ending March 31.

If the Annual True Up Amount is a positive amount indicating a surplus, this surplus amount will be carried forward to future years and used to reduce the True Up amount in future years. If the Annual True Up Amount is a deficit, any prior year surpluses will first be applied to the current year deficit. If there are adequate prior year surpluses to apply and eliminate the deficit, no True Up amount will be collected in the succeeding year. If a deficit remains, the True Up amount will be divided by projected gas sales for the 12-month period beginning October 1 to calculate the "True Up Rate." The True Up Rate will be added to the monthly PGA for the billing months of the immediately-succeeding October through the following September.

SECTION 2. Any ordinances passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form, said effective date being October 15, 2023.

SECTION 4. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Hastings, Nebraska this ___ day of September, 2023.

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)

APPROVED TO FORM:



Jesse Oswald, City Attorney

Department: Utility Administration
Staff Contact: Brian Strom
Council Meeting Date: 9/27/2023

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of Water Services and Rates Ordinance No. 4743.

Names of People/Business affected by this action:

Water customers of Hastings

Why Council action is required:

Must be approved by Ordinance

Type of action requested:

Ordinance

Suggested motion:

Move to approve Ordinance No. 4743 on Final Reading.

Deadlines associated with action:

The budget must be filed with the State Auditor and the Adams County Clerk by September 30, 2023.

Department head comments:

To reflect the Water Cost of Service Study. These rates will go into effect on October 15, 2023.

City Administrator comments:

Staff have carefully considered the appropriate rates for service through their own analysis and through a third party feasibility analysis. To ensure these funds cover operational necessities now and into the future, I recommend that Council approve the proposed rates.

ORDINANCE NO. 4743

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 32-610 OF THE OFFICIAL CITY CODE TO PROVIDE FOR MODIFICATION OF MONTHLY BILLINGS TO THE CITY OF HASTINGS FACILITIES; TO REPEAL ALL ORDINANCES AND PROVISIONS INCONSISTENT HEREWITH; TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

Section 1. That Section 32-610 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby amended as follows:

32-610. Rates.

As a tariff of rates based on monthly consumption by each consumer of water from the water distribution system of the City of Hastings, Nebraska, the attached rate schedules are hereby established.

WRS-U. WATER RESIDENTIAL SERVICE - URBAN

1. Applicability

Applicable to all one and two family dwellings within the corporate limits of the City of Hastings.

2. Rate

<u>EFFECTIVE</u>	<u>October 15, 2023</u>		
Per CCF used per month	\$2.15		
<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$)(1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	2.80	12.27
3/4 inch meter	14.24	4.22	18.46
1 inch meter	23.63	6.98	30.61
1-1/4 inch meter	33.41	9.88	43.29
1-1/2 inch meter	47.34	14.00	61.34
2 inch meter	75.72	22.38	98.10
3 inch meter	151.44	44.78	196.22
4 inch meter	260.56	77.04	337.60
6 inch meter	538.92	159.34	698.26

8 inch meter	852.92	252.18	1,105.10
10 inch meter	1,371.81	405.60	1,777.41
12 inch meter	2,035.38	601.80	2,637.18

(1) Amounts collected for the Infrastructure Fee shall be segregated into a separate revenue account. Such amounts shall only be used to fund the construction, rehabilitation or rebuilding of capital assets used in the production and delivery of water to customers.

1 ccf = 100 cubic feet of water

EFFECTIVE **October 1, 2024**
Per CCF used per month \$2.15

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$) (1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	2.94	12.41
3/4 inch meter	14.24	4.43	18.67
1 inch meter	23.63	7.33	30.96
1-1/4 inch meter	33.41	10.37	43.78
1-1/2 inch meter	47.34	14.70	62.04
2 inch meter	75.72	23.50	99.22
3 inch meter	151.44	47.02	198.46
4 inch meter	260.56	80.89	341.45
6 inch meter	538.92	167.31	706.23
8 inch meter	852.92	264.79	1,117.71
10 inch meter	1,371.81	425.88	1,797.69
12 inch meter	2,035.38	631.89	2,667.27

(1) Amounts collected for the Infrastructure Fee shall be segregated into a separate revenue account. Such amounts shall only be used to fund the construction, rehabilitation or rebuilding of capital assets used in the production and delivery of water to customers.

