



Colorado Springs Utilities
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2018
Proposed
Tariff Changes

May 8, 2018

Executive Summary

Utilities Rules and Regulations and Electric, Natural Gas, Water and Wastewater Rate Schedules (collectively the “Tariffs”)

Colorado Springs Utilities (Utilities) is submitting a 2018 tariff filing primarily comprised of administrative clean-up and organization to Utilities Rules and Regulations (URR) and the Electric, Natural Gas, Water and Wastewater Rate Schedules. This proposed tariff filing does not adjust any rates or fees. There are only two substantive changes, which are noted below.

The Tariffs govern Utilities in accordance with the Colorado Springs City Code. The URR establishes terms and conditions for all Utilities Customers across all utility services and provides service specific terms and conditions. It defines the legal relationship between Utilities and the customer, and is the document where the customer as well as Utilities find regulations and terms pertinent to the cycle of service. The Rate Schedules defines service available to the Customers and all applicable information related to that service.

Background

Utilities first phase of administrative tariff clean-up efforts took place in 2017 with a filing addressing the General Section of URR. A Public Hearing was conducted on August 8, 2017, and City Council approved the tariff changes on August 22, 2017, with an effective date of September 1, 2017.

The second phase of Tariff clean-up is proposed in this 2018 filing. The second phase completes the comprehensive review of the Tariffs, in compliance with the Tariff Review Program. Implemented in 2014 to establish a change management process, the Tariff Review Program resulted in the formation of the Tariff Review Core Team, a Tariff Oversight Committee, and is sponsored by two Utilities Officers who provide policy leadership and direction, support proposed tariff changes and ensure communication between the decision-making authority of the Utilities Officer Team and the Tariff Review Core Team.

Filing Overview

With this filing, Utilities proposes changes to all URR service-specific sections and the Electric, Natural Gas, Water, and Wastewater Service Rate Schedules, as well as organizational consistency changes throughout all of the documents. The proposed filing is designed to enhance flow and readability of all service Utilities Rules and Regulations and Rate Schedule Tariffs. All changes, except for the two noted below, are administrative, with no adjustments to current effective rates, existing rules, or policies.

Examples of proposed administrative changes:

- Consistency in formatting was applied throughout the Tariffs and all blank pages with “This Page Intentionally Left Blank” were eliminated.
- A Rate Table has been created for all Rate Schedules that move rates to one place, which promotes ease of use for customers, as well as, Utilities staff.
- A General Section is established in all Rate Schedules to capture defined terms and conditions that are the same/repeated on numerous Rate Schedules.

In addition to the administrative modifications, the filing will include two additional changes to 1) eliminate all references to Jimmy Camp Creek wastewater service area that are no longer applicable as a result of the Banning Lewis Ranch Annexation amendment and 2) propose changes to Accessory Dwelling Units.

If approved, all proposed changes would take effect on July 1, 2018 with the exception of the Accessory Dwelling Units change, that would take effect on January 1, 2019.

Resolutions

Rescinding

RESOLUTION NO. _____

**A RESOLUTION RESCINDING COLORADO SPRINGS UTILITIES' TARIFF,
CITY COUNCIL VOLUME NO. 5**

WHEREAS, Colorado Springs Utilities (Utilities) has conducted a complete and comprehensive review of its tariff; and

WHEREAS, Utilities has condensed, simplified and rearranged many portions of its tariff, which resulted in substantial modifications to the format of the tariff; and

WHEREAS, Utilities has proposed that its current effective tariff should be rescinded in its entirety; and

WHEREAS, Utilities has proposed the adoption of a new tariff to replace the current tariff; and

WHEREAS, the proposed new tariff will contain all the revisions and modifications resulting from the comprehensive tariff review; and

WHEREAS, the City Council finds that the proposed rescission, in its entirety, of the current tariff is prudent and reasonable.

WHEREAS, City Council suspended Part 4 (I) (c) of the Rules and Procedures of City Council, Post-Hearing Procedures, for this rate hearing, waiving the requirement of a Decision and Order for the requested change and such change shall be approved with the approval of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section I: That the Colorado Springs Utilities' Tariff, City Council Volume No. 5, shall be rescinded at as follows, effective July 1, 2018 prior to the adoption of Colorado Springs Utilities' Tariff, City Council Volume No. 6:

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Section 2: Rescinding Colorado Springs Utilities' Tariff, City Council Volume No. 5, in its entirety is hereby approved.

Dated at Colorado Springs, Colorado, this 21st day of June, 2018.

City Council President

ATTEST:

Sarah B. Johnson, City Clerk

Adopting

RESOLUTION NO. _____

**A RESOLUTION ADOPTING
COLORADO SPRINGS UTILITIES
TARIFFS, CITY COUNCIL
VOLUME NO. 6**

WHEREAS, Colorado Springs Utilities (Utilities) has proposed modifications to its tariffs; and

WHEREAS, Utilities proposes modifications that are designed to improve the flow, readability, consistency and ease of use of the tariff; and

WHEREAS, the modifications proposed to promote ease of use include the addition of a Rate Table as well as the addition of a General section of the tariffs, and

WHEREAS, the proposed tariff modifications are administrative in nature and do not change existing rules, policies or procedures; and

WHEREAS, the proposed tariff modifications eliminate all references to Jimmy Camp Creek wastewater service area that are no longer applicable with the Banning Lewis Ranch Annexation agreement; and

WHEREAS, the proposed tariff modifications do not change the rates or fee levels within the tariff; and

WHEREAS, Utilities proposes, and City Council approves, the modification to the tariffs as proposed by Utilities; and

WHEREAS, Utilities has provided public notice of the proposed changes and has complied with the requirements of the City Code for changing its Rate Schedules, and

WHEREAS, the proposed tariff changes shall be effective July 1, 2018, and

WHEREAS, City Council suspended Part 4 (l) (c) of the Rules and Procedures of City Council, Post-Hearing Procedures, for this rate hearing, waiving the requirement of a Decision and Order for the requested change and such change shall be approved with the approval of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1: That Colorado Springs Utilities Tariff, City Council Volume No. 6, shall be adopted as follows, effective July 1, 2018:

Electric

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Original Sheet No. 80	Natural Gas
Original Sheet No. 81	Natural Gas

Utilities Rules and Regulations – cont.

City Council Vol. No. 6	
Sheet No.	Sheet Title
Original Sheet No. 82	Water
Original Sheet No. 83	Water
Original Sheet No. 84	Water
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Original Sheet No. 86	Water
Original Sheet No. 87	Water
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Original Sheet No. 90	Water
Original Sheet No. 91	Water
Original Sheet No. 92	Water
Original Sheet No. 93	Water
Original Sheet No. 94	Water
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Original Sheet No. 96	Water
Original Sheet No. 97	Water
Original Sheet No. 98	Water
Original Sheet No. 99	Water
Original Sheet No. 100	Water
Original Sheet No. 101	Water
Original Sheet No. 102	Water
Original Sheet No. 103	Wastewater
Original Sheet No. 104	Wastewater
Original Sheet No. 105	Wastewater
Original Sheet No. 106	Wastewater
Original Sheet No. 107	Wastewater
Original Sheet No. 108	Wastewater
Original Sheet No. 109	Wastewater
Original Sheet No. 110	Wastewater
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Original Sheet No. 112	Wastewater
Original Sheet No. 113	Wastewater
Original Sheet No. 114	Wastewater
Original Sheet No. 115	Wastewater
Original Sheet No. 116	Wastewater
Original Sheet No. 117	Wastewater

Section 2: The attached tariff sheets are hereby approved and adopted.

