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FILED 5/11/2021
DOCUMENT NO. 03995-2021
FPSC - COMMISSION CLERK

VIA Electronic Filing

May 10, 2021

Florida Public Service Commission
Adam Teitzman, Commission Clerk
Office of the Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: City of Newberry, Florida – Revised Net-Metering Tariff Sheets

Dear Mr. Teitzman:

This letter is submitted on behalf of the City of Newberry, Florida pursuant to Rules 25-9.05 through 25-9.071 of the *Florida Administrative Code*.

Electronically filed are the city's following net-metering rate tariff sheets in legislative and final filing formats:

- a. First Revised Sheet No. 20.0 – *Net-Metering Service Rate Schedule – NM-1*;
- b. First Revised Sheet No. 20.1 - *Net-Metering Service Rate Schedule – NM-1 (Continued)*;
- c. First Revised Sheet No. 20.2 - *Net-Metering Service Rate Schedule – NM-1 (Continued)*;
- d. Original Sheet No. 20.3 - *Net-Metering Service Rate Schedule – NM-1 (Continued)*;
- e. Original Sheet No. 20.4 - *Net-Metering Service Rate Schedule – NM-1 (Continued)*;
- f. Original Sheet No. 20.5 - *Net-Metering Service Rate Schedule – NM-1*.

A copy of the city's Ordinance Number 2020-19 detailing the changes is also included with this filing.

Please contact our office if there are any questions.

Very truly yours,

/s/

Jody Lamar Finklea
General Counsel and Chief Legal Officer

**NET-METERING SERVICE
RATE SCHEDULE – (NM-1)**

AVAILABLE: Entire Service Area.

PURPOSE: The purpose of the Rate Schedule NM-1 is to encourage the continued use of customer-owned renewable generation in the City of Newberry and to recognize the early implementation of customer-owned renewable generation by existing customers. Capitalized terms have the definitions ascribed for them under the heading “Definitions” beginning on Sheet No. 20.4.

APPLICABLE: This schedule is applicable to a customer who:

1. Takes retail service from City of Newberry under an otherwise applicable rate schedule at their premises.
2. The facility is interconnected and operates in parallel with the City of Newberry distribution system on or before the effective date of establishing ordinance of this rate schedule.
3. The interconnection of customer-owned renewable generation systems to the City’s electric distribution system is on a first-offered, first-accepted basis. Interconnection is subject to diminution and/or rejection in the event the total amount of electricity delivered to the City’s electric distribution system by all customer-owned renewable generation systems exceed 5.0 percent (5%) of the aggregate customer peak demand on the City’s electric distribution system.
- ~~24. Owns a renewable generation facility with a generating capacity that does not exceed two megawatts (2MW) that is located on the customer’s premises and that is primarily intended to offset part or all of customer’s own electric requirements. Customer’s facility shall~~
The interconnection of customer-owned renewable generation systems to the City’s electric distribution system is limited to systems within one of the following ranges:
 - (a) Tier 1 = Ten (10) kw or less;
 - (b) Tier 2 = greater than 10kw and less than or equal to 100kw;
 - ~~(c) Tier 3 = greater than 100kw and less than or equal to two (2) MW.~~ 3. Is interconnected and operates in parallel with City of Newberry distribution system
5. Customer-owned renewable generation systems are primarily intended to offset all or part of the customer’s electric consumption requirements. As such, the gross power rating of a customer-owned renewable generation system shall be limited in size to meet the customer peak energy load. The term “gross power rating: (GPR) means the total manufacturer’s AC nameplate generating capacity of an on-site customer-owned renewable generation system that will interconnected to and operate in parallel with the City distribution facilities. For inverter-based systems, the GPR shall be calculated by multiplying the total installed direct current (DC) nameplate generating capacity by 0.85 in order to account for losses during the conversion from DC to alternating current (AC). Customers desiring to increase the GPR of their customer-owned renewable generation system must notify the City in writing of the proposed modifications to the system and submit a new application for interconnection specifying the proposed modifications.
46. -Provides the City of Newberry with an executed Standard Interconnection Agreement for Customer-Owned Renewable Generation and an executed Tri-Party Net-Metering Power Purchase Agreement by and between Florida Municipal Power Agency (FMPA) and the City of Newberry.

LEGISLATIVE PAGE CONTINUATION OF SHEET 20.0

MONTHLY RATE:

All rates charged under this schedule will be in accordance with the customer's otherwise applicable rate schedule. A customer served under this schedule is responsible for all charges from its otherwise applicable rate schedule including monthly minimum charges, customer charges, meter charges, facilities charges, demand charges and surcharges. Charges for energy (kwh) supplied by City of Newberry will be based on the net metered usage in accordance with Billing (see below).

METERING:

Energy metering under this schedule shall be accomplished by separately registering the flow of electricity both (1) from the City of Newberry to customer, and (2) excess energy (kwh) generated by customer and delivered to City of Newberry's electric system. Such metering equipment shall be installed at the point of delivery at the expense of City of Newberry.

