ORDINANCE NO. 22 - _____

AN ORDINANCE
AMENDING CHAPTER 15 (SMALL WIND AND SOLAR RENEWABLE ENERGY SYSTEMS) OF TITLE 6 (ZONING REGULATIONS) AND CHAPTER 1 (ELECTRICITY) OF TITLE 8 (PUBLIC UTILITIES) OF THE NAPERVILLE MUNICIPAL CODE

RECITALS

1. **WHEREAS,** the City of Naperville is a home rule unit of local government under the laws and Constitution of the State of Illinois.

2. **WHEREAS,** under the Constitution of the State of Illinois, home rule units of government have broad authority to pass ordinances and promulgate rules and regulations that protect the public health, safety, and welfare of their residents.

3. **WHEREAS,** in an effort to protect the public health, safety, and welfare, the City of Naperville has a clear and compelling interest in exercising its home rule authority as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority that:

SECTION 1: **Recitals incorporated.** The foregoing Recitals are hereby incorporated in this Section 1 as though fully set forth herein.

SECTION 2: **Amendment to Title 6, Chapter 15 of the Naperville Municipal Code.** Title 6 (Zoning Regulations), Chapter 15 (Small Wind and Solar Renewable Energy Systems) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

TITLE 6 – ZONING REGULATIONS

CHAPTER 15 – SMALL WIND AND SOLAR RENEWABLE ENERGY SYSTEMS

SECTION:

6-15-1: - PURPOSES:

The purposes of this Chapter are to:

1. Provide zoning regulations to guide the size and location ~~installation and operation~~ of small wind and solar renewable energy systems in the City of Naperville in conjunction with the provisions set forth and referenced in Title 8 (Public Utilities), Chapter 1 (Electricity), Article (A) (General Provisions), Section 1 (Definitions, and Article C (Electric Service Rates), Section 4 (Schedule of Rates), Subsection 14 (Energy Credits for Self-Supply Electric Utility Customers), defined herein as the "Title 8 Self-Supply Solar Provisions".

2. Accommodate sustainable energy production from renewable energy sources.

3. Preserve the aesthetics of the zoning districts in the interest of property values, public health, and welfare.

6-15-2: - DEFINITIONS:

As used in this Chapter, the following terms shall have the meanings indicated:

GROUND-MOUNTED, LARGE:	A ground-mounted solar energy system that is greater than forty thousand (40,000) square feet in area.
GROUND-MOUNTED, MEDIUM:	A ground-mounted solar energy system that is greater than one thousand seven hundred fifty (1,750) square feet in area but under forty thousand (40,000) square-feet in area.
GROUND-MOUNTED, SMALL:	A ground-mounted solar energy system that is under one thousand seven hundred fifty (1,750) square feet in area.
LARGE WIND ENERGY SYSTEM:	A wind energy conversion system consisting of a wind turbine, a tower or mounting, and associated control or conversion electronics, which is intended primarily to generate utility power at a commercial scale.
~~NET METERING:~~	~~An arrangement by which excess energy generated by a renewable energy system is distributed back to the electrical utility grid.~~

RENEWABLE ENERGY SYSTEM (OR RENEWABLE ENERGY FACILITY)	~~A system that generates energy from natural resources such as sunlight, wind, and geothermal heat. As used herein, the term "renewable energy system" refers to small wind energy systems and solar energy systems only~~. A Renewable Energy System or Renewable Energy Facility has the meaning set forth for the term “Renewable Energy Facility (or Facility)” in Title 8 (Public Utilities), Chapter 1 (Electricity), Article (A) (General Provisions), Section 1 (Definitions).
SMALL WIND ENERGY SYSTEM:	A wind energy conversion system consisting of a wind turbine, a tower or mounting, and associated control or conversion electronics, which is intended primarily to reduce on-site consumption of utility power.
SMALL WIND ENERGY SYSTEM, GROUND-MOUNTED:	A small wind energy system that is not attached to another structure and is affixed to the ground, or that is attached to an antenna, light pole or other utility facility.
SMALL WIND ENERGY SYSTEM, ROOF-MOUNTED:	A small wind energy system affixed to the roof of a principal structure.
SOLAR ENERGY SYSTEM:	A system that uses the power of the sun to capture, distribute and/or store energy for on-site consumption of utility power.
SOLAR ENERGY SYSTEM, BUILDING INTEGRATED:	A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of a building.
SOLAR ENERGY SYSTEM, BUILDING-MOUNTED:	A solar energy system affixed to either the principal or accessory structure.
SOLAR ENERGY SYSTEM, GROUND-MOUNTED:	A solar energy system that is not attached to another structure and is affixed to the ground, or that is attached to an antenna, light pole or other utility facility.

TITLE 8 SELF-SUPPLY SOLAR PROVISIONS	Title 8 (Public Utilities), Chapter 1 (Electricity), Article (A) (General Provisions), Section 1 (Definitions), and Article C (Electric Service Rates), Section 4 (Schedule of Rates), Subsection 14 (Energy Credits for Self-Supply Electric Utility Customers/Excess Energy Credits/Expired Excess Energy Credit Purchase Rate (XX).
TOTAL SYSTEM HEIGHT:	The total height of the tower and the wind turbine of a small wind energy system, as measured from the average grade at the base of the system to the top of the blade or rotor.

6-15-3: GENERAL REQUIREMENTS:

The requirements set forth in this Section shall govern are applicable to the construction and/or installation of all any Rrenewable Eenergy Ssystems governed by this Chapter and by the Title 8 Self-Supply Solar Provisions.

1. Applicability: The provisions of this Chapter are intended to establish zoning parameters by which solar and small wind energy systems may be installed in the City of Naperville. Large wind energy systems are not permitted. Additional renewable energy installations not addressed explicitly herein may be authorized subject to compliance with the applicable codes and standards of the City of Naperville. Rrenewable Eenergy Ssystems owned or operated by or on behalf of the City of Naperville shall be exempt from the provisions of this Chapter 15.
2. Use: Except as authorized by the City Council for public utility purposes, a Rrenewable Eenergy Ssystem shall be accessory to the principal permitted use of a site.
3. Approvals: Approval granted to an individual property owner for a Rrenewable Eenergy Ssystem under the provisions of this Chapter and the Title 8 Self-Supply Solar Provisions shall not be construed to bar owners or tenants of any adjacent property from ordinary or permitted building, landscaping or other accessory improvements, even if such improvements may diminish the function of said Rrenewable Eenergy Ssystem.
4. Permitting and Installation:
    4.1. Unless otherwise exempted by the Director of Transportation, Engineering and Development, a City of Naperville building permit is required prior to the installation of any Rrenewable Eenergy Ssystem in addition to the requirements set forth in the Title 8 Self-Supply Solar Provisions .