Dated at Colorado Springs, Colorado, this 21st day of June, 2018.

City Council President

ATTEST:

Sarah B. Johnson, City Clerk

Water

RESOLUTION NO. _____

**A RESOLUTION REGARDING CERTAIN ADDITIONS AND CHANGES
TO COLORADO SPRINGS UTILITIES' WATER RATE TARIFF**

WHEREAS, City Code section 7.2.201 defines accessory dwelling unit (ADU) as a dwelling unit allowed in specific zones that is subordinate to the principal residential dwelling on the lot and which is located upon the same lot as the principal unit; and

WHEREAS, an ADU that is under the same ownership as the principal unit and may be used for either residential or home occupation uses; and

WHEREAS, Colorado Springs Utilities has determined that premises with a single ADU, as defined by City Code Section 7.2.201, will be served by residential water service; and

WHEREAS, the proposed tariff modifications regardless of the definition of master meter within Colorado Springs Utilities' tariffs; and

WHEREAS, Colorado Springs Utilities has proposed to make the Water Rate Schedules change effective January 1, 2019.

WHEREAS, City Council suspended Part 4 (I) (c) of the Rules and Procedures of City Council, Post-Hearing Procedures, for this rate hearing, waiving the requirement of a Decision and Order for the requested change and such change shall be approved with the approval of this resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF COLORADO SPRINGS:**

Section 1: That Colorado Springs Utilities Tariff, City Council Volume No. 6, Water Rate Schedules shall be revised effective January 1, 2019 as follows:

City Council Vol. No. 6		
Sheet No.	Sheet Title	Cancels Sheet No.
First Revised Sheet No. 4	Residential Service (WR)	Original Sheet No. 4
First Revised Sheet No. 5	Nonresidential Service (WG, WM)	Original Sheet No. 5

Section 2: The attached tariff sheets are hereby approved and adopted.

Dated at Colorado Springs, Colorado, this 21st day of June, 2018.

City Council President

ATTEST:

Sarah B. Johnson, City Clerk

Electric Tariffs



ELECTRIC RATE SCHEDULES
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ELECTRIC RATE SCHEDULES
RATE TABLE

Billing statements are the sum of rate components listed below each available service.

Description	Rates	Reference
Residential Service (E1R, ETR)		Sheet No. 4
Standard Option (E1R)		
Access and Facilities Charge, per day	\$0.5103	
Access and Facilities Charge, per kWh	\$0.0777	
Electric Cost Adjustment (ECA), per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	
Time-of-Day Option (ETR)		
Access and Facilities Charge, per day	\$0.5195	
Access and Facilities Charge:		
On-Peak, per kWh	\$0.1709	
Off-Peak, per kWh	\$0.0488	
Electric Cost Adjustment (ECA):		
On-Peak, per kWh	Sheet No. 2.9	
Off-Peak, per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	
Commercial Service – Small (E1C)		Sheet No. 5
Access and Facilities Charge, per day	\$0.5103	
Access and Facilities Charge, per kWh	\$0.0777	
Electric Cost Adjustment (ECA), per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	

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ELECTRIC RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Commercial Service – General (E2C, ETC)		Sheet No. 6
Standard Option (E2C)		
Access and Facilities Charge, per day	\$0.7943	
Access and Facilities Charge, per kWh	\$0.0662	
Electric Cost Adjustment (ECA), per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	
Time-of-Day Option (ETC)		
Access and Facilities Charge, per day	\$0.8453	
Access and Facilities Charge:		
On-Peak, per kWh	\$0.0976	
Off-Peak, per kWh	\$0.0390	
Electric Cost Adjustment (ECA):		
On-Peak, per kWh	Sheet No. 2.9	
Off-Peak, per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	

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ELECTRIC RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Industrial Service – Time-of-Day Service 1,000 kWh/Day Minimum (ETL, ETLO, ETLW)		Sheet No. 7
Standard Option (ETL)		
Access and Facilities Charge, per day	\$3.1816	
Demand Charge Secondary:		
On-Peak, per kW, per day	\$0.7661	
Off-Peak, per kW, per day	\$0.4980	
Electric Cost Adjustment (ECA):		
On-Peak, per kWh	Sheet No. 2.9	
Off-Peak, per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	
Non-Demand Summer Option (ETLO)		
Access and Facilities Charge, per day	\$13.4641	
Access and Facilities Charge:		
Summer (May - October), per kWh	\$0.1216	
Winter (November - April), per kWh	\$0.0606	
Electric Cost Adjustment (ECA), per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	
Non-Demand Winter Option (ETLW)		
Access and Facilities Charge, per day	\$13.4641	
Access and Facilities Charge:		
Summer (May - October), per kWh	\$0.0602	
Winter (November - April), per kWh	\$0.1214	
Electric Cost Adjustment (ECA), per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	

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ELECTRIC RATE SCHEDULES

RATE TABLE

Description	Rates	Reference
Industrial Service – Time-of-Day Service 500 kW Minimum (E8T)		Sheet No. 8
Access and Facilities Charge, per day	\$21.0248	
Demand Charge Primary:		
On-Peak, per kW, per day	\$0.7139	
Off-Peak, per kW, per day	\$0.4236	
Demand Charge Secondary:		
On-Peak, per kW, per day	\$0.7257	
Off-Peak, per kW, per day	\$0.4354	
Electric Cost Adjustment (ECA):		
On-Peak, per kWh	Sheet No. 2.9	
Off-Peak, per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	
Industrial Service – Time-of-Day Service 4,000 kW Minimum (E8S)		Sheet No. 9
Access and Facilities Charge, per day	\$43.0064	
Demand Charge Primary:		
On-Peak, per kW, per day	\$0.7386	
Off-Peak, per kW, per day	\$0.4384	
Demand Charge Secondary:		
On-Peak, per kW, per day	\$0.7504	
Off-Peak, per kW, per day	\$0.4502	
Electric Cost Adjustment (ECA):		
On-Peak, per kWh	Sheet No. 2.9	
Off-Peak, per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	

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ELECTRIC RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Industrial Service – Large Power and Light (ELG)		Sheet No. 10
Access and Facilities Charge, per day	\$6.3800	
Demand Charge Primary, per kW, per day	\$0.6038	
Demand Charge Secondary, per kW, per day	\$0.6156	
Electric Cost Adjustment (ECA), per kWh	Sheet No. 2.9	
Supply Credit – Primary and Secondary Service, per kWh	(\$0.0034)	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	
Industrial Service – Time-of-Day Transmission Voltage (ETX)		Sheet No. 11
Access and Facilities Charge, per day	\$42.7178	
Demand Charge:		
On-Peak, per kW, per day	\$0.7874	
Off-Peak, per kW, per day	\$0.4331	
Electric Cost Adjustment (ECA):		
On-Peak, per kWh	Sheet No. 2.9	
Off-Peak, per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	