(Continued on Sheet No. 20.1)

Issued by: ~~Blaine Suggs~~ Mike New Effective: ~~September 1, 2009~~ January 1, 2020
~~Public Works Director~~ City Manager

**NET-METERING SERVICE
RATE SCHEDULE – (NM-1)**

AVAILABLE: Entire Service Area.

PURPOSE: The purpose of the Rate Schedule NM-1 is to encourage the continued use of customer-owned renewable generation in the City of Newberry and to recognize the early implementation of customer-owned renewable generation by existing customers. Capitalized terms have the definitions ascribed for them under the heading “Definitions” beginning on Sheet No. 20.4.

APPLICABLE: This schedule is applicable to a customer who:

1. Takes retail service from City of Newberry under an otherwise applicable rate schedule at their premises.
2. The facility is interconnected and operates in parallel with the City of Newberry distribution system on or before the effective date of establishing ordinance of this rate schedule.
3. The interconnection of customer-owned renewable generation systems to the City’s electric distribution system is on a first-offered, first-accepted basis. Interconnection is subject to diminution and/or rejection in the event the total amount of electricity delivered to the City’s electric distribution system by all customer-owned renewable generation systems exceed 5.0 percent (5%) of the aggregate customer peak demand on the City’s electric distribution system.
4. The interconnection of customer-owned renewable generation systems to the City’s electric distribution system is limited to systems within one of the following ranges:
 - (a) Tier 1 = Ten (10) kw or less;
 - (b) Tier 2 = greater than 10kw and less than or equal to 100kw.
5. Customer-owned renewable generation systems are primarily intended to offset all or part of the customer’s electric consumption requirements. As such, the gross power rating of a customer-owned renewable generation system shall be limited in size to meet the customer peak energy load. The term “gross power rating: (GPR) means the total manufacturer’s AC nameplate generating capacity of an on-site customer-owned renewable generation system that will interconnected to and operate in parallel with the City distribution facilities. For inverter-based systems, the GPR shall be calculated by multiplying the total installed direct current (DC) nameplate generating capacity by 0.85 in order to account for losses during the conversion from DC to alternating current (AC). Customers desiring to increase the GPR of their customer-owned renewable generation system must notify the City in writing of the proposed modifications to the system and submit a new application for interconnection specifying the proposed modifications.
6. Provides the City of Newberry with an executed Standard Interconnection Agreement for Customer-Owned Renewable Generation and an executed Tri-Party Net-Metering Power Purchase Agreement by and between Florida Municipal Power Agency (FMPA) and the City of Newberry.

(Continued on Sheet No. 20.1)

METERING:

- 1). Energy metering from the interconnection of customer-owned renewable generation systems shall be accomplished by separately registering the flow of energy, both (1) from the City's electric distribution system, and (2) from excess energy (kWh) generated by customer-owned renewable generation system and delivered to the City's electric system. The metering equipment for interconnection of customer-owned renewable generation systems shall be installed at the point of delivery at the expense of the City.
- 2). Meter readings shall be taken monthly on the same cycle as required under the otherwise applicable rate schedule.
- 3). Any meter or meters installed to measure total renewable electricity generated by the customer for the purposes of receiving Renewable Energy Certificates (or similarly titled credits for renewable energy electricity generated) shall be installed at the expense of the customer, unless determined otherwise during negotiations for the sale of the customer's credits to the City.

~~Any additional meter or meters installed as necessary to measure total renewable electricity generated by the customer for the purposes of receiving Renewable Energy Certificates (or similarly titled credits for renewable energy electricity generated) shall be installed at the expense of the customer, unless determined otherwise during negotiations for the sale of the customer's credits to FMPA or City of Newberry.~~

~~Meter readings shall be taken monthly on the same cycle as required under the otherwise applicable rate schedule.~~

BILLING CHARGES: ~~Customer shall be billed for its consumption and export of excess energy as follows: All rates charged for customer-owned renewable generation shall be in accordance with the customer's otherwise applicable rate schedule (i.e. residential; general service, demand; general service, non-demand, etc.). Customers with customer-owned renewable generation systems are responsible for all charges from their otherwise applicable rate schedule including monthly minimum charges, meter charges, facilities charges, demand charges, and surcharges.~~

- ~~1) Customer shall be billed for the total amount of electric power and energy delivered to customer by City of Newberry in accordance with the otherwise applicable rate schedule.~~
- ~~2) Electric energy from the Customer Renewable Generation System shall first be used to serve the customer's own load and offset the customer's demand for City of Newberry's energy. Any kwh of electric energy produced by the customer owned renewable generation system that is not consumed by the customer's own load and is delivered to the City of Newberry system shall be deemed as "excess customer owned renewable generation." Excess customer owned renewable generation shall be purchased in the form of a credit on the customer's monthly energy consumption bill.~~
- ~~3) Each billing cycle, customer shall be credited for the total amount of excess energy generated by the customer owned renewable generation that is delivered to City of Newberry's electric system during the previous billing cycle. The credit from City of Newberry shall be equal to the "ARP \$/kwh Renewable Generation Credit Rate" as determined by the City of Newberry's wholesale power provider, the Florida Municipal Power Agency ("FMPA"), on a quarterly basis. The "ARP \$/kwh Renewable Generation Credit Rate" is the quarterly average of the ARP energy rate, updated each April 1, July 1, October 1, and January 1.~~