~~4.2. Renewable energy systems that do not require a building permit in accordance with Section 6-15-3:4.1 shall not be subject to the requirements of this Chapter~~.

4.3. The owner of a R~~r~~enewable E~~e~~nergy S~~s~~ystem shall ensure that it is installed and maintained in compliance with applicable building and safety codes adopted by the City and any other State or Federal agency of competent jurisdiction and the Title 8 Self-Supply Solar Provisions.

4.4. All small wind energy systems shall be equipped with manual and/or automatic controls to limit rotation of blades to a speed within the manufacturers designed limits.

4.5. All wiring associated with a R~~r~~enewable E~~e~~nergy S~~s~~ystem shall be underground or contained within a raceway that complements the building materials of the principal structure.

5. Interconnection with Department of Public Utilities - Electric:

5.1. Interconnection of a Renewable Energy System with the City's electrical distribution system shall be subject to the requirements of the Title 8 Self-Supply Solar Provisions. ~~Energy produced by a renewable energy system shall be utilized on-site, except for net metering as authorized by the Department of Public Utilities and other appropriate regulatory agencies required by law.~~

~~5.1(a) The purchase of energy for a specific customer with a projected demand of fifty (50) kW or less said customer shall be placed on net metering rate equal to the Department of Public Utility - Electric's Rate Schedule 2, bill rate code FGN of Title 8 of the Naperville Municipal Code.~~

~~5.1(b) The purchase of energy for a specific customer with a projected demand more than fifty (50) kW said customer shall receive energy credit per kWh equal to the Department of Public Utility - Electric's Rate Schedule 2, bill rate code FGM of Title 8 of the Naperville Municipal Code.~~

~~5.1(c) The purchase of energy from the Department of Public Utility-Electric: a specific customer with a projected demand of more than fifty (50) kW shall pay energy per kWh and demand per kW as defined in Department of Public Utility - Electric's Rate Schedule 2, bill rate code FGT, and FGD of Title 8 of the Naperville Municipal Code.~~

~~5.2. The interconnection of any renewable energy system to the City of Naperville Department of Public Utilities - Electric distribution grid shall be in accordance with the Department's Service Rules and Policies, including standard practices as may be amended from time to time.~~

6. Illumination of a Rrenewable Eenergy Ssystem shall be prohibited, except to accommodate co-installation of parking lot lighting luminaries in accordance with the provisions of Section 6-14 (Performance Standards) of this Title or as required by the Federal Aviation Administration (FAA) or other state or Federal agency of competent jurisdiction.
7. Signage: No commercial signage or attention-getting device is permitted on any Rrenewable Eenergy Ssystem.
    7.1. A sign of a plain white background with black lettering not exceeding four (4) square feet in size shall be provided on each small wind energy system which indicates the emergency contact information of the property owner or operator.
8. Screening: There shall be no required mechanical screening for Rrenewable Eenergy Ssystems.
9. Historic Structure: Renewable Eenergy Ssystems shall comply with Chapter 6-11 (Historic Preservation) of this Title.

6-15-4: - SMALL WIND ENERGY SYSTEMS:

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6-15-5: - SOLAR ENERGY SYSTEMS:

1. Authorization of Use:
    1.1. Permitted Use:
        1.1.1. Building integrated solar energy systems may be authorized ~~administratively~~ by City permit in all zoning districts in accordance with the requirements of this Chapter and the Title 8 Self-Supply Solar Provisions. ~~subject to approval by the Director of Public Utilities and the Director of Transportation, Engineering and Development, or their designees~~.
        1.1.2. Building-mounted and ground-mounted solar energy systems may be authorized administratively in all Business Districts listed in Chapter 7 and all Industrial Districts listed in Chapter 8 in accordance with the requirements of this Chapter and the Title 8 Self-Supply Solar Provisions. ~~subject to approval by the Director of Public Utilities and the Director of Transportation, Engineering and Development, or their designees.~~
        1.1.3. Building-mounted solar energy systems and small-scale ground-mounted solar energy systems may be authorized administratively in all Residential Districts in Chapter 6 in accordance with the

requirements of this Chapter and the Title 8 Self-Supply Solar Provisions. ~~subject to approval by the Director of Public Utilities and the Director of Transportation, Engineering and Development, or their designees.~~

1.2. Conditional Use:

1.2.1. Large-scale and medium-scale ground-mounted solar energy systems may be authorized as a conditional use in any Residence District in accordance with the procedures established in Section 6-3-8 (Conditional Use) of this Title and the provisions of Section 6-15-6 of this Chapter.

2. Height:

2.1. Building-Mounted Solar Energy System: A building mounted solar energy system installed on a flat or mansard style roof may extend up to three (3) feet above the applicable maximum building height limit for the subject building type or more than five (5) feet above the highest point of the roof line, whichever is less. This additional height allowance shall not apply to installations on pitched roof structures.

2.2. Ground-Mounted Solar Energy System: Except as provided in Section 2.2.1 below, ~~T~~the maximum height of a ground mounted solar energy system shall be eight (8) feet as measured from the average grade at the base of the pole to the highest edge of the system when oriented at maximum tilt.

2.2.1 The maximum height of ground mounted solar energy systems located on structures above parking lots in the Business Districts listed in Chapter 7 and in the Industrial Districts listed in Chapter 8 shall be fifteen (15) feet as measured from the average grade at the base of the pole to the highest edge of the system when oriented at maximum tilt.

3. Location:

3.1. Ground-Mounted Solar Energy Systems:

3.1.1. Ground-mounted solar energy systems shall not be located within the required front yard or corner side yard or in any utility, water, sewer, or other type of public easement.

3.2. All parts of any ground-mounted solar energy system shall be set back at least five (5) feet from the interior side and rear property lines.