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ELECTRIC RATE SCHEDULES

RATE TABLE

Description	Rates	Reference
Contract Service – Military (ECD, EHYDPWR, EINFPRS)		Sheet No. 12
Standard Option (ECD)		
Access and Facilities Charge, per day	\$40.1585	
Access and Facilities Charge, per meter, per day	\$0.4654	
Demand Charge Primary:		
On-Peak, per kW, per day	\$0.5970	
Off-Peak, per kW, per day	\$0.3230	
Demand Charge Secondary:		
On-Peak, per kW, per day	\$0.6088	
Off-Peak, per kW, per day	\$0.3348	
Electric Cost Adjustment (ECA):		
On-Peak, per kWh	Sheet No. 2.9	
Off-Peak, per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	
Optional Service (EHYDPWR, EINFPRS)		
See rate and charge detail in tariff		
Contract Service – Military Wheeling (ECW)		Sheet No. 13
Required Services		
Wheeling Demand Charge, per kW, per day	\$0.0711	
Open Access Transmission Service (see Open Access Transmission Tariff for applicable charges)		
Optional Services		
Prescheduling and Load Forecasting Service Fee, per day in the Billing Period	\$13.7900	

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ELECTRIC RATE SCHEDULES

RATE TABLE

Description	Rates	Reference
Contract Service – Traffic Signals (E2T)		Sheet No. 14
Access and Facilities Charge, per day	\$0.4101	
Access and Facilities Charge, per kWh	\$0.0758	
Electric Cost Adjustment (ECA), per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	
Contract Service – Street Lighting (E7SL)		Sheet No. 15
All rates, per month, per pole		
Mercury Vapor Lamps		
175 Watts		
Wood and Fiberglass	\$6.10	
Ornamental	\$7.79	
Wallpack	\$4.77	
400 Watts		
Wood and Fiberglass	\$10.06	
Ornamental	\$13.37	
700 Watts		
Wood and Fiberglass	\$15.42	
Ornamental	\$18.95	
1000 Watts		
Wood and Fiberglass	\$20.78	
Ornamental	\$24.53	

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ELECTRIC RATE SCHEDULES

RATE TABLE

Description	Rates	Reference
High Pressure Sodium		
70 Watts		
Wood and Fiberglass	\$2.79	
Wallpack	\$2.79	
Decorative	\$6.70	
100 Watts		
Wood and Fiberglass	\$4.59	
Ornamental	\$6.61	
Decorative	\$7.22	
Decorative Double Fixture (2X Wattage)	\$11.18	
150 Watts		
Wood and Fiberglass	\$5.74	
Decorative	\$8.09	
Decorative Double Fixture (2X Wattage)	\$12.91	
250 Watts		
Wood and Fiberglass	\$7.89	
Ornamental	\$9.12	
Double Fixture (2X Wattage)	\$15.00	
Wallpack	\$6.15	
400 Watts		
Wood and Fiberglass	\$11.24	
Ornamental	\$11.97	
Double Fixture (2X Wattage)	\$20.70	

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ELECTRIC RATE SCHEDULES

RATE TABLE

Description	Rates	Reference
INDUCTION		
150 Watts		
Wallpack	\$4.34	
LED		
100 Watts Equivalent		
Wood and Fiberglass	\$5.05	
Decorative	\$7.90	
Decorative Double Fixture (2X Wattage)	\$12.34	
Ornamental	\$6.10	
Double Fixture (2X Wattage)	\$10.00	
150 Watts Equivalent		
Wood and Fiberglass	\$5.33	
Decorative	\$7.48	
Decorative Double Fixture (2X Wattage)	\$11.71	
250 Watts Equivalent		
Wood and Fiberglass	\$6.92	
Ornamental	\$8.42	
Double Fixture (2X Wattage)	\$13.59	
400 Watts Equivalent		
Wood and Fiberglass	\$8.73	
Ornamental	\$10.14	
Double Fixture (2X Wattage)	\$17.04	
Electric Cost Adjustment (ECA), per kWh	Sheet No. 2.9	
Electric Capacity Charge (ECC), per kWh	Sheet No. 2.9	
kWh is calculated as rated watts divided by 1,000, adjusted for ballast losses, times average burning hours for each month.		

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ELECTRIC RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Electric Cost Adjustment (ECA)		Sheet No. 16
Standard ECA, per kWh (E1R), (E1C), (E2C), (ETLO), (ETLW), (ELG), (E2T), (E7SL)	\$0.0202	
Time-of-Day ECA (ETR)		
On-Peak, per kWh	\$0.0611	
Off-Peak, per kWh	\$0.0141	
Time-of-Day ECA (ETC), (ETX), (ETL), (E8T), (E8S), (ECD)		
On-Peak, per kWh	\$0.0399	
Off-Peak, per kWh	\$0.0147	
Electric Capacity Charge (ECC)		Sheet No. 17
Residential Service (E1R)	\$0.0047	
Residential Time-of-Day Option (ETR)	\$0.0059	
Commercial Service – Small (E1C)	\$0.0047	
Commercial Service – General (E2C)	\$0.0044	
Commercial Service – General Time-of-Day Option (ETC)	\$0.0028	
Industrial Service – Time-of-Day 1,000 kWh/Day Minimum (ETL)	\$0.0041	
Industrial Service – Time-of-Day 500 KW Minimum (E8T)	\$0.0034	
Industrial Service – Time-of-Day 4,000 KW Minimum (E8S)	\$0.0029	
Industrial Service – Large Power and Light (ELG)	\$0.0027	
Industrial Service – Time-of-Day Transmission Voltage (ETX)	\$0.0039	
Contract Service – Military (ECD)	\$0.0035	
Contract Service – Traffic Signals (E2T)	\$0.0024	
Contract Service – Street Lighting (E7SL)	\$0.0024	
Totalization Service		Sheet No. 18
For each meter totalized, per meter, per day	\$8.0000	

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ELECTRIC RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Enhanced Power Service		Sheet No. 19
Reserve Capacity Charge:		
The greater of On-Peak or Off-Peak Billing Demand or projected peak demand, per kW, per day	\$0.0265	
Operations & Maintenance Charge:		
See <i>Line Extension and Service Standards</i> for Electric for calculation.		
Renewable Energy Net Metering		Sheet No. 20
On-Peak, per kWh	\$0.0471	
Off-Peak, per kWh	\$0.0175	
Small Power Producers and Cogeneration Service		Sheet No. 21
On-Peak, per kWh	\$0.0471	
Off-Peak, per kWh	\$0.0175	