1 ccf = 100 cubic feet of water

EFFECTIVE **October 1, 2025**
Per CCF used per month \$2.15

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$) (1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	3.09	12.56
3/4 inch meter	14.24	4.65	18.89
1 inch meter	23.63	7.70	31.33
1-1/4 inch meter	33.41	10.89	44.30
1-1/2 inch meter	47.34	15.44	62.78

10 inch meter	1,371.81	447.17	1,818.98
12 inch meter	2,035.38	663.48	2,698.86

(1) Amounts collected for the Infrastructure Fee shall be segregated into a separate revenue account. Such amounts shall only be used to fund the construction, rehabilitation or rebuilding of capital assets used in the production and delivery of water to customers.

1 ccf = 100 cubic feet of water

3. Minimum Bill shall be the Base Fee and Infrastructure Fee

WCIS-U. WATER COMMERCIAL / INDUSTRIAL SERVICE - URBAN

1. Applicability

Applicable to all multi-family apartment buildings and non-residential business enterprises within the corporate limits of the City of Hastings.

2. Rate

EFFECTIVE **October 15, 2023**
 Per CCF used per month \$1.60

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$) (1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	2.80	12.27
3/4 inch meter	14.24	4.22	18.46
1 inch meter	23.63	6.98	30.61
1-1/4 inch meter	33.41	9.88	43.29
1-1/2 inch meter	47.34	14.00	61.34
2 inch meter	75.72	22.38	98.10
3 inch meter	151.44	44.78	196.22
4 inch meter	260.56	77.04	337.60
6 inch meter	538.92	159.34	698.26
8 inch meter	852.92	252.18	1,105.10
10 inch meter	1,371.81	405.60	1,777.41
12 inch meter	2,035.38	601.80	2,637.18

(1) Amounts collected for the Infrastructure Fee shall be segregated into a separate revenue account. Such amounts shall only be used to fund the construction, rehabilitation or rebuilding of capital assets used in the production and delivery of water to customers.

1 ccf = 100 cubic feet of water

EFFECTIVE**October 1, 2024**

Per CCF used per month

\$1.60

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$)(1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	2.94	12.41
3/4 inch meter	14.24	4.43	18.67
1 inch meter	23.63	7.33	30.96
1-1/4 inch meter	33.41	10.37	43.78
1-1/2 inch meter	47.34	14.70	62.04
2 inch meter	75.72	23.50	99.22
3 inch meter	151.44	47.02	198.46
4 inch meter	260.56	80.89	341.45
6 inch meter	538.92	167.31	706.23
8 inch meter	852.92	264.79	1,117.71
10 inch meter	1,371.81	425.88	1,797.69
12 inch meter	2,035.38	631.89	2,667.27

(1) Amounts collected for the Infrastructure Fee shall be segregated into a separate revenue account. Such amounts shall only be used to fund the construction, rehabilitation or rebuilding of capital assets used in the production and delivery of water to customers.

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EFFECTIVE**October 1, 2025**

Per CCF used per month

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<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$)(1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	3.09	12.56
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1 inch meter	23.63	7.70	31.33
1-1/4 inch meter	33.41	10.89	44.30
1-1/2 inch meter	47.34	15.44	62.78
2 inch meter	75.72	24.67	100.39
3 inch meter	151.44	49.37	200.81
4 inch meter	260.56	84.94	345.50
6 inch meter	538.92	175.67	714.59
8 inch meter	852.92	278.03	1,130.95
10 inch meter	1,371.81	447.17	1,818.98
12 inch meter	2,035.38	663.48	2,698.86

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construction, rehabilitation or rebuilding of capital assets used in the production and delivery of water to customers.