LEGISLATIVE CONTINUATION OF SHEET NO. 20.1

~~4) In the event that a given monthly credit for excess customer-owned renewable generation exceeds the total billed amount for customer's consumption in any corresponding month, then the excess credit shall be applied to the customer's subsequent bill. Excess energy credits produced pursuant to the preceding sentence shall accumulate and be used to offset Customer's energy consumption bill for a period of not more than twelve (12) months. In the last billing cycle of each calendar year, any unused excess energy credits shall be paid by City of Newberry to the customer.~~

~~5) In the event that a customer closes an account, any of the customer's unused excess energy credits shall be paid by City of Newberry.~~

~~6) Regardless of whether any excess energy is delivered to City of Newberry's electric system in a given billing cycle, customer shall be required to pay the greater of: (1) the minimum charge as stated in the otherwise applicable rate schedule; or (2) the applicable customer charge plus the applicable demand charge for the maximum measured demand during the billing period in accordance with provisions of the otherwise applicable rate schedule.~~

(1) For customer-owned renewable generation systems installed prior January 1, 2020, charges for energy (kWh) supplied by the City will be based on the net-metered consumption of energy in accordance with the following:

a. Electric energy from the customer-owned renewable generation system shall first be used to serve the load and offset the demand for energy from the City's electric distribution system by the customer.

b. Customer shall be billed for the total amount of electric power and energy delivered to customer by the City during the billing period in accordance with the otherwise applicable rate schedule.

c. Excess energy from the customer-owned renewable generation shall be credited by the City to the customer on their monthly energy bill. Each billing cycle, the customer will be credited for the total amount of excess energy generated by the customer-owned renewable generation that is delivered to the City's electric system during the previous billing cycle. The credit from the City shall be equal to the current retail rate under Customer's applicable retail rate schedule for the purchase of electricity from the City.

(Continued on Sheet No. 20.2)

Issued by: ~~Blaine Suggs~~Mike New
2020

Effective: ~~September 1, 2009~~January 1,

~~Public Works Director~~City Manager

METERING:

- 1). Energy metering from the interconnection of customer-owned renewable generation systems shall be accomplished by separately registering the flow of energy, both (1) from the City's electric distribution system, and (2) from excess energy (kWh) generated by customer-owned renewable generation system and delivered to the City's electric system. The metering equipment for interconnection of customer-owned renewable generation systems shall be installed at the point of delivery at the expense of the City.
- 2). Meter readings shall be taken monthly on the same cycle as required under the otherwise applicable rate schedule.
- 3). Any meter or meters installed to measure total renewable electricity generated by the customer for the purposes of receiving Renewable Energy Certificates (or similarly titled credits for renewable energy electricity generated) shall be installed at the expense of the customer, unless determined otherwise during negotiations for the sale of the customer's credits to the City.

CHARGES: All rates charged for customer-owned renewable generation shall be in accordance with the customer's otherwise applicable rate schedule (i.e. residential; general service, demand; general service, non-demand, etc.). Customers with customer-owned renewable generation systems are responsible for all charges from their otherwise applicable rate schedule including monthly minimum charges, meter charges, facilities charges, demand charges, and surcharges.

(1) For customer-owned renewable generation systems installed prior January 1, 2020, charges for energy (kWh) supplied by the City will be based on the net-metered consumption of energy in accordance with the following:

- a. Electric energy from the customer-owned renewable generation system shall first be used to serve the load and offset the demand for energy from the City's electric distribution system by the customer.
- b. Customer shall be billed for the total amount of electric power and energy delivered to customer by the City during the billing period in accordance with the otherwise applicable rate schedule.
- c. Excess energy from the customer-owned renewable generation shall be credited by the City to the customer on their monthly energy bill. Each billing cycle, the customer will be credited for the total amount of excess energy generated by the customer-owned renewable generation that is delivered to the City's electric system during the previous billing cycle. The credit from the City shall be equal to the current retail rate under Customer's applicable retail rate schedule for the purchase of electricity from the City.