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ELECTRIC RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Community Solar Garden Bill Credit (Pilot Program)		Sheet No. 22
The rate applicable to each kilowatt hour under the Bill Credit section of this rate schedule	\$0.0984	
Community Solar Garden Program		Sheet No. 23
Customer Rate Class – Credit, per kWh		
Residential Service (E1R)	\$0.0680	
Residential Time-of-Day Option (ETR)	\$0.0811	
Commercial Service – Small (E1C)	\$0.0680	
Commercial Service – General (E2C)	\$0.0648	
Commercial Service – General Time-of-Day Option (ETC)	\$0.0493	
Industrial Service – Time-of-Day 1,000 kWh/Day Minimum (ETL)	\$0.0622	
Industrial Service – Time-of-Day 500 KW Minimum (E8T)	\$0.0547	
Industrial Service – Time-of-Day 4,000 KW Minimum (E8S)	\$0.0495	
Industrial Service – Large Power and Light (ELG)	\$0.0483	
Industrial Service – Time-of-Day Transmission Voltage (ETX)	\$0.0603	
Contract Service – Military (ECD)	\$0.0556	

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ELECTRIC RATE SCHEDULES

GENERAL

DEMAND DETERMINATIONS

Maximum Demand

Maximum Demand is the greatest 15-minute load during any time in the billing period adjusted upward by 1% for each 1% that the power factor of Customer is below 95% lagging or leading.

Billing Demand

On-Peak:

The greatest 15-minute load during On-Peak hours in the billing period adjusted upward by 1% for each 1% that the power factor of Customer is below 95% lagging or leading.

Off-Peak: either A or B, whichever is greater.

A. The greatest 15-minute load during Off-Peak hours in the billing period adjusted upward by 1% for each 1% that the power factor of Customer is below 95% lagging or leading, minus the On-Peak Billing Demand. Such demand will not be less than zero.

B. 68% of the Maximum Demand during the last 12 billing periods, minus the On-Peak Billing Demand. Such demand will not be less than zero.

RATE OPTIONS QUALIFICATIONS (ETR, ETC, ETLO, ETLW, ELG)

Under separate contract, Customers may elect rate options. Rate options are offered for an initial contract period of 12 months. As long as the Customer continues to meet the eligibility requirements, service shall be automatically renewed. After the initial 12-month contract period, Customer may provide written notice 30 days prior to the beginning of the month for which Customer elects not to renew. Customers will be evaluated periodically to ensure they continue to meet the eligibility requirements. In the event that a Customer is no longer eligible, the contract for service shall not renew at the close of the contract anniversary date and Customer shall be required to move to the rate schedule to which they are eligible upon the end of the contract period.

Approval Date: June 26, 2018
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ELECTRIC RATE SCHEDULES

GENERAL

ON-PEAK AND OFF-PEAK PERIODS

Residential Time-of-Day Option (ETR)

On-Peak Periods:

Winter (October through March): 4:00 p.m. to 10:00 p.m.

Summer (April through September): 3:00 p.m. to 7:00 p.m.

On-Peak periods are Monday through Friday excluding the holidays as defined below.

Off-Peak Periods:

All other hours plus the following legally observed holidays (the 24-hour calendar day period): 1) New Year's Day, 2) Memorial Day, 3) Independence Day, 4) Labor Day, 5) Thanksgiving Day, and 6) Christmas Day.

All Other Time-of-Day Service

On-Peak Periods:

Winter (October through March): 4:00 p.m. to 10:00 p.m.

Summer (April through September): 11:00 a.m. to 6:00 p.m.

On-Peak periods are Monday through Friday, excluding the holidays as defined below.

Off-Peak Periods:

All other hours plus the following legally observed holidays (the 24-hour calendar day period): New Year's Day, 2) Memorial Day, 3) Independence Day, 4) Labor Day, 5) Thanksgiving Day, and 6) Christmas Day.

RULES AND REGULATIONS

Service under these rate schedules will be in accordance with the provisions of Utilities' Rules and Regulations and *Line Extension and Service Standards* for Electric and if applicable, the conditions of:

- A. any associated contract,
- B. the City Code of the City of Colorado Springs,
- C. the Colorado Revised Statutes,
- D. City Ordinances
- E. the conditions of any associated agreement with the Customer or with the Community Solar Garden Facility.

Approval Date: June 26, 2018

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ELECTRIC RATE SCHEDULES

RESIDENTIAL SERVICE (E1R, ETR)

AVAILABILITY

Available in Utilities' electric service territory for general residential purposes. Whether or not the end use of the electric service is residential in nature, this rate is not available for master metered or nonresidential accounts.

RATE OPTIONS

Customers may choose between the following:

- A. Standard Option (E1R)

- B. Time-of-Day Option (ETR)

RATE

See Rate Table for applicable charges.

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ELECTRIC RATE SCHEDULES
COMMERCIAL SERVICE – SMALL (E1C)

AVAILABILITY

Available in Utilities' electric service territory for any establishment engaged in the operation of a business or an institution, whether or not for profit, whose average daily usage (billing period kWh divided by the number of days in the billing period) does not exceed 33 kWh in any of the last 12 billing periods.

RATE

See Rate Table for applicable charges.

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ELECTRIC RATE SCHEDULES

COMMERCIAL SERVICE – GENERAL (E2C, ETC)
--

AVAILABILITY

Available in Utilities' electric service territory for any establishment engaged in the operation of a business or an institution, whether or not for profit, whose average daily usage (billing period kWh divided by the number of days in the billing period) is greater than 33 kWh in any of the last 12 billing periods. This rate schedule is not available to Customers whose average daily usage equals or exceeds 1,000 kWh in any of the last 12 billing periods.

RATE OPTIONS

Customers may choose between the following:

- A. Standard Option (E2C)

- B. Time-of-Day Option (ETC)

RATE

See Rate Table for applicable charges.

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ELECTRIC RATE SCHEDULES

INDUSTRIAL SERVICE – TIME-OF-DAY 1,000 kWh/DAY MINIMUM (ETL, ETLO, ETLW)

AVAILABILITY

Available in Utilities' electric service territory for Customers whose average daily usage (billing period kWh divided by the number of days in the billing period) equals or exceeds 1,000 kWh in any 12-month billing period. This rate is not available to Customers whose Maximum Demand equals or exceeds 500 kW in any of the last 12 billing periods.

RATE OPTIONS

Customers may choose between the following:

- A. Standard Option (ETL)

- B. Non-Demand Summer Option (ETLO)
Upon notice and or separate contract, Customers may elect Non-Demand Summer Option. Customers electing this option must consume 75% or more of their 12 billing periods kWh during the Summer period (May through October).

- C. Non-Demand Winter Option (ETLW)
Upon notice and or separate contract, Customers may elect Non-Demand Winter Option. Customers electing this option must consume 75% or more of their annual calendar year kWh during the Winter period (November through April).

RATE

See Rate Table for applicable charges.

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ELECTRIC RATE SCHEDULES

INDUSTRIAL SERVICE – TIME-OF-DAY 500 kW MINIMUM (E8T)

AVAILABILITY

Available in Utilities' electric service territory for Customers whose Maximum Demand equals or exceeds 500 kW in any of the last 12 billing periods. Service is not available under this rate schedule for any Customer whose Maximum Demand equals or exceeds 4,000 kW in any of the last 12 billing periods.