6-15-6: - CONDITIONAL USES:

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6-15-7: - MAINTENANCE AND REMOVAL OF RENEWABLE ENERGY SYSTEMS:

1. Maintenance and removal of Renewable Energy Systems shall conform to the requirements of the Title 8 Self-Supply Solar Provisions. ~~Renewable energy systems must be maintained in good repair and operable condition at all times, including compliance with all standards in applicable building and technical codes to ensure structural and technical integrity of such facilities, except for maintenance and repair outages. If a system becomes inoperable or damaged, operations must cease and be promptly remedied.~~

~~2. If the City determines that a renewable energy system fails to comply with the applicable provisions of this Code, the City shall provide written notification to the property owner. The property owner shall have a period of ninety (90) days from the date of notification to either restore the renewable energy system to operation or remove the system.~~

~~3. In the event such renewable energy system is not brought into compliance with this Code within the specified time period, the City may remove or cause the removal of said facility at the property owner's expense.~~

~~4. The City may pursue any and all available legal remedies to ensure that a renewable energy system which fails to comply with this Code or which constitutes a danger to persons or property is brought into compliance or removed.~~

~~5. Any delay by the City in taking enforcement action against the owner of a renewable energy system and the owner of the property if such owner is different from the owner of such facility, shall not waive the City's right to take any action at a later time.~~

~~6. The City may seek to have the renewable energy system removed regardless of the owner's or operator's intent to said facility, and regardless of any permits that may have been issued or granted.~~

~~7. After the renewable energy system is removed, the owner of the subject property shall promptly restore the subject property to a condition consistent with the property's condition prior to the installation of the system.~~

6-15-8: - SEVERABILITY:

If any section, subsection, sentence, clause, phrase or portion of this Chapter is held invalid or unconstitutional for any reason by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such judgment shall not affect the validity of the remaining portions hereof.

6-15-9: - CONFLICTS RESOLVED:

This Chapter supersedes all chapters or parts of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

SECTION 3: **Amendment to Title 8, Chapter 1 of the Naperville Municipal Code.** Title 8 (Public Utilities), Chapter 14 (Electricity) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

TITLE 8 – PUBLIC UTILITIES

CHAPTER 1 – ELECTRICITY

ARTICLE A. – GENERAL PROVISIONS

SECTION:

CUSTOMER:	The person who uses electric energy supplied by the City Department of Public Utilities by means of its electrical distribution system.
DEPARTMENT OF FINANCE:	The department that handles the City's finances, including electric utility billing.
DEPARTMENT OF PUBLIC UTILITIES—ELECTRIC (DPU-E or UTILITY):	The department of the City that is charged with the responsibility of providing electric service to the City.
DIRECTOR, DEPARTMENT OF FINANCE:	The person who is serving as head of the Department of Finance.
DIRECTOR, DPU-E:	The person who is serving as head of DPU-E.
DIRECTOR, TED:	The person who is serving as head of Transportation Engineering and Development.

ELECTRICAL CONTRACTOR:	Any person, firm, or corporation engaged in the business of installing, maintaining, or altering, by contract or otherwise, electrical equipment for the utilization of electric energy supplied for light, heat or power in any building or structure which is, or will be, connected with the electrical distribution system of the City or private electric power utility.
ELECTRICAL DISTRIBUTION SYSTEM:	The wires, cables, poles and apparatus forming a part of the system of or by which electric energy is transmitted and distributed by the City to the Customer.
ELECTRICAL INSTALLATION:	Installation of electric wiring or equipment in any premises for the utilization of electric energy distribution by the City or private electric power utility.
EXCESS ENERGY:	Excess Energy is electric energy provided by a Renewable Energy Facility to the Electrical Distribution System on an intermittent basis which is in excess of the amount of energy needed by the Self-Supply Electric Utility Customer at the location where the Facility is located.
EXCESS ENERGY CREDITS	Excess Energy Credits are credits which accumulate when Excess Energy is delivered by a Renewable Energy Facility to the Electrical Distribution System. Such Excess Energy Credits will be used to offset future energy needs of a Self-Supply Electric Utility Customer for the premises on which the Renewable Energy Facility is located on the basis of 1 KW per hour to 1 KW per hour until such credits expire as set forth in Subsection 8-1C-4:14.2.1 hereof.
EXPIRED EXCESS ENERGY CREDITS	Expired Excess Energy Credits are Excess Energy Credits which have expired as set forth in Subsection 8-1C-4:14.2.1 hereof.
NAPERVILLE SMART GRID INITIATIVE (NSGI):	The advancement of the DPU-E electric grid, using technology to transmit and manage information with goals such as the reduction of energy costs, increased electric reliability, and the enablement of customers to monitor and manage their electric consumption.
ON-SITE ELECTRICAL DISTRIBUTION SYSTEM:	The wires, cables, poles and apparatus located on a customers' property, or in the adjacent right-of-way, by which electric energy is transmitted and distributed by DPU-E to the customers' property.
PERMANENT SERVICE:	A service delivery point installed at an established electric customer's property.
PERSON:	Any person, partnership, firm or corporation.

PRIVATE ELECTRIC POWER UTILITY:	Any firm or corporation engaged in the business of generating, transmitting, distributing and/or selling electric energy.
PROPERTY OWNER:	The person who owns the property that is utilized by the customer. The property owner may or may not be the customer.
PROPERTY RENTER:	The customer who is renting or leasing a premises from a property owner.
RENEWABLE ENERGY FACILITY (or FACILITY):	A Renewable Energy Facility is a Customer owned or leased renewable electrical energy generation facility, such as a solar power facility, which is interconnected with the Electrical Distribution System as provided for in Subsection 8-1C-4:14 of this Chapter which Facility generates and/or stores renewable electric energy intended to be used primarily to offset the Customer's own electrical requirements on the premises upon which such Facility is located, and which Facility may also generate Excess Energy. Renewable Energy Facilities may not be sized to exceed one megawatt nameplate rating of alternating current (1MW AC).
RENEWABLE ENERGY CREDITS OR CERTIFICATES (REC):	Renewable Energy Credits or Renewable Energy Certificates are instruments that represent the environmental attributes associated with renewable electricity generation.
RENEWABLE ENERGY CREDITS OR CERTIFICATES (REC):	Renewable Energy Credits or Renewable Energy Certificates are instruments that represent the environmental attributes associated with renewable electricity generation.
SELF-SUPPLY ELECTRIC UTILITY CUSTOMERS	Self-Supply Electric Utility Customers are Customers of the City of Naperville electric utility who own or lease a Renewable Energy Facility
SERVICE DELIVERY POINT (SDP):	The electric energy connection point between DPU-E or a private electric power utility and the premises served.