(Continued on Sheet No. 20.2)

~~7) Customer acknowledges that its provision of electricity to City of Newberry hereunder is on a first-offered first-accepted basis and subject to diminution and/or rejection in the event the total amount of electricity delivered to City of Newberry pursuant to this Schedule, from all participating City of Newberry customers, exceeds two and one-half percent (2.5%) of the aggregate customer peak demand on City of Newberry's electric system.~~

~~**FEES:** The customer shall be required to pay the following fees for the review and processing of the application as follows. Fees may be adjusted annually.~~

- ~~— Tier 1 — No Fee~~
- ~~— Tier 2 — \$320.00~~
- ~~— Tier 3 — \$470.00~~

~~(a) Tier 3 Study Fee — Deposit of \$2,500. Customer to pay the actual cost of study, not to exceed \$2,500. Should the actual cost of the study be less than the deposit, the difference will be refunded to the customer.~~

~~d. In the event that a credit for excess customer-owned renewable generation exceeds the total billed amount for customer's consumption in any corresponding billing period, the excess credit shall be applied to the customer's subsequent bill. Excess energy credits produced shall accumulate and offset customer's energy consumption bill for a period to exceed twelve (12) months. In the last billing cycle of each fiscal year, any unused excess energy credits shall be paid by the City to the customer, at the City's avoided cost rate, as determined by the City.~~

~~e. In the event that a customer closes an account, unused excess energy credits shall be paid to the customer at the City's avoided costs rate, as determined by the City. The payment will first be applied towards outstanding charges associated with the customer's account. Any balance will be sent to the last address or forwarding address by check within 180 days.~~

~~f. Regardless of whether any excess energy is delivered to the City's electric system in a given billing cycle, Customer shall be required to pay the greater of: (i) the minimum charge as stated in the otherwise applicable rate schedule; or (ii) the applicable customer charge plus the applicable demand charge for the maximum measured demand during the billing period in accordance with provisions of the otherwise applicable rate schedule.~~

~~g. The provisions of the subsection (1) shall terminate when any of the following conditions are met:~~

~~i. Twenty (20) years after the original customer-owned generation system is placed into service, or,~~

~~ii. When the original owner of the property where the customer-owned renewable generation system is connected sell the property.~~

LEGISLATIVE CONTINUATION OF SHEET NO. 20.2

Upon termination of the charges for energy established in this subsection (1), the customer-owned generation system will subsequently be charged in accordance to/with subsection (2) below.

(2) For customer-owned renewable generation systems installed after January 1, 2020, charges for energy (kWh) supplied by the City will be based on the net-metered consumption of energy in accordance with the following:

- a. Electric energy from the customer-owned renewable generation system shall first be used to serve the load and offset the demand for energy from the City's electric distribution system by the customer.

(Continued on Sheet No. 20.3)

- d. In the event that a credit for excess customer-owned renewable generation exceeds the total billed amount for customer's consumption in any corresponding billing period, the excess credit shall be applied to the customer's subsequent bill. Excess energy credits produced shall accumulate and offset customer's energy consumption bill for a period to exceed twelve (12) months. In the last billing cycle of each fiscal year, any unused excess energy credits shall be paid by the City to the customer, at the City's avoided cost rate, as determined by the City.
- e. In the event that a customer closes an account, unused excess energy credits shall be paid to the customer at the City's avoided costs rate, as determined by the City. The payment will first be applied towards outstanding charges associated with the customer's account. Any balance will be sent to the last address or forwarding address by check within 180 days.
- f. Regardless of whether any excess energy is delivered to the City's electric system in a given billing cycle, Customer shall be required to pay the greater of: (i) the minimum charge as stated in the otherwise applicable rate schedule; or (ii) the applicable customer charge plus the applicable demand charge for the maximum measured demand during the billing period in accordance with provisions of the otherwise applicable rate schedule.
- g. The provisions of the subsection (1) shall terminate when any of the following conditions are met:
 - i. Twenty (20) years after the original customer-owned generation system is placed into service, or,
 - ii. When the original owner of the property where the customer-owned renewable generation system is connected sell the property.

Upon termination of the charges for energy established in this subsection (1), the customer-owned generation system will subsequently be charged in accordance to/with subsection (2) below.

- (2) For customer-owned renewable generation systems installed after January 1, 2020, charges for energy (kWh) supplied by the City will be based on the net-metered consumption of energy in accordance with the following:
 - a. Electric energy from the customer-owned renewable generation system shall first be used to serve the load and offset the demand for energy from the City's electric distribution system by the customer.

(Continued on Sheet No. 20.3)

- b. Customer shall be billed for the total amount of electric power and energy delivered to customer by the City during the billing period in accordance with the otherwise applicable rate schedule.
- c. Excess customer-owned renewable generation shall be credited by the City to the customer on their monthly energy bill. Each billing cycle, the customer will be credited for the total amount of excess energy generated by the customer-owned renewable generation that is delivered to the City's electric system during the previous billing cycle. The credit from the City will be made at the City's avoided cost rate, as determined by the City.
- d. In the event that a credit for excess customer-owned renewable generation exceeds the total billed amount for customer's consumption in any corresponding billing period, the excess credit shall be applied to the customer's subsequent bill. Excess energy credits produced shall accumulate and offset customer's energy consumption bill for a period not to exceed twelve (12) months. In the last billing cycle of each fiscal year, any unused excess energy credits shall be paid by the City to the customer, at the City's avoided costs rate, as determined by the City.
- e. In the event that a customer closes an account, unused excess energy credits shall be paid to the customer at the City's avoided cost rate, as determined by the City. The payment will first be applied towards outstanding charges associated with the customer's account. Any balance will be sent to the customer's last address or forwarding address by check within 180 days.
- f. Regardless of whether any excess energy is delivered to the City's electric system in a given billing cycle, the customer shall be required to pay the greater of: (1) the minimum charge as stated in the otherwise applicable rate schedule, or (2) the applicable customer charge plus the applicable demand charge for the maximum measured demand during the billing period in accordance with provisions of the otherwise applicable rate schedule.
- g. Application and inspections fees. Customer shall pay the following fees for the review and processing of applications for interconnection of customer-owned renewable generations systems:

Tier 1 – No fee

Tier 2 - \$320.00

Fees are subject to annual adjustment.