RATE

See Rate Table for applicable charges.

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ELECTRIC RATE SCHEDULES

INDUSTRIAL SERVICE – TIME-OF-DAY 4,000 kW MINIMUM (E8S)
--

AVAILABILITY

Available in Utilities' electric service territory for Customers whose Maximum Demand equals or exceeds 4,000 kW in any of the last 12 billing periods.

RATE

See Rate Table for applicable charges.

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ELECTRIC RATE SCHEDULES

INDUSTRIAL SERVICE – LARGE POWER AND LIGHT (ELG)

AVAILABILITY

Available by contract in Utilities' electric service territory for the Customers whose aggregated Maximum Demand equals or exceeds 4,000 kW in any of the last 12 billing periods. Demand aggregation may only be performed for contiguous service properties on a Customer campus setting. Customers must maintain an annual load factor of 75% or greater.

Annual load factor is derived by multiplying the annual kWh in the period by 100 and dividing by the product of the maximum real demand (prior to power factor correction) in kW and the number of hours in the period. Annual reviews will be conducted by Utilities at the end of the Customer's annual contract period.

Customers who select this service will be required to provide a suitable location for the aggregation equipment. Totalization charges do not apply to this offering.

RATE

See Rate Table for applicable charges.

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ELECTRIC RATE SCHEDULES

INDUSTRIAL SERVICE – LARGE POWER AND LIGHT (ELG)

TERMS AND CONDITIONS

- A. Under this option, the Customer receives one electric bill for multiple electric service locations, with only the aggregated meter data appearing on the bill. Because the aggregated kilowatt demand may be less than the sum of the individual meter demands, this option results in a Demand Charge which may be less than it would be otherwise. The intent of this billing option is to better reflect the cost of serving large industrial customers whose electric services are concentrated within a contiguous site. Section B notwithstanding, Utilities will disallow this option for Customers whose loads are of such a nature that aggregating them would not accurately reflect the cost of serving them.
- B. In order for Customer location with multiple services (campus) to be eligible for this billing option, the Customer must meet and maintain the following criteria:
1. The multiple accounts or electric service points are within a common address or, if within a commercial or industrial site, within a contiguous site. To be considered contiguous, the properties making up the campus must share at least one property line or parcel boundary.
 2. The same legal entity buys and consumes the power at the site.
 3. The Customer has a single point of customer contact at the place of business both for billing and service questions.
 4. Utilities will aggregate primary and secondary meters to determine the Maximum Demand to be used for the purpose of qualifying Customers for this rate. Rate will be billed at the appropriate service voltage. For billing purposes, primary and secondary meters will be separately aggregated.
 5. Prior to service on this rate the Customer is responsible to provide the correct meter socket.
 6. Use of parallel systems for shifting load between different rate offerings is a violation of the terms of this agreement.
- C. Utilities may grant service under this option to Customers who are otherwise ineligible if Utilities, because of its own limitations, requires that Customers split their electrical services.

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ELECTRIC RATE SCHEDULES

INDUSTRIAL SERVICE – TIME-OF-DAY TRANSMISSION VOLTAGE (ETX)

AVAILABILITY

Available in Utilities’ electric service territory for any Customer who has provided, installed, and maintains transformer(s) to receive three-phase, 60-hertz, alternating current electrical service at a nominal potential of 115,000 or 230,000 volts on the Customer’s Premise. The Customer may be required to execute a contract with additional terms and conditions should service to the Customer under this rate schedule require any material change to Utilities’ plant in service or operations.

The Customer will provide, install, and maintain necessary switches, cutouts, protection equipment and the necessary wiring on the primary and secondary sides of the transformer(s). All equipment required to receive service that is installed and maintained by the Customer will be subject to approval by Utilities prior to installation and inspection or testing thereafter.

RATE

See Rate Table for applicable charges.

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ELECTRIC RATE SCHEDULES

CONTRACT SERVICE – MILITARY (ECD, EHYDPWR, EINFPRS)

AVAILABILITY

Available by contract in Utilities' electric service territory to the United States of America at the Fort Carson Military Installation, the Peterson Air Force Base, the United States Air Force Academy, and the Cheyenne Mountain Air Force Station.

RATE

Standard Option (ECD)

See Rate Table for applicable charges.

ADDITIONAL SERVICES

In addition to the standard Contract Service to the listed military installations:

- A. Military Hydroelectric Power Sales Service (EHYDPWR) is available by contract to the United States of America at the Fort Carson Military Installation for sales of electric energy for transmission over Utilities' electric system for final consumption within the geographic confines of the Fort Carson Military Installation.

- B. On-site, Direct-service Solar Contract Service – USAFA (EINFPRS) is available by contract to the United States of America at the United States Air Force Academy for solar energy electric service provided from solar electric generating facilities located within the geographic confines of the United States Air Force Academy and with direct electric service from those solar electric generating facilities provided to the United States Air Force Academy.

Military Hydroelectric Power Sales Service (EHYDPWR)

For each billing period beginning after the first delivery of electric energy to Utilities pursuant to the Hydroelectric Power Purchase Agreement between Colorado Springs Utilities and Southeastern Colorado Water Conservancy District acting by and through its Water Activity Enterprise (Hydro PPA):

Rate

\$0.0475 per kWh during calendar years 2018 and 2019.

The rate will increase by 2.39% beginning on January 1, 2020 and then on January 1 of each succeeding year the then-current rate will increase by 2.39% until the Hydro PPA is terminated.

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ELECTRIC RATE SCHEDULES

CONTRACT SERVICE – MILITARY (ECD, EHYDPWR, EINFPRS)

Per the applicable contract between Utilities and the United States of America at the Fort Carson Military Installation, Customer will purchase any and all electric energy received by Utilities pursuant to the Hydro PPA.

The rate includes any and all Renewable Energy Credits (RECs) associated with, or attributable to, the energy purchased by Customer under this rate schedule and received by Utilities pursuant to the Hydro PPA. Renewable Energy Credits or RECs has the meaning set forth in the Colorado Revised Statutes, Section 40-2-124(d), as amended, and 4 CCR 723-3-3652(y).

The sale point for electric energy under this rate schedule is the point of receipt of that electric energy into Utilities' system under the Hydro PPA. All risk of loss passes to Customer at the sale point. Customer acknowledges that it will incur line losses to transmit and deliver electric energy from the sale point to Customer's distribution meter(s).

Product Delivery Deficiency Credit

Any Product Delivery Deficiency Credit provided to Utilities pursuant to Section 7.3 of the Hydro PPA will be applied to Customer's bill in a billing period that occurs not more than two billing periods after the calendar month in which Utilities receives the Product Delivery Deficiency Credit.