1 ccf = 100 cubic feet of water

3. Minimum Bill shall be the Base Fee and Infrastructure Fee

WCIS-S WATER COMMERCIAL / INDUSTRIAL SERVICE - SUBURBAN

1. Applicability

Applicable to all multi-family apartment buildings and non-residential business enterprises located outside the corporate limits of the City of Hastings.

2. Rate

EFFECTIVE

October 15, 2023

Per CCF used per month

\$2.05

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$) (1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	2.80	12.27
3/4 inch meter	14.24	4.22	18.46
1 inch meter	23.63	6.98	30.61
1-1/4 inch meter	33.41	9.88	43.29
1-1/2 inch meter	47.34	14.00	61.34
2 inch meter	75.72	22.38	98.10
3 inch meter	151.44	44.78	196.22
4 inch meter	260.56	77.04	337.60
6 inch meter	538.92	159.34	698.26
8 inch meter	852.92	252.18	1,105.10
10 inch meter	1,371.81	405.60	1,777.41
12 inch meter	2,035.38	601.80	2,637.18

(1) Amounts collected for the Infrastructure Fee shall be segregated into a separate revenue account. Such amounts shall only be used to fund the construction, rehabilitation or rebuilding of capital assets used in the production and delivery of water to customers.

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EFFECTIVE**October 1, 2024**

Per CCF used per month

\$2.05

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$) (1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	2.94	12.41
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EFFECTIVE**October 1, 2025**

Per CCF used per month

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3. Minimum Bill shall be the Base Fee and Infrastructure Fee

WLIS-U WATER LARGE INDUSTRIAL SERVICE - URBAN

1. Applicability

Applicable to all large user manufacturing and processing establishments with previous annual (calendar year) usage of a minimum of 50,000 hundred cubic feet (ccf) within the corporate limits of the City of Hastings.

2. Rate

EFFECTIVE

October 15, 2023

Per CCF used per month

\$1.39

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$) (1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	2.80	12.27
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EFFECTIVE**October 1, 2024**

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EFFECTIVE**October 1, 2025**

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EFFECTIVE**October 1, 2024**

Per CCF used per month

\$1.91

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EFFECTIVE**October 1, 2025**

Per CCF used per month

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EFFECTIVE**October 1, 2024**

Per CCF used per month

\$3.66

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$)(1)</u>	<u>Total Meter Charge Per Month (\$)</u>
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EFFECTIVE**October 1, 2025**

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EFFECTIVE**October 1, 2024**

Per CCF used per month

\$2.95

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$) (1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	2.94	12.41
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EFFECTIVE**October 1, 2025**

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EFFECTIVE**October 1, 2024**

Per CCF used per month

\$2.56

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5/8 inch meter	9.47	2.94	12.41
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EFFECTIVE**October 1, 2025**

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\$2.56

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$)(1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	3.09	12.56
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EFFECTIVE**October 1, 2024**

Per CCF used per month

\$1.42

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$)(1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	2.94	12.41
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EFFECTIVE**October 1, 2025**

Per CCF used per month

\$1.42

<u>Meter Size</u>	<u>Base Fee (\$)</u>	<u>Infrastructure Fee (\$)(1)</u>	<u>Total Meter Charge Per Month (\$)</u>
5/8 inch meter	9.47	3.09	12.56
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1 ccf = 100 cubic feet of water

3. Minimum Bill shall be the Base Fee and Infrastructure Fee

Section 2. That any ordinance or provisions passed and approved prior to the passage of this ordinance, and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form, said effective date being October 15, 2023.

Section 4. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this ____ day of September, 2023.

Cory Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(SEAL)

APPROVED TO FORM:



Jesse Oswald, City Attorney

Department: Utility Administration
Staff Contact: Derek Zeisler
Council Meeting Date: 9/27/2023

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of Ordinance No. 4744

Names of People/Business affected by this action:

Solar Farm customers of Hastings

Why Council action is required:

Must be approved by Ordinance

Type of action requested:

Ordinance

Suggested motion:

Move to approve Ordinance No. 4744 on Final Reading.