(Continued on Sheet No. 20.4)

- b. Customer shall be billed for the total amount of electric power and energy delivered to customer by the City during the billing period in accordance with the otherwise applicable rate schedule.
- c. Excess customer-owned renewable generation shall be credited by the City to the customer on their monthly energy bill. Each billing cycle, the customer will be credited for the total amount of excess energy generated by the customer-owned renewable generation that is delivered to the City's electric system during the previous billing cycle. The credit from the City will be made at the City's avoided cost rate, as determined by the City.
- d. In the event that a credit for excess customer-owned renewable generation exceeds the total billed amount for customer's consumption in any corresponding billing period, the excess credit shall be applied to the customer's subsequent bill. Excess energy credits produced shall accumulate and offset customer's energy consumption bill for a period not to exceed twelve (12) months. In the last billing cycle of each fiscal year, any unused excess energy credits shall be paid by the City to the customer, at the City's avoided costs rate, as determined by the City.
- e. In the event that a customer closes an account, unused excess energy credits shall be paid to the customer at the City's avoided cost rate, as determined by the City. The payment will first be applied towards outstanding charges associated with the customer's account. Any balance will be sent to the customer's last address or forwarding address by check within 180 days.
- f. Regardless of whether any excess energy is delivered to the City's electric system in a given billing cycle, the customer shall be required to pay the greater of: (1) the minimum charge as stated in the otherwise applicable rate schedule, or (2) the applicable customer charge plus the applicable demand charge for the maximum measured demand during the billing period in accordance with provisions of the otherwise applicable rate schedule.
- g. Application and inspections fees. Customer shall pay the following fees for the review and processing of applications for interconnection of customer-owned renewable generations systems:

Tier 1 – No fee
Tier 2 - \$320.00

Fees are subject to annual adjustment.

(Continued on Sheet No. 20.4)

h. Insurance requirements.

(1) Customers installing and operating an interconnected renewable generation system with a gross power rating of 10 kW or less shall not be required to provide proof of liability insurance. However, it is highly recommended that such customers carry an appropriate level of such insurance.

(2) Customers installing and operating an interconnected renewable generation system with a gross power rating of more than 10 kW shall provide proof of continuous general liability insurance covering personal injury and property damage with coverage limits no less than \$1,000,000.00/\$1,000,000.00. Proof of such insurance naming the City as the Certificate Holder shall be provided to the City prior to interconnection and on at least an annual basis thereafter.

DEFINITIONS: The following words, terms and phrases, when used in this Rate Schedule NM-1, shall have the meanings ascribed for them as follows, except where the context clearly indicates a different meaning:

Consumer means any person or entity that receives and utilizes electric service at a specific location.

Customer means the person or entity responsible for payment for all electric services used at a specific location, and further defined as that person who has applied for and requested that services be made available at the specific location and has agreed to pay for all usage of such services occurring at the location. The customer and consumer may be one and the same.

Customer-owned renewable generation means an electric generation system located on a customer's premises that is primarily intended to offset part or all of the electricity requirements for the customer with renewable energy. The term "customer-owned renewable generation" does not preclude the customer of record from contracting for purchase, lease, operation, or maintenance of an on-site renewable generation system with a third party under terms and conditions that do not include the retail purchase of electricity from the third party.

DC Power means electrical power of the type stored in batteries. DC power is generated by systems that utilize electrical current that does not vary over time ("direct current"). One important example of such a system is a photovoltaic solar array, which converts sunlight into DC power. DC power must be converted to AC power before it can be distributed by the utility electrical distribution system.

(Continued on Sheet No. 20.5)

Issued by: ~~Blaine Suggs~~ Mike New
1, 2020

Effective: September 1, 2009 January

~~Public Works Director~~ City Manager

h. Insurance requirements.

- (1) Customers installing and operating an interconnected renewable generation system with a gross power rating of 10 kW or less shall not be required to provide proof of liability insurance. However, it is highly recommended that such customers carry an appropriate level of such insurance.
- (2) Customers installing and operating an interconnected renewable generation system with a gross power rating of more than 10 kW shall provide proof of continuous general liability insurance covering personal injury and property damage with coverage limits no less than \$1,000,000.00/\$1,000,000.00. Proof of such insurance naming the City as the Certificate Holder shall be provided to the City prior to interconnection and on at least an annual basis thereafter.