Rate Schedule Intent/Purpose

The intent of this rate schedule is to allow Customer to purchase all electric energy and capacity received by Utilities pursuant to the Hydro PPA. The Hydro PPA was entered into by Utilities to facilitate the purchase of renewable energy by the United States of America at the Fort Carson Military Installation. If the Hydro PPA is terminated by either party to that Hydro PPA for any reason, then this rate schedule will terminate and Utilities will have no further obligation to Customer.

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ELECTRIC RATE SCHEDULES

CONTRACT SERVICE – MILITARY (ECD, EHYDPWR, EINFPRS)

On-site, Direct-service Solar Contract Service – USAFA Charge (EINFPRS)

For the first billing period that begins after July 25 and all subsequent billing periods according to the following schedule:

Year	Amount
2016	\$11,040.81
2017	\$11,261.62
2018	\$11,486.86
2019	\$11,716.59
2020	\$11,950.93

DETERMINATION

Under this rate schedule the Customers' billing energy and demand will be determined by totalizing all main primary service meters to the Installation, Base, Station or Academy. This service is provided to Customers as part of this rate schedule.

PAYMENT

The rate under this rate schedule is net. Billing Statements are due and payable within 20 days from the date indicated therein.

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ELECTRIC RATE SCHEDULES

CONTRACT SERVICE – MILITARY WHEELING (ECW)

AVAILABILITY

Available by contract in Utilities' electric service territory to the United States of America at the Peterson Air Force Base, the Cheyenne Mountain Air Force Station, the United States Air Force Academy and the Fort Carson Military Installation. Service under this rate schedule is not available to any other Customer or entity.

Service is offered at the request of Customer so that Customer may purchase an allocated portion of its power and energy requirements from the Western Area Power Administration (Western). Service is also offered at the request of Customer to allow the Fort Carson Military Installation (Fort Carson) to purchase a portion of its power and energy requirements from Utilities under Contract Service – Military (EHYDPWR) (Hydro Power tariff). These Customer purchases from Western or from Utilities will be under a long-term contract for firm capacity and associated energy. Utilities will wheel (transport), subject to available capacity, such energy over Utilities' distribution system to Customer's facility. Electric requirements of the Customer in excess of its allocation from Western or in excess of its purchases under the Hydro Power tariff will be supplied by Utilities as supplemental power and energy.

APPLICABILITY

Service under this rate schedule will be provided only if a contract for such service is in effect between Customer and Utilities. Services other than distribution wheeling provided to Customer by Utilities are limited to services set forth within this rate schedule and separately contracted for by Customer. Services provided by Utilities under this rate schedule are strictly limited to power and energy requirements of each Customer within its boundaries. Under no circumstances will Customer resell any power and/or energy provided under this rate schedule, or use in any way such power or energy outside the confines of Customer's facility.

REQUIRED SERVICES

Customer must contract for the following services:

- A. Wheeling

- B. Supplemental Power and Energy

- C. Open Access Transmission Service (See Open Access Transmission Tariff)

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ELECTRIC RATE SCHEDULES

CONTRACT SERVICE – MILITARY WHEELING (ECW)

Wheeling

Wheeling is defined as the transporting of power and energy over Utilities' transmission and distribution system for redelivery of Customer's allocated portion of its power and energy from Western or for Customer's purchase of power and energy from Utilities under the Hydro Power tariff. This rate schedule only pertains to wheeling over Utilities' distribution system. Wheeling service over Utilities' transmission system must be arranged under the Open Access Transmission Tariff. Customer must furnish to Utilities copies of contracts and/or agreements between Customer and Western, and between Customer and any intermediate wheeling source. Utilities will maintain copies of Customer's purchases under the Hydro Power tariff. Wheeling availability is always subject to capacity constraints of Utilities' transmission and distribution system and any intermediate wheeling parties' transmission limitations. When Utilities identifies a transmission capacity constraint, Utilities agrees to provide notice to the Customer and to work with the Customer in developing an alternative transmission arrangement.

This service is contingent upon the availability of a transmission and distribution wheeling path from the point of interconnection to Customer's facility. Wheeling will be provided if and when capacity is available above the needs of Utilities' firm Customers.

This service is available to Customer for power and energy purchased from Western and delivered to Utilities' points of interconnection pursuant to a contract between Customer and Utilities. This service is also available to Customer for power and energy purchases from Utilities under the Hydro Power tariff and delivered to Customer. Absent physical or safety constraints, Utilities will redeliver all of Customer's power and energy scheduled and delivered from Western (or purchased by Customer from Utilities under the Hydro Power tariff) to Utilities' points of interconnection with Customer. Utilities shall not be liable for failing to deliver power to Customer either because of interruption of scheduled deliveries from Western (or interruption of deliveries under the Hydro Power tariff) or malfunctions within Utilities' transmission and distribution system or interruptions of wheeling service by intermediate wheeling parties.

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ELECTRIC RATE SCHEDULES

CONTRACT SERVICE – MILITARY WHEELING (ECW)

Supplemental Power and Energy

Supplemental Power and Energy is defined as all power and energy delivered to Customer in excess of the amount of power and energy scheduled from Western for account of Customer or purchased from Utilities under the Hydro Power tariff. The amount of Supplemental Power and Energy to be billed will be calculated by subtracting the scheduled deliveries from Western or purchased from Utilities under the Hydro Power tariff from the actual metered amounts. Demand volumes will be computed in 15-minute increments for the entire billing period, with the greatest difference between metered and scheduled quantities in any 15-minute period representing the Supplemental Demand for the billing period. The metered demand will be determined as the average kW during any 15-minute interval during the billing period. A new 15-minute interval will begin every five-minutes.

The power scheduled and delivered to Utilities' point of delivery will be deemed delivered at unity power factor. Utilities shall have no responsibility to transfer reactive kilovolt-amperes from the point of delivery to the Customer.

Billing for this power and energy will be billed under an appropriate rate schedule.

If an interruption from Western or intermediate wheeling source or under the Hydro Power tariff occurs, Utilities will notify Customer. During such interruption, Customer may elect to continue electric service in part or in whole by purchasing power and energy from Utilities under the appropriate rate schedule, if available, at the appropriate rates. In the event Utilities is not able to provide the additional power, it is Customer's responsibility to control or reduce its loads during any period of interruption of power and energy from Western or intermediate wheeling source or under the Hydro Power tariff.

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ELECTRIC RATE SCHEDULES

CONTRACT SERVICE – MILITARY WHEELING (ECW)

OPTIONAL SERVICE

Prescheduling and Load Forecasting

Prescheduling and Load Forecasting entail projecting power requirements on an hourly basis for the ensuing month using historical consumption data and best estimates of future requirements. Prescheduling also entails scheduling for the ensuing month, ascertaining that scheduled deliveries from Western meet all requirements consistent with contractual agreements between Customer, Western, and Utilities.