SMART METER (AKA ELECTRIC METER OR METER):	A standard DPU-E owned and operated device located at the customer's premises which measures the consumption or production of energy and which provides for wireless two-way communications between DPU-E and the customer, including: interval meter reads, power quality data, power outage information, and the status of service connection/disconnection procedures. The device may also serve as the gateway between DPU-E and a customer's optional HAN—allowing necessary and appropriate data exchanges by transmitting information to, and receiving information from, a registered HAN device.
TEMPORARY SERVICE:	An SDP of a temporary nature, usually for construction purposes, that will be removed within a relatively short period of time.
TRANSPORTATION ENGINEERING AND DEVELOPMENT (TED):	The department of the City that enforces building and zoning codes.
ZONING CODE - SOLAR	Title 6 (Zoning), Chapter 15 (Small Wind and Solar Renewable Energy Systems) of the Naperville Municipal Code, as amended from time to time.

8-1A-2: - APPLICATION FOR SERVICE: through **8-1A-5: - CUSTOMER COMPLAINTS:**

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ARTICLE B – SERVICE RULES AND POLICIES

SECTION:

8-1B-1: - SERVICE RULES AND POLICIES HANDBOOK:

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8-1B-2: - ~~RESERVED:~~ APPLICABILITY OF ZONING CODE. Title 6, Chapter 15 – Small Wind and Solar Renewable Energy Systems, sets forth Zoning Code provisions applicable to small wind and solar renewable energy systems and facilities in the City.

8-1B-3: - BIDDING OR SELLING OF SYSTEM DEMAND RESPONSE:

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ARTICLE C. - ELECTRIC SERVICE RATES

SECTION:

8-1C-1: - OVERVIEW: through **8-1C-3: - TERMS AND CONDITIONS:**

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8-1C-4: SCHEDULE OF RATES:

1. Development Of Rates: A rate and fee study was conducted to determine the appropriate set of DPU-E rates and fees by computing the power purchase agreement and other "costs" to DPU-E and translating it to cost-of-service customer "prices" for DPU-E supply of electric energy and services. The development of the fees relied upon variables such as material costs, labor costs, and lifecycles of the materials being installed.

    1.1. Reserved.

    1.2. Customer Access To Electric Consumption Data: In order to provide customers with the ability to access, review, and download information pertaining to their energy consumption, DPU-E may provide an online customer energy dashboard or web portal. Customers may also access information relative to their energy usage by contacting a customer service representative at the telephone number provided on their electric utility bill.

    1.3. Seasonality: The scheduled rates in this Section 8-1C-4 have been developed with the financial consideration of the variability of the customer's consumption of electric energy during the year. The rate's scheduled price to the customer reflects this variance, and with the exception of the Purchased Power Adjustment described in 8-1C-4:4, no other seasonal components will be implemented outside of these below scheduled costs.

    1.4. Rate Classes: There are five (5) rate classes: Residential (RS), General Service (GS), Primary Metering (PM), Transmission Metering (TM), and Outdoor Metered Lighting (ML).

    1.5. ~~Base Rates: Reserved.~~ Expired Excess Energy Credit Purchase Rate. The Expired Excess Energy Credit Purchase Rate for Self-Supply Electric Utility Customers (XX) set forth in Section 14 hereof [Energy Credits for Self-Supply Electric Utility Customers/Excess Energy Credits/Expired Excess Energy Credit Purchase Rate (XX)] shall be applicable to each of the five (5) rate classes described in Subsection 1.4 above.

    1.6. Rate Options: The customer may apply for optional rates after satisfying the specific requirement pertaining to the given option.

    1.7. Rate Groups: Flat and Time-of-Use (TOU) are defined as rate groups. Flat rate group receives the same flat values for rates any time of day and TOU rate group receives different rate values depending on the time of day.

    1.8. With respect to the TOU Rate Group, all weekend hours are considered off-peak, and all local, state, and federal observed holidays have no special consideration; rates will be based upon the day of the week upon which they fall.

1.9. Customer Charge Per Rate Class: All utility bills will contain a monthly customer charge based on the table values below. Such charge shall be the minimum monthly charge.

DPU-E FEE SCHEDULE 2: CUSTOMER CHARGES PER RATE CLASS

Rate Class	**Customer Charge Effective 1/1/2021**	**Customer Charge Effective 1/1/2022**	**Customer Charge Effective 1/1/2023**	**Customer Charge Effective 1/1/2024**
Residential Service	$15.60	$16.00	$16.50	$17.00
General Service-1	$30.65	$31.65	$32.65	$33.65
General Service-2	$30.65	$50.00	$70.00	$90.00
Primary Metering	$127.35	$140.00	$160.00	$180.00
Transmission Metering	$127.35	$200.00	$300.00	$400.00
Primary Standby Metering			$157.00	$182.00
Transmission Standby Metering			$280.00	$305.00
Outdoor Metered Lighting	$30.65	$30.65	$30.65	$30.65

2. Rate Selection And Approval: Time-Of-Use: Reserved.

3. Demand Charge:

3.1. Calculation of Demand Charge: Demand charges, in units of kW, are calculated as various billing determinants across rate classes as indicated in the schedule of rates in this Section. The demand values are calculated in the DPU-E IT systems based on the energy (kWh) values obtained from smart electric meters. Demand values are calculated on an hourly basis through the summation of the energy values across the 15-minute sub-hourly intervals: For select commercial and industrial customers with smart electric meters that have 30-minute energy intervals, an hourly demand value is derived from the summation of the energy values across the 30-minute sub-hourly intervals. The demand charge for the billing period is calculated using the maximum hourly demand value recorded during the billing period.

3.2. Coincident Demand Calculations: Coincident demand calculations shall be made for specific SDPs with the SDP having two (2) or more electric meters which may individually carry the full load of the premises served at any given time during a billing period (i.e. banked electric meters at particular premises). Coincident demand calculations shall be made as follows. The demand values as outlined in Subsection 8-1C-4.3.1 shall be added across the multiple electric meters at an SDP for each hourly interval within a billing period (the "sum"). The maximum sum for such calculation will determine the hourly billing demand for the billing period.

3.3. Demand Adjustment: DPU-E will take electric system outages into consideration when calculating the kilowatt demand (kW) component of utility bills. For any kW-delivered rate component, DPU-E will ignore the demand values for any day that any given customer experiences a power outage. Although power outages are rare in the DPU-E system, the inrush demand for electricity following a power outage is normally greater than the typical demand for power, and using such values will not be indicative of true demand. DPU-E will utilize outage and restoration messages from the smart electric meters as an indication than an outage has occurred during a specific day.