Deadlines associated with action:

The budget must be filed with the State Auditor and the Adams County Clerk by September 30, 2023.

Department head comments:

To reflect an annual revision of pricing for the solar credit and the purchase price per panel. These prices will go into effect on October 15, 2023.

City Administrator comments:

Staff have carefully considered the appropriate rates for service through their own analysis and through a third party feasibility analysis. To ensure these funds cover operational necessities now and into the future, I recommend that Council approve the proposed rates.

ORDINANCE NO. 4744

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 32-305 TO THE OFFICIAL CITY CODE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING THE ELECTRIC RATE RIDER FOR CUSTOMERS RECEIVING ELECTRICITY FROM THE HASTINGS COMMUNITY SOLAR FARM; PROVIDING WHEN THE RATE RIDER IS EFFECTIVE; TO REPEAL ANY PREVIOUS ORDINANCE OR PROVISION INCONSISTENT HEREWITH; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

Section 1. That Section 32-305 of the Official City Code of the City of Hastings, Nebraska, is hereby amended to read as follows:

32-305. RATE RIDER—COMMUNITY SOLAR SERVICE.

- A. The electric rate rider shall be applicable to residential, commercial, general power, and large power customers within the electric service territory limits of the City that sign a Community Solar Service Agreement. The maximum number of kWh that may be purchased via solar shares or installed panels is limited to 80% of a customer's annual electrical usage. New locations will be based off of comparable location sizes and determined by the City staff.

Charges/credits become effective in the first full billing period after the Community Solar Farm's commercial operating date.

Solar Energy Share Charge: \$0.0301 per kWh for customers that receive energy from solar energy shares

Maintenance Charge: \$0.0062 per kWh for customers that receive energy from purchased panels

Conventional Power Credit: \$0.0333 per kWh for all customers receiving energy from the community solar farm (this credit will be adjusted annually to reflect the City's cost of conventional power.)

- B. The fee to purchase an installed panel will be \$345.00, not including applicable sales tax. Solar panels may not be available for purchase due to availability or the discretion of the City of Hastings.

- C. The City may, in connection with its consideration of a Customer elect, in the

Utility Department's discretion, to repurchase the installed panel(s) from the Customer according to following repurchase schedule per panel:

Residential Customer Panel Repurchase Schedule

Year 1	\$ 263.00
Year 2	\$ 252.00
Year 3	\$ 241.00
Year 4	\$ 230.00
Year 5	\$ 219.00
Year 6	\$ 208.00
Year 7	\$ 197.00
Year 8	\$ 186.00
Year 9	\$ 175.00
Year 10	\$ 165.00
Year 11	\$ 154.00
Year 12	\$ 143.00
Year 13	\$ 133.00
Year 14	\$ 122.00
Year 15	\$ 112.00
Year 16	\$ 101.00
Year 17	\$ 91.00
Year 18	\$ 80.00
Year 19	\$ 70.00
Year 20	\$ 60.00
Year 21	\$ 50.00
Year 22	\$ 40.00
Year 23	\$ 30.00
Year 24	\$ 20.00
Year 25	\$ 10.00
Year 26 and thereafter	\$ -0-

- D. There will be an enrollment fee of \$50.00 to participate in the Community Solar Service. Said enrollment fee shall be due and payable to the City upon execution of a Community Solar Service Agreement. If Customer takes service under the Community Solar Service Agreement for one (1) year, the City will refund the fee as a credit to the Customer's account. If service is for less than one (1) year, the enrollment fee will not be refunded.

SECTION 2. Any ordinances passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage,

approval and publication in pamphlet form, said effective date being October 15, 2023.

SECTION 4. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Hastings, Nebraska this ____ day of September, 2023.

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)

APPROVED TO FORM:



Jesse Oswald, City Attorney