At Customer's option, except as provided below, Utilities will advise and consult with Customer and provide its best estimate of the ensuing calendar month's hourly power requirements, based on historical consumption and other available data. Utilities will further provide a suggested preschedule of deliveries from Western to meet such requirements consistent with contractual agreements. Utilities will develop purchase schedules so as to achieve a better balance between loads and requirements, utilizing current usage patterns and prescheduled deliveries, in an attempt to optimize usage of the Customer's power resources from Western (wheeled power) and from Utilities (Supplemental Power and Energy). Utilities will supply such estimate to Customer on or before the 20th of each month for the following month. Utilities accepts no responsibility for either over-estimating or under-estimating of projected loads, or prescheduling of Western deliveries, for the Customer. If Customer elects this option and so desires, Utilities will transmit the Customer-approved preschedule of Western deliveries to Western.

Prescheduling and Load Forecasting service may be initiated or terminated by Customer by rendering written notice on or before the 20th of the month preceding the initiation or termination.

Any Customer who has not elected the Preschedule and Load Forecasting option will provide a schedule for the following month to Utilities by the 20th of the month. If by the 20th of any month, a Customer who has not elected the Preschedule and Load Forecasting option fails to provide the necessary schedule for the following month to Western and Utilities, Utilities will develop the schedule for the Customer in accordance with Western's Scheduling, Accounting, and Billing procedures contained in Western's contract. In this event, the Customer will be deemed to have initiated the Prescheduling and Load Forecasting option and will be billed in accordance with this rate schedule until this option is terminated as described above.

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ELECTRIC RATE SCHEDULES
CONTRACT SERVICE – MILITARY WHEELING (ECW)

RATE

See Rate Table for applicable charges.

PAYMENT

The rates under this rate schedule are net. Billing statements are due and payable within 20 days from the date indicated therein.

CONTRACT PERIOD

The contract period for this rate schedule will be in accordance with the separate written contract between Customer and Utilities.

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ELECTRIC RATE SCHEDULES

CONTRACT SERVICE – TRAFFIC SIGNALS (E2T)

AVAILABILITY

Available by contract in Utilities' electric service territory for traffic signal lighting purposes.

RATE

See Rate Table for applicable charges.

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ELECTRIC RATE SCHEDULES

CONTRACT SERVICE – STREET LIGHTING (E7SL)
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AVAILABILITY

Available by contract in Utilities' electric service territory for street lighting purposes. Additional mercury vapor lamps will not be served under this rate schedule.

RATE

See Rate Table for applicable charges.

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ELECTRIC RATE SCHEDULES

ELECTRIC COST ADJUSTMENT (ECA)

AVAILABILITY

Applicable to all rate schedules subject to the Electric Cost Adjustment (ECA).

ELECTRIC COST ADJUSTMENT

The ECA will be computed, as follows:

The sum of:

- A. the forecasted generation fuel, purchased power, and related costs for the future recovery period determined by Utilities plus

- B. an amount determined by Utilities as a projected over or under collected balance at the end of the recovery period used in A. above less the over or under collected balance of fuel and purchased power costs at the beginning of the recovery period.

Divided by:

- C. forecasted sales subject to the ECA for the same period used in A. above.

RATE

See Rate Table. These rates may change as often as monthly by Resolution after review by the Office of the City Auditor and approval by City Council.

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ELECTRIC RATE SCHEDULES

ELECTRIC CAPACITY CHARGE (ECC)

APPLICABILITY

Applicable to all rate schedules subject to the Electric Capacity Charge (ECC).

ELECTRIC CAPACITY CHARGE

The Electric Capacity Charge recovers forecasted capacity related expenses.

RATE

See Rate Table. These rates may change as often as monthly by Resolution after review by the Office of the City Auditor and approval by City Council.

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ELECTRIC RATE SCHEDULES

TOTALIZATION SERVICE

AVAILABILITY

Available by contract to nonresidential Customers with multiple meters served at one facility, whose totalized service equals or exceeds 1,000 kWh per day. Customers selecting Totalization Service will pay the rates applicable to the appropriate rate schedule as established by the totalized energy and/or demand levels.

RATE

See Rate Table to determine additional charge for Customers selecting Totalization Service. All other terms of the appropriate rate schedule will apply. Customers who select this service may be required to pay for any requested electric service upgrades by Colorado Springs Utilities to be in compliance with Utilities' Electric Service Standards.

TERMS AND CONDITIONS

- A. Totalization Service is available to reflect the cost of serving non-residential Customers with multiple electric services concentrated within a contiguous campus setting. A Customer contracting for Totalization Service will receive one electric bill for each service voltage delivered to the Customer, with only the aggregated meter data appearing on the bill.
- B. The Customer must meet and maintain the following criteria:
 - 1. The multiple meters are within a common address or a contiguous site. To be considered contiguous, the properties making up the campus must share at least one property line or parcel boundary.
 - 2. Totalized meters must be in the name of the same legal entity.
 - 3. The Customer will be billed under a separate service agreement per the applicable tariffs for each service voltage.
- C. Utilities may grant Totalization Service to Customers who are otherwise ineligible if Utilities' limitations require that Customers split their electrical services.

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ELECTRIC RATE SCHEDULES

ENHANCED POWER SERVICE

AVAILABILITY

Available by contract in Utilities' electric service territory for Customers who receive service under an Industrial Service Electric Rate Schedule and require a higher level of electric availability than standard service.

RATE

See Rate Table for applicable charges.

The Customer will provide projected peak demand (in kW) for every year of the term of the contract. If the projected peak demand has not been provided, either in the contract or in other writing accepted by Utilities, the last projected peak demand will be used for the remaining period of Enhanced Power Service delivery.

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ELECTRIC RATE SCHEDULES

RENEWABLE ENERGY NET METERING

AVAILABILITY

Available by contract in Utilities' service territory to Customers whose electric service is supplied by Utilities under any rate schedule, except the Residential Service Time-of-Day Option.

APPLICABILITY

Service under this rate schedule will be provided to Customers that either:

- A. install an eligible Renewable Energy System and execute a Utilities' Interconnection Agreement (Agreement) to participate in the Net Metering Program (Program), or
- B. lease an eligible Renewable Energy System located at their residence or business and elect to participate in the Program, and the owner of the eligible Renewable Energy System executes an Agreement.

The Program is available to Customers who either: a) own, operate, and maintain in parallel with Utilities' electric system an eligible Renewable Energy System, or b) lease an eligible Renewable Energy System and the owner of that system operates and maintains the system in parallel with Utilities' electric system.

The eligible Renewable Energy System, as defined in Section 40-2-124, C.R.S., may not be sized larger than 120% of the Customer's previous 12-month kilowatt-hour usage in Utilities' Customer Information System. The 12-month kilowatt-hour usage will be based on a period that begins on Jan 1st and ends on Dec 31st. The photovoltaic generation system or other approved eligible Renewable Energy System will be limited to a maximum design capacity of 10 kW alternating current (AC) for Residential Customers and 25 kW AC for Commercial and Industrial Customers. Systems with a design capacity in excess of 25 kW AC for Commercial and Industrial Customers may be considered and are subject to approval by Utilities.

NET METERING

Net Metering is, for billing purposes, the net consumption as measured at Utilities' service meter, such that the renewable energy production need not be separately measured by the service meter other than for informational purposes. In the event that net metering is negative such that the eligible Renewable Energy System production is greater than the Customer's consumption in any month, Utilities will allow excess generation credits (kilowatt-hours) to be carried over and applied to the following month(s).