4. Purchased Power Adjustment: The Purchased Power Adjustment (PPA) is an adjustment on a customer's bill reflecting the fluctuating supply costs associated with purchasing energy. An increase or decrease in the PPA is dependent on market conditions. The customer's bill will be adjusted monthly to pass the fluctuations in Naperville DPUE's wholesale energy supply costs as a credit or debit. The PPA is based on a rolling six-month average of Naperville's DPUE supply cost for purchased power. It will be calculated monthly on all energy usage (kWH's) for all customer rate classes and applied to a following month's bill.

5. Power Factor/Quality At A Customer's Premises: DPU-E requires customers to use and maintain electric equipment on their premises (all rate classes, all types of premises) such that they are not inducing a negative power quality on other customers and/or to the DPU-E electrical distribution system. Power quality attributes of concern are such items as harmonics, distortion, VAr (reactive power), high voltage, low voltage, unapproved backfeed, and interruptions. The specific requirements for power quality are set forth in the DPU-E Service Rules and Policies Handbook. If a customer is determined to be inducing a poor power factor/quality to other customers and/or to the DPU-E electrical distribution system, they, through a written agreement with DPU-E, shall be susceptible to the power factor/quality fee, to be charged on the customer's bill when infractions occur.

6. Residential Rates (RS):

6.1. Residential Description: This rate class shall be available to any customer using DPU-E electric service for residential purposes or to a customer whose entire heating requirements are supplied under this rate by permanently installed electric heating facilities. Multi-family residential electric service under this Subsection will be furnished only to single premises. In multi-family

residences, the common areas shall be billed to the property owner as a separate customer.

6.2. Combined Residence And Business: Where a residence and a business are combined into a single premises, electric service will not be furnished under this Subsection for the whole premises unless the primary electric demand is to be used for residential purposes.

6.2.1. In all other cases, electric service shall be billed at the general service rate and the Facility Installation Charge (FIC) shall be paid before electric service is provided.

6.2.2. Electric service provided through ancillary electric meter(s) at such premises shall be billed at the general service rate.

6.3. Residential Flat Rate Charges:

6.3.1. Flat Rate Description: These rates are available to all residential customers. They are referred to as "flat" rates because each kilowatt hour (kWh) is charged at the same price no matter when it is used. The customer bill may rise or fall depending on the amount of energy consumed, but the rate remains at the same flat amount throughout the entire billing period.

6.3.2. Minimum Charge: The minimum bill in any billing period shall be the customer charge, as set forth in Section 8-1C-4:1.9 hereof.

6.3.3. Energy Charges: The following rate schedule outlines the flat rates for residential customers. These rates are subject to any applicable Municipal and State taxes for each billing period.

DPU-E RATE SCHEDULE 1: FLAT RESIDENTIAL RATES

Bill Rate Code	**Rate Name**	**Standard/ Optional**	**Description of Rate**	**Units**	**Jan 1, 2021 Value**	**Jan 1, 2022 Value**	**Jan 1, 2023 Value**	**Jan 1, 2024 Value**
FRS	Flat Residential Rate	Standard	This the standard rate for all energy used, charged per kilowatt hour (kWh) consumed.	$/kWh	$0.10683	$0.10627	$0.10695	$0.10762
~~FRN~~	~~Flat Residential Net Metering Rate~~	~~Net Option~~	~~The Flat Residential Net Metering rate relates energy credit you would receive when you have renewable energy sources at home, such as solar panels on your roof.~~	~~$/-kWh~~	~~-$0.10683~~	~~-$0.10627~~	~~-$0.10695~~	~~-$0.10762~~

FRC	Flat Residential Forward Energy Rate	Sub Option	This rate is an option available for customers who charge Electric Vehicle/Plugin Hybrid Electric Vehicle (EV/PHEV) or other approved energy storage devices.	$/kWh	$0.10683	$0.10627	$0.10695	$0.10762

7. Residential Time Of Use (TOU) Rate Charges: Reserved.

8. General Service Rates (GS):

8.1. General Service Description: This rate class shall be available to any nonresidential customer including educational, governmental and religious institutions, water and wastewater pumping facilities, governmental facilities owned by the City of Naperville, public street or highway traffic signal lighting systems, and nonresidential customers with electric heating.

8.2. The Department of Public Utilities - Electric (DPU-E) will perform an annual analysis of the level of electrical power (kW) delivered to all general service customers. This analysis will be performed in January of each year. Based on these findings, general service customers' meters at a specific location where any of the meters at that location exceed a demand level of fifty (50) kW in any month over the course of the previous twelve (12) months will be moved to the general service Level 2 rate category. Conversely, general service customer meters that show an analyzed demand level less than fifty (50) kW in all months over the course of the previous twelve (12) months will be moved to the general service Level 1 rate category.

8.2.1. Any new customer with a projected peak demand of seventy-five (75) kW or more will be placed in the GS2 category, and will be re-evaluated with other customers as described in Subsection 8-1C-4-8.2 above.

8.3. General Service Flat Rate Charges:

8.3.1. Flat Rate Description: These rates are available to all general service customers. They are referred to as "flat" rates because each kilowatt hour (kWh) is charged at the same price no matter when it is used. The customer bill may rise or fall depending on the amount of energy consumed, but the rate remains at the same flat amount throughout the entire billing period.

8.3.2. Minimum Charge: The minimum bill in any billing period shall be the customer charge set forth in Section 8-1C-4:1.9 hereof.

8.3.3. Demand And/Or Energy Charges: The following rate schedule outlines the flat rates for general service customers. These rates are subject to any applicable Municipal and State taxes for each billing period.

DPU-E RATE SCHEDULE 2: FLAT GENERAL SERVICE RATES

Bill Rate Code	Rate Name	Standard/ Optional	Description of Rate	Units	Jan 1, 2021 Value	Jan 1, 2022 Value	Jan 1, 2023 Value	Jan 1, 2024 Value
FGS	Flat General Service Rate 1 (GS1)	Standard/Selected based on kW	This rate is available for commercial customers and it is the standard rate for all energy used, charged per kilowatt hour consumed (kWh).	$/kWh	$0.10795	$0.10739	$0.10804	$0.10869
FGT	Flat General Service Rate 2 (GS2)	Selected based on kW	This is a standard commercial customer rate for all energy used, charged per kilowatt hour consumed (kWh).	$/kWh	$0.04687	$0.04653	$0.04617	$0.04582
~~FGM~~	~~Flat General Service Net Metering Rate 2 (GS2)~~	~~Net Option~~	~~This rate relates to the energy credit you would receive when you have renewable energy sources at your business such as solar panels, wind generators etc. at projected demand of greater than fifty (50) kW~~	~~$/-kWh~~	~~-$0.04687~~	~~-$0.04653~~	~~-$0.04617~~	~~-$0.04582~~
FGD	Flat General Service Demand Rate 2 (GS2)	Selected based on kW	Demand charges cover the costs of keeping equipment available to provide enough energy to meet the highest requirements of the customer any time during the month.	$/kWd	$21.65	$21.65	$21.65	$21.65
~~FGN~~	~~Flat General Service Net Metering Rate~~	~~Net Option~~	~~This rate relates to the energy credit you would receive when you have renewable energy sources at~~	~~$/-kWh~~	~~-$0.10795~~	~~-$0.10739~~	~~-$0.10804~~	~~-$0.10869~~