DEFINITIONS: The following words, terms and phrases, when used in this Rate Schedule NM-1, shall have the meanings ascribed for them as follows, except where the context clearly indicates a different meaning:

Consumer means any person or entity that receives and utilizes electric service at a specific location.

Customer means the person or entity responsible for payment for all electric services used at a specific location, and further defined as that person who has applied for and requested that services be made available at the specific location and has agreed to pay for all usage of such services occurring at the location. The customer and consumer may be one and the same.

Customer-owned renewable generation means an electric generation system located on a customer's premises that is primarily intended to offset part or all of the electricity requirements for the customer with renewable energy. The term "customer-owned renewable generation" does not preclude the customer of record from contracting for purchase, lease, operation, or maintenance of an on-site renewable generation system with a third party under terms and conditions that do not include the retail purchase of electricity from the third party.

DC Power means electrical power of the type stored in batteries. DC power is generated by systems that utilize electrical current that does not vary over time ("direct current"). One important example of such a system is a photovoltaic solar array, which converts sunlight into DC power. DC power must be converted to AC power before it can be distributed by the utility electrical distribution system.

(Continued on Sheet No. 20.5)

Distributed generation means small, modular, decentralized, grid-connected or off-grid energy systems located in or near the place where energy is used. For purposes of net-metering, the generation is connected to the customer's electric system on the customer's side of the electric revenue meter.

Excess customer-owned renewable generation means electric energy produced by the customer-owned renewable generation system that is not consumed by the customer's own load and is delivered to the City's electric distribution system.

Net-Metering means a retail customer has installed a customer-owned renewable generation on the customer's side of the electric revenue meter and payment for the excess energy delivered to the City's electric distribution system shall be credited against the billing account of the customer.

Point of delivery means the point where the City's point wires, or apparatus are connected with those of the customer.

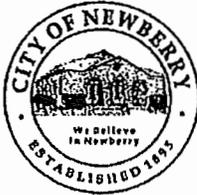
Distributed generation means small, modular, decentralized, grid-connected or off-grid energy systems located in or near the place where energy is used. For purposes of net-metering, the generation is connected to the customer's electric system on the customer's side of the electric revenue meter.

Excess customer-owned renewable generation means electric energy produced by the customer-owned renewable generation system that is not consumed by the customer's own load and is delivered to the City's electric distribution system.

Net-Metering means a retail customer has installed a customer-owned renewable generation on the customer's side of the electric revenue meter and payment for the excess energy delivered to the City's electric distribution system shall be credited against the billing account of the customer.

Point of delivery means the point where the City's point wires, or apparatus are connected with those of the customer.

CITY OF NEWBERRY



ORDINANCE NO. 2020 - 19

**AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA;
CREATING SECTION 98-69 AND SECTION 98-70 OF THE CODE OF
ORDINANCES; PROVIDING FOR DEFINITIONS; PROVIDING FOR
INTERCONNECTION AND NET METERING OF CUSTOMER-OWNED
RENEWABLE GENERATION SYSTEMS TO THE CITY'S ELECTRIC
SYSTEM; PROVIDING FOR SERVERABILITY; REPEALING ALL
ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, the City adopted a "Code of Ordinances, City of Newberry, Florida," Consisting of Chapters 1 through 102 on March 27, 2006; and

WHEREAS, the City of Newberry desires to repeal and replace Ordinance No. 07 – 09 adopted and approved the 10th day of August 2009; and

WHEREAS, the City desires to create new Section 98-69 in Chapter 98 of its Code of Ordinances which provides definitions; and

WHEREAS, the City desires to create new Section 98-70 in Chapter 98 of its Code of Ordinances which provides for interconnection and net metering of customer-owned renewable generation systems.

NOW THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA, as follows:

Section 1. INCORPORATION OF RECITALS

The above recitals are true and correct and are incorporated into this ordinance.

Section 2. CREATION OF SECTION 98-69 OF THE CODE OF ORDINANCES

Section 98-69 of the Code of Ordinance, City of Newberry, Florida is hereby created to read as follows:

Sec. 98-69. Definitions

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer means any person or entity that receives and utilizes electric service at a specific location.

Customer means the person or entity responsible for payment for all electric services used at a specific location, and further defined as that person who has applied for and requested that services be made available at the specific location and has agreed to pay for all usage of such services occurring at the location. The customer and the consumer may be one and the same.

Customer-owned renewable generation means an electric generating system located on a customer's premises that is primarily intended to offset part or all of the electricity requirements for the customer with renewable energy. The term "customer-owned renewable generation" does not preclude the customer of record from contracting for the purchase, lease, operation, or maintenance of an on-site renewable generation system with a third party under terms and conditions that do not include the retail purchase of electricity from the third party.

DC power means electrical power of the type stored in batteries. DC power is generated by systems that utilize electrical current that does not vary over time ("direct current"). One important example of such a system is a photovoltaic solar array, which converts sunlight into DC power. DC power must be converted to AC power before it can be distributed by the utility electrical distribution system.