			~~your business such as solar panels, wind generators etc.~~					
FGC	Flat General Service Forward Energy Rate	Sub Option	This rate is an option available for customers who charge Electric Vehicle/Plugin Hybrid Electric Vehicle (EV/PHEV) or other approved energy storage devices.	$/kWh	$0.10795	$0.10739	$0.10804	$0.10869
FGI	Flat General Service Infrastructure Availability Charge (IAC)	Optional	The Flat General Service Infrastructure Availability Charge relates to an alternative negotiated option with the City to pay required permit fees applicable to the availability of the electric infrastructure capacity to support a customer energy demand.	$/kWh	$0.0100	$.0100	$.0100	$.0100

8.4. General Service Time-Of-Use (TOU) Rate Charges: Reserved.

9. Primary Metering Rates (PM):

9.1. Primary Metering Description: This rate class shall be available to any nonresidential customer who meets the following criteria. Customers who were billed at the primary metering class prior to November 1, 1995 may continue billing pursuant to this rate.

9.1.1. Where electricity is supplied between four thousand one hundred sixty (4,160) volts and twelve thousand five hundred (12,500) volts and is metered at the DPU-E electric energy source conductors or at the electric energy conductors entering the customer's premises;

9.1.2. Where the customer's minimum kilowatt (kW) demand is greater than seven hundred fifty (750) kW during any billing period over the course of the previous twelve (12) billing periods; and

9.1.3. Where the customer furnishes, installs and maintains any and all transformers and other facilities necessary to reduce the primary voltage of each such electric energy conductor to a lower voltage for the customer's use.

9.2. A Standby Capacity Charge shall be applied to all Primary Metering customers who are approved by DPU-E to use cogeneration and have a valid Parallel Operation and Energy Purchase Agreement. The Standby Capacity Charge is utilized by DPU-E to recover costs incurred to have capacity available to meet customer peak demand when needed. The standby capacity (kW) is determined by the customer's previous three-year rolling average, and is calculated for each calendar year and the monthly standby capacity charge rate is five dollars and eighty-three cents per kilowatt ($5.83/kW) for Primary Metering. The monthly billing demand shall be based on customer's contribution to the Utility's wholesale peak billing demand from the Illinois Municipal Electric Agency (IMEA) and shall be provided at wholesale demand rates plus losses on kW units coincident with the Utility's peak. Rates for energy provided by the utility equal the wholesale rate from IMEA plus losses on kWh units purchased. If Primary cogeneration customer no longer has cogeneration facilities on-site or a valid Parallel Operation and Energy Purchase Agreement with the City of Naperville DPU-E, they will be charged according to the Primary Metering Flat Rate Schedule in Section 8-1C-4:9.3.3 hereof.

9.3. Primary Metering Flat Rate Charges:

9.3.1. Flat Rate Description: These rates are available to all primary metering customers. They are referred to as "flat" rates because each kilowatt hour (kWh) is charged at the same price no matter when it is used. The customer bill may rise or fall depending on the amount of energy consumed, but the rate remains at the same flat amount throughout the entire billing period.

9.3.2. Minimum Charge: The minimum bill in any billing period shall be the customer charge set forth in Section 8-1C-4:1.9 hereof.

9.3.3. Demand And Energy Charges: The following rate schedule outlines the flat rates for primary metering customers. These rates are subject to any applicable Municipal and State taxes for each billing period.

DPU-E RATE SCHEDULE 4: FLAT PRIMARY METERING RATES

Bill Rate Code	Rate Name	Standard/ Optional	Description of Rate	Units	Jan 1, 2021 Value	Jan 1, 2022 Value	Jan 1, 2023 Value	Jan 1, 2024 Value
FPS	Flat Primary Metering Rate	Standard	This rate is the set rate for energy (kWh) supplied to the customer's transformer primary side. The customer is responsible for maintaining onsite electrical facilities, including transformers.	$/kWh	$0.04565	$0.04564	$0.04526	$0.04487

FPD	Flat Primary Metering Demand Rate	Standard	Demand charges cover the costs of keeping equipment available to provide enough energy to meet the highest requirements of the customer any time during the month.	$/kWd	$22.59	$22.59	$22.59	$22.59
~~FPN~~	~~Flat Primary Net Metering Rate (renewable energy sources)~~	~~Net Option~~	~~This rate relates to the energy credit you would receive when you have renewable energy sources at your business such as solar panels, wind generators etc.~~	~~$/-kWh~~	~~-$0.04565~~	~~-$0.04564~~	~~-$0.04526~~	~~-$0.04487~~
FPC	Flat Primary Metering Forward Energy Rate	Sub Option	This rate is an option available for customers who charge Electric Vehicle/Plugin Hybrid Electric Vehicle (EV/PHEV) or other approved energy storage devices.	$/kWh	$0.04565	$0.04564	$0.04526	$0.04487
FPG	Flat Primary Co-Generation Metering Rate	Co-gen Option	This is the rate of energy (kWh) delivered to the electric grid by customer cogeneration equipment. Cogeneration is defined as an energy source which utilizes a non-renewable fuel, such as natural gas, to produce electric energy.	$/-kWh	Average cost with IMEA for 12-month contract, will be reviewed and modified every May 01.			
TP8	Standby Primary Metering Energy Rate	Standby-Co-gen Option	This is a cogeneration customer rate for all energy used, charged per kilowatt hour consumed (kWh)	$/kWh			Average cost from IMEA for previous calendar year plus losses of 2.5%, and will be reviewed and modified every January 01.	
TP9	Standby Primary Metering Demand Rate	Standby-Co-gen Option	This is a cogeneration customer rate charged for all kW demand coincident with Utility's peak demand	$/kWd			Average cost from IMEA for previous calendar year plus losses of 2.5%, and will be reviewed and modified every January 01.	

9.4. Primary Metering Time-Of-Use (TOU) Rate Charges: Reserved.

10. Transmission Metering Rates (TM):

10.1. Transmission Metering Description: This rate shall be available to any nonresidential customer where:

10.1.1. The primary voltage of electricity supplied is equal to or greater than thirty-four thousand five hundred (34,500) volts and is metered at the DPU-E electric energy source conductors or at the electric energy conductors entering the customer's premises;

10.1.2. The customer's minimum kilowatt (kW) demand is greater than seven hundred fifty (750) kW during any billing period over the course of the previous twelve (12) billing periods; and

10.1.3. Where the customer furnishes, installs and maintains any and all transformers and other facilities necessary to reduce the primary voltage of each such electric energy conductor to a lower voltage for the customer's use.

10.2. A Standby Capacity Charge shall be applied to all Transmission Metering customers who are approved by DPU-E to use cogeneration and have a valid Parallel Operation and Energy Purchase Agreement. The Standby Capacity Charge is utilized by DPU-E to recover costs incurred to have capacity available to meet customer peak demand when needed. The standby capacity (kW) is determined by the customer's previous three-year rolling average, and is calculated for each calendar year and the monthly standby capacity charge rate is two dollars and seventy-one cents per kilowatt ($2.71/kW) for Transmission Metering. The monthly billing demand shall be based on customer's contribution to the Utility's wholesale peak billing demand from the Illinois Municipal Electric Agency (IMEA) and shall be provided at wholesale demand rates plus losses on kW units coincident with the Utility's peak. Rates for energy provided by the utility equal the wholesale rate from IMEA plus losses on kWh units purchased. If Transmission cogeneration customer no longer has cogeneration facilities on-site or a valid Parallel Operation and Energy Purchase Agreement with the City of Naperville DPU-E, they will be charged according to the Transmission Metering Flat Rate Schedule in Section 8-1C-4:10.3.3 hereof.

10.3. Transmission Metering Flat Charges:

10.3.1. Flat Rate Description: These rates are available to all transmission metering customers. They are referred to as "flat" rates because each kilowatt hour (kWh) is charged at the same price no matter when it is used. The customer bill may rise or fall depending on the amount of energy consumed, but the rate remains at the same flat amount throughout the entire billing period.

10.3.2. Minimum Charge: The minimum bill in any billing period shall be the customer charge set forth in Section 8-1C-4:1.9 hereof.

10.3.3. Demand And Energy Charges: The following rate schedule outlines the flat rates for transmission metering customers. These rates are subject to any applicable Municipal and State taxes for each billing period.

DPU-E RATE SCHEDULE 6: FLAT TRANSMISSION METERING RATES

Bill Rate Code	Rate Name	Standard/ Optional	Description of Rate	Units	Jan 1, 2021 Value	Jan 1, 2022 Value	Jan 1, 2023 Value	Jan 1, 2024 Value
FTS	Flat Transmission Metering Rate	Standard	This is the flat rate for energy (kWh) supplied to a specified customer's Point of Delivery.	$/kWh	$0.05158	$0.05128	$0.05111	$0.05093
FTD	Flat Transmission Metering Demand Rate	Standard	This demand rate measures the highest monthly energy demand (kW) achieved by a customer.	$/kWd	$16.94	$16.94	$16.94	$16.94
~~FTN~~	~~Flat Transmission Net Metering Rate~~	~~Net Option~~	~~This rate relates to the energy credit you would receive when you have renewable energy sources at your business such as solar panels, wind generators etc.~~	~~$/-kWh~~	~~-$0.05158~~	~~-$0.05128~~	~~-$0.05111~~	~~-$0.05093~~
FTC	Flat Transmission Metering Forward Energy Rate	Sub Option	This rate is an option available for customers who charge Electric Vehicle/Plugin Hybrid Electric Vehicle (EV/PHEV) or other approved energy storage devices.	$/kWh	$0.05158	$0.05128	$0.05111	$0.05093
FTG	Flat Transmission Co-Generation Metering Rate	Co-gen Option	This is the rate of energy (kWh) delivered to the electric grid by customer cogeneration equipment. Cogeneration is defined as an energy source which utilizes a non-renewable fuel, such as natural gas, to produce electric energy.	$/-kWh	Average cost with IMEA for 12-month contract, will be reviewed and modified every May 01.			

TT8	Standby Transmission Metering Energy Rate	Standby-Co-gen Option	This is a cogeneration customer rate for all energy used, charged per kilowatt hour consumed (kWh)	$/kWh	Average cost from IMEA for previous calendar year plus losses of 0.5%, and will be reviewed and modified every January 01.
TT9	Standby Transmission Metering Demand Rate	Standby-Co-gen Option	This is a cogeneration customer rate for all kW demand coincident with Utility's peak demand	$/kWd	Average cost from IMEA for previous calendar year plus losses of 0.5%, and will be reviewed and modified every January 01.

10.4. Transmission Metering Time-Of-Use (TOU) Rate Charges: Reserved.

11. Reserved.

12. Reserved.

13. Outdoor Metered Lighting Rate (OLR):

13.1. Reserved.

13.2. Charges:

13.2.1. Energy Charges: The following rate schedule outlines the flat rates for outdoor metered lighting. These rates are subject to any applicable Municipal and State taxes for each billing period.

13.2.2. Minimum Charge: The minimum bill during any billing period shall be the customer charge set forth in Section 8-1C-4:1.9 hereof.

DPU-E RATE SCHEDULE 8: OUTDOOR METERED LIGHTING RATE

Bill Rate Code	Rate Name	Standard/ Optional	Description of Rate	Units	Jan 1, 2021 Value	Jan 1, 2022 Value	Jan 1, 2023 Value	Jan 1, 2024 Value
OLR	Outdoor Metered Lighting Rate	Standard	This is the standard rate for all energy used by occasional outdoor lighting (such as parks, parking lots, etc.), charged per kilowatt hour (kWh) consumed.	$/kWh	$0.1088	$0.1088	$0.1088	$0.1088

13.3. Charge For Additional Facilities:

13.3.1. If the installation or placement of outdoor metered lighting units requested by the customer requires DPU-E to extend its distribution facilities beyond the existing electrical distribution system, DPU-E

shall furnish, install, own, and maintain the additional facilities that will be necessary to provide such lighting.

13.3.2. In such cases, DPU-E will bill the customer a charge equal to DPU-E's actual costs for any such modification to the existing electrical distribution system. Such a charge shall be in addition to the applicable customer charge as stated in this Subsection 8-1C-4.