Distributed generation means small, modular, decentralized, grid-connected or off-grid energy systems located in or near the place where energy is used. For purposes of net metering, the generation is connected to the customer's electric system on the customer's side of the electric revenue meter.

Excess customer-owned renewable generation means electric energy produced by the customer-owned renewable generation system that is not consumed by the customer's own load and is delivered to the City's electric distribution system.

Net metering means a retail customer has installed a customer-owned renewable generation on the customer's side of the electric revenue meter and payment for the excess energy delivered to the City's electric distribution system shall be credited against the billing account of the customer.

Point of delivery means the point where the City's point wires or apparatus are connected with those of the consumer.

Section 3. CREATION OF SECTION 98-70 OF THE CODE OF ORDINANCES

Section 98-70 of the Code of Ordinance, City of Newberry, Florida is hereby created to read as follows:

Sec. 98-70. Interconnection and net metering of customer-owned renewable generation systems.

(a) The City Manager shall establish a written policy designating procedures for the interconnection and net metering of customer-owned renewable generation systems in order to promote the development and use of small, customer-owned renewable generation, particularly solar and wind energy systems; lessen the dependence on fossil fuels for energy production; minimize the volatility of fuel costs; improve the environment; and minimize the costs of energy supply to customers.

(b) The interconnection of customer-owned renewable generation systems to the City's electric distribution system is on a first-offered, first-accepted basis. Interconnection is subject to diminution and/or rejection in the event the total amount of electricity delivered to the City's electric distribution system by all customer-owned renewable generation systems exceeds 5.0 percent (%) of the aggregate customer peak demand on the City's electric distribution system.

(c) The interconnection of customer-owned renewable generation systems to the City's electric distribution system is limited to systems within one of the following ranges:

- (1) Tier 1 = 10kW or less;
- (2) Tier 2 = greater than 10kW and less than or equal to 100kW;

(d) Customer-owned renewable generation systems is primarily intended to offset all or part of the customer's electric consumption requirements. As such, the gross power rating of a customer-owned renewable generation system shall be limited in size to meet the customer's peak energy load. The term "gross power rating" (GPR) means the total manufacturer's AC nameplate generating capacity of an on-site customer-owned renewable generation system that will be interconnected to and operate in parallel with the City distribution facilities. For inverter-based systems, the GPR shall be calculated by multiplying the total installed direct current (DC) nameplate generating capacity by 0.85 in order to account for losses during the conversion from DC to alternating current (AC). Customers desiring to increase the GPR of their customer-owned renewable generation system must notify the City in writing of the proposed modifications to the system and submit a new application for interconnection specifying the proposed modifications.

(e) Customers desiring to interconnect a customer-owned renewable generation system to the City's electric distribution system must provide the City with an executed

Standard Interconnection Agreement for Customer-Owned Renewable Generation and an executed Tri-Party Net Metering Power Purchase Agreement by and between Florida Municipal Power Agency (FMPA) and the City of Newberry.

(f) *Metering.*

- (1) Energy metering from the interconnection of customer-owned renewable generation system shall be accomplished by separately registering the flow of energy both (1) from the City's electric distribution system; and (2) excess energy (kW-hr) generated by customer-owned renewable generation system and delivered to the City's electric system. The metering equipment for interconnection of customer-owned renewable generation systems shall be installed at the point of delivery at the expense of the City.
- (2) Meter readings shall be taken monthly on the same cycle as required under the otherwise applicable rate schedule.
- (3) Any meter or meters installed to measure total renewable electricity generated by the customer for the purposes of receiving Renewable Energy Certificates (or similarly titled credits for renewable energy electricity generated) shall be installed at the expense of the customer, unless determined otherwise during negotiations for the sale of the customer's credits to the City.

(g) *Charges.* All rates charged for customer-owned renewable generation shall be in accordance with the customer's otherwise applicable rate schedule (i.e. residential; general service, demand; general service, non-demand; etc.). Customers with customer-owned renewable generation systems are responsible for all charges from their otherwise applicable rate schedule including monthly minimum charges, customer charges, meter charges, facilities charges, demand charges and surcharges.

- (1) For customer-owned renewable generation systems installed prior to January 1, 2020, charges for energy (kW-hr) supplied by the City will be based on the net metered consumption of energy in accordance with the following:
 - a. Electric energy from the customer-owned renewable generation system shall first be used to serve the load and offset the demand for energy from the City's electric distribution system by the customer.
 - b. Customer shall be billed for the total amount of electric power and energy delivered to customer by the City during the billing period in accordance with the otherwise applicable rate schedule.