13.3.3. This additional charge shall be billed to the customer in twenty-four (24) equal installments during the term of the contract.

14. Energy Credits for Self-Supply Electric Utility Customers/Excess Energy Credits/Expired Excess Energy Credit Purchase Rate (XX).

14.1. A Self-Supply Electric Utility Customer may interconnect a Renewable Energy Facility to the City's Electrical Distribution System for the purpose of generating electricity and obtaining energy credits as provided herein subject to compliance with: (i) all applicable laws, including but not limited to the Naperville Municipal Code and all codes and regulations referenced therein and including but not limited to building and Zoning Code-Solar provisions, the provisions of this Section 14 and the definitions set forth in Section 8-1A-1 of this Chapter; (ii) the DPU-E Service Rules and Policies Handbook, as amended from time to time; and (iii) the agreement between the Self-Supply Electric Utility Customer and DPU-E referenced in Section 14.4 hereof.

14.2. A Self-Supply Electric Utility Customer will be credited for each kilowatt hour of Excess Energy delivered to the Electrical Distribution System by the Customer's Renewable Energy Facility for the premises on which said Facility is located. Such credits shall be used to offset the electric utility energy component of the Self-Supply Electric Utility Customer's monthly City of Naperville utility bill for the premises on which the Facility is located on a 1 kilowatt hour to 1 kilowatt hour basis. Such credits shall not be used to offset other utility charges or fees, including but not limited to the electric Utility's meter fee or the electric Utility's demand charge.

14.2.1. If a Self-Supply Electric Utility Customer has Excess Energy Credits at the end of a month, those Excess Energy Credits shall carry over and be applied, as needed, to reduce the electric energy component of future City of Naperville utility bills of the Self-Supply Electric Utility Customer for the premises on which the Facility is located until such Excess Energy Credits have been exhausted or have expired. Any Excess Energy Credits that have not been used to offset the electric energy utility component of the Self-Supply Electric Utility Customer's utility bills by March 31st in any year shall

be deemed expired and referenced herein as Expired Excess Energy Credits.

14.2.2. DPU-E will remit payment to the Self-Supply Electric Utility Customer for Expired Excess Energy Credits, if any, in April of each year based upon the Expired Excess Energy Credit Rate set forth in the DPU-E Rate Schedule 8 below, as amended from time to time. If a Self-Supply Electric Utility Customer who is entitled to such payment has moved and failed to notify DPU-E in writing as to how they may be contacted, DPU-E shall be released of any obligation to make such payment.

DPU-E RATE SCHEDULE 8: EXPIRED EXCESS ENERGY CREDIT PURCHASE RATE FOR SELF-SUPPLY ELECTRIC UTILITY CUSTOMERS (XX)

Bill Rate Code	**Rate Name**	**Standard/ Optional**	**Description of Rate**	**Units**	**2022 Value**	**Jan 1, 2023 Value**	**Jan 1, 2024 Value**
XX	Expired Excess Energy Credit Purchase Rate	Standard	This rate reflects the value of intermittent renewable energy delivered to the Utility by Self-Supply Electric Utility Customers.	- $/kWh	- $0.0430	- $0.0430	- $0.0430

14.3. The electric utility meter installed by DPU-E on the premises of a Self-Supply Electric Utility Customer will be capable of measuring energy delivered from the Electrical Distribution System to the Self-Supply Electric Utility Customer as well as energy delivered to the Electrical Distribution System from the Self-Supply Electric Utility Customer. All Renewable Energy Facilities shall be labeled with the nameplate rating for that Facility.

14.4. Prior to interconnection of a Self-Supply Electric Utility Customer's Renewable Energy Facility to the Electrical Distribution System, proposed installation and interconnection plans shall be submitted by the Self-Supply Electric Utility Customer for approval to the City's Building Department and processed in accord with City requirements. Self-Supply Electric Utility Customers shall comply with all applicable rules and

policies, the DPU-E Service Rules and Policies Handbook, the Naperville Municipal Code, and all applicable State and local laws, as any of the foregoing may be amended from time to time. Self-Supply Electric Utility Customers shall enter into an agreement approved by the Utility to specify and clarify the duties and obligations of the Utility and the Self-Supply Electric Utility Customer. Utility Customers who interconnected a renewable energy facility on their premises to the City's Electrical Distribution System prior to the effective date of this Section 14 and whose renewable energy facility remains interconnected to the City's Electrical Distribution System after the effective date of this Section 14 shall be Self-Supply Electric Utility Customers subject to all of provisions of this Section 14, including but not limited to the requirement to enter into an agreement approved by the Utility.

14.5. DPU-E reserves the right to withhold, deny, or delay approval of interconnection or operation of a Self-Supply Electric Utility Customer's Renewable Energy Facility with the Electrical Distribution System, or to disconnect a Self-Supply Electric Utility Customer's Renewable Energy Facility from the Electrical Distribution System if interconnection or operation has already commenced, if: (i) the Customer is not in compliance with the provisions of this Subsection 14, including but not limited to having entered into an agreement as referenced in Section 14.4 hereof; (ii) DPU-E determines that said agreement has been breached by the Self-Supply Electric Utility Customer which breach has not been timely cured; (iii) DPU-E has a reasonable basis to believe that interconnection or operation of a Customer's Renewable Energy Facility may be unsafe or pose a risk of adverse impacts to DPU-E employees, DPU-E customers, the public, or the Electrical Distribution System; or (iv) the Self-Supply Electric Utility Customer owes money to the City.

14.6. Any Renewable Energy Credits produced by a Self-Supply Electric Utility Customer shall be the property of the Self-Supply Electric Utility Customer who may determine how to dispose of them. At no time shall DPU-E or the City be required to purchase Renewable Energy Credits.

SECTION 4: **Savings clause**. If any provisions of this Ordinance or their application to any entity or circumstance are held invalid or unenforceable by any court of competent jurisdiction, the invalidity or unenforceability thereof shall not affect any of the remaining provisions or application of this Ordinance which can be given effect

without the invalid or unenforceable provisions or application. To achieve this purpose, the provisions of the Ordinance are declared to be severable.

SECTION 5: **Effective date.** This Ordinance shall take effect upon passage and approval.

PASSED this _____day of_____, 2022.

AYES:

NAYS:

ABSENT:

APPROVAL this _____day of_____, 2022.

_____
Steve Chirico
Mayor

ATTEST:

_____
Pam Gallahue, Ph.D.
City Clerk