- c. Excess energy from the customer-owned renewable generation shall be credited by the City to the customer on their monthly energy bill. Each billing cycle, the customer will be credited for the total amount of excess energy generated by the customer-owned renewable generation that is delivered to the City's electric system during the previous billing cycle. The credit from the City shall be equal to the current retail rate under Customer's applicable retail rate schedule for the purchase of electricity from the City.
- d. In the event that a credit for excess customer-owned renewable generation exceeds the total billed amount for customer's consumption in any corresponding billing period, the excess credit shall be applied to the customer's subsequent bill. Excess energy credits produced shall accumulate and offset customer's energy consumption bill for a period not to exceed twelve (12) months. In the last billing cycle of each fiscal year, any unused excess energy credits shall be paid by the City to the customer, at the City's avoided cost rate, as determined by the City.
- e. In the event that a customer closes an account, unused excess energy credits shall be paid to the customer at the City's avoided cost rate, as determined by the City. The payment will first be applied towards outstanding charges associated with the customer's account. Any balance will be sent to the last address or forwarding address by check within 180 days.
- f. Regardless of whether any excess energy is delivered to City's electric system in a given billing cycle, Customer shall be required to pay the greater of: (1) the minimum charge as stated in the otherwise applicable rate schedule; or (2) the applicable customer charge plus the applicable demand charge for the maximum measured demand during the billing period in accordance with provisions of the otherwise applicable rate schedule.
- g. The provisions of this subsection (1) shall terminate when any of the following conditions are met:
 - i. 20 years after the original customer-owned generation system is placed into service, or
 - ii. When the original owner of the property where the customer-owned renewable generation system is connected sells the property.

Upon termination of the charges for energy established in this subsection (1), the customer-owned generation system will subsequently be charged in accordance to subsection (2) below.

- (2) For customer-owned renewable generation systems installed after January 1, 2020, charges for energy (kW-hr) supplied by the City will be based on the net metered consumption of energy in accordance with the following:
- a. Electric energy from the customer-owned renewable generation system shall first be used to serve the load and offset the demand for energy from the City's electric distribution system by the customer.
 - b. Customer shall be billed for the total amount of electric power and energy delivered to customer by the City during the billing period in accordance with the otherwise applicable rate schedule.
 - c. Excess customer-owned renewable generation shall be credited by the City to the customer on their monthly energy bill. Each billing cycle, the customer will be credited for the total amount of excess energy generated by the customer-owned renewable generation that is delivered to the City's electric system during the previous billing cycle. The credit from the City will be made at the City's avoided cost rate, as determined by the City.
 - d. In the event that a credit for excess customer-owned renewable generation exceeds the total billed amount for customer's consumption in any corresponding billing period, the excess credit shall be applied to the customer's subsequent bill. Excess energy credits produced shall accumulate and offset customer's energy consumption bill for a period not to exceed twelve (12) months. In the last billing cycle of each fiscal year, any unused excess energy credits shall be paid by the City to the customer, at the City's avoided cost rate, as determined by the City.
 - e. In the event that a customer closes an account, unused excess energy credits shall be paid to the customer at the City's avoided cost rate, as determined by the City. The payment will first be applied towards outstanding charges associated with the customer's account. Any balance will be sent to the last address or forwarding address by check within 180 days.
 - f. Regardless of whether any excess energy is delivered to City's electric system in a given billing cycle, Customer shall be required to pay the greater of: (1) the minimum charge as stated in the otherwise

applicable rate schedule; or (2) the applicable customer charge plus the applicable demand charge for the maximum measured demand during the billing period in accordance with provisions of the otherwise applicable rate schedule..

(h) Application and inspection fees. Customer shall pay the following fees for the review and processing of applications for interconnection of customer-owned renewable generation systems:

Tier 1 - No Fee

Tier 2 - \$320.00

Fees may be adjusted annually.

(i) Insurance requirements.

- (1) Customers installing and operating an interconnected renewable generation system with a gross power rating of 10 kW or less shall not be required to provide proof of liability insurance. However, it is highly recommended that such customers carry an appropriate level of such insurance.
- (2) Customers installing and operating an interconnected renewable generation system with a gross power rating of more than 10 kW shall provide proof of continuous general liability insurance covering personal injury and property damage with coverage limits no less than \$1,000,000.00/\$1,000,000.00. Proof of such insurance naming the City as the Certificate Holder shall be provided to the City prior to interconnection and on at least an annual basis thereafter.

Section 4. It is the intention of the City Commission of the City of Newberry, Florida, and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Newberry, Florida; that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate designation to accomplish such intention.

Section 5. Repealing Clause. All ordinance or parts of ordinances in conflict with this Ordinance are, to the extent they conflict with this Ordinance, repealed.

Section 6. Severability. It is the declared intent of the Newberry City Commission, that if any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 7. Effective Date. This ordinance shall become effective upon adoption.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, this 10th day of August 2020.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Newberry, Florida, by the City Clerk of the City of Newberry, Florida on the 13th days of Aug, 2020.

DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 24th day of August, 2020.



BY THE MAYOR OF THE CITY OF
NEWBERRY, FLORIDA

Honorable Jordan Marlowe, Mayor

ATTEST, BY THE CLERK OF THE
CITY COMMISSION OF THE CITY OF
NEWBERRY, FLORIDA:

Judy S. Rice, City Clerk

APPROVED AS TO FORM AND
LEGALITY:

City Attorney