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ELECTRIC RATE SCHEDULES

RENEWABLE ENERGY NET METERING

Any excess generation credits accrued will be credited to the Customer's account annually at the Small Power Producers and Cogeneration Service Rate Schedule calculated as follows: 18% of the On-Peak Rate plus 82% of the Off-Peak Rate. Customers will be billed the applicable per day Access and Facilities Charges each month regardless of excess generation during that month.

RATE

See Rate Table.

The Customer may make a one-time election, in writing, on or before the end of a calendar year, to request that the excess kilowatt-hours be carried forward as a credit from month-to-month indefinitely until the Customer terminates service with Utilities, at which time no payment shall be required from Utilities for any remaining excess kilowatt hour credits supplied by the Customer.

All electric power and energy delivered by Utilities to the Customer under this rate schedule will be received and paid for by the Customer at the applicable Residential, Commercial or Industrial Service Rate Schedule. All applicable Access and Facilities charges, ECA and ECC will apply.

RENEWABLE ENERGY CREDITS

Renewable Energy Credits as referenced in Section 40-2-124.1(d), C.R.S., are the environmental attributes of renewable energy generation. A Renewable Energy Credit represents one MWh of renewable energy that is physically metered and verified. If a rebate or an incentive payment has been made by Utilities to the Customer, then Utilities shall own all Renewable Energy Credits or other environmental attributes generated under this tariff as provided for in the policies, rules, and agreement related to the rebate or incentive program and that are accepted by the Customer.

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ELECTRIC RATE SCHEDULES

SMALL POWER PRODUCERS AND COGENERATION SERVICE

AVAILABILITY

Available by contract to any qualifying facility within the territory served by Utilities. Service is subject to the terms and conditions set forth in Attachment 1 to Colorado Public Utilities Commission Decision No. C82-1438, dated September 14, 1982, incorporated herein by reference, and to the further terms and conditions set forth in Utilities' Rules and Regulations, the *Line Extension and Service Standards for Electric* and in Utilities' *Safety, Interference and Interconnection Guidelines for Qualified Facilities, Small Power Producers and Cogenerators*.

RATE

The purchase rates for qualifying facilities with a design capacity of 100 kW or less. See Rate Table.

SPECIAL CONDITIONS

- A. The purchase rates for qualifying facilities with a design capacity in excess of 100 kW will be established by negotiation and subject to approval by City Council.
- B. Payments for energy purchased will be credited to the qualifying facilities' active accounts with Utilities. Upon request, credit balances in such active accounts will be refunded.
- C. A specific metering arrangement is required to measure the generation from each qualifying facility. Any additional required equipment (metering equipment, protection equipment, safety devices, disconnect switches, tamper-proof security, etc.) and the wiring and installation of such equipment is at the Customer's expense. All maintenance work on the Customer's equipment is subject to inspection and approval by Utilities.
- D. Nothing within this rate schedule limits the right of Utilities and any qualifying facility to agree to a rate, or terms or conditions for any purchase of energy and capacity which differs from the rates, terms or conditions which would otherwise be required.
- E. Sale of power to qualifying facilities by Utilities will be governed by applicable rate schedules and Utilities' Rules and Regulations.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN BILL CREDIT (PILOT PROGRAM)

AVAILABILITY

Available under the terms and conditions of this rate schedule to any Customer that takes service under the Residential Service Rate Schedule and also available to any Customer that is an Educational Institution, as defined below, that takes service under any electric rate schedule, other than electric primary service. All Customers that participate under this rate schedule and in this Pilot Program must hold an indicia of ownership to, a subscription for an indicia of beneficial use of, or an entitlement to the electric generating capacity of a Community Solar Garden Facility (the Customer Solar Garden Interest). Customers may choose any Community Solar Garden Facility that conforms with this rate schedule. The choice of a Community Solar Garden Facility and the acquisition of a Community Solar Garden Interest is the responsibility of the Customer.

COMMUNITY SOLAR GARDEN FACILITY

A Community Solar Garden Facility for purposes of this rate schedule is a photovoltaic electric generating installation having a nameplate rating of not less than 100 kilowatts alternating current (AC) and not more than 500 kilowatts AC in electric generating capacity that has executed an interconnection agreement with Utilities. The physical location of any Community Solar Garden Facility under this rate schedule shall be within the electric service territory of Utilities and any electric power produced by the Community Solar Garden Facility shall be consumed within the electric service territory of Utilities. All costs of interconnection and of metering for the Community Solar Garden Facility shall be borne by and paid by the Community Solar Garden Facility. For this Pilot Program all of the following apply:

- A. Each Community Solar Garden Facility must be owned by a separate legal entity.
- B. A Community Solar Garden Facility cannot be controlled by, under common control with, or affiliated with other legal entities that, when all such legal entities ownership interests in Community Solar Garden Facilities are totaled together, own more than one and one-half megawatt AC of total installed Community Solar Garden Facility capacity at no more than three Community Solar Garden Facilities.
- C. No more than a total of two megawatts AC of Community Solar Garden Facilities may execute interconnection agreements with Utilities and have Utilities Customers that participate under this rate schedule.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN BILL CREDIT (PILOT PROGRAM)

A Community Solar Garden Facility must have not less than 10 Customer Solar Garden Interests, (each of the minimum 10 interests shall be owned by separate Utilities Customers or shall be applied to separate single Premises), and each such Customer Solar Garden Interest shall be sized: 1) to represent at least one four-tenths (.4) of a kilowatt AC of the Community Solar Garden Facility's electric generating capacity, and 2) to supply no more than 120% of the average annual electric power consumption of the Customer's single Premises. A single Customer may not present for participation under this rate schedule Customer Solar Garden Interests representing more than 40% of the total nameplate electric generating capacity of a single Community Solar Garden Facility under this Pilot Program.

A Community Solar Garden Facility shall provide real-time production data of the facility to Utilities.

On or before the 10th business day of each calendar month (or such other period as directed by Utilities), a Community Solar Garden Facility shall provide to Utilities, in an electronic format acceptable to Utilities, each of the following:

- A. The total electric generating output of the Community Solar Garden Facility into Utilities' Electric System for the previous calendar month, or such other period as directed by Utilities. The electric generating output of the Community Solar Garden Facility shall be based on the last meter read from the last day of the previous calendar month, or such other period as directed by Utilities. This read shall be provided to the Community Solar Garden Facility by Utilities. If the provision of such read by Utilities to the Community Solar Garden Facility is delayed due to circumstances beyond the control of the Community Solar Garden Facility, then the due date for the delivery to Utilities of the information required by subsections B. and C. below shall be extended one day for each day of the delay.
- B. The name, address, Utilities account number, kilowatt subscription amount, and percentage of entitlement to the generation of the Community Solar Garden Facility of each Utilities Customer that has a Customer Solar Garden Interest in the Community Solar Garden Facility for that previous calendar month, or such other period as directed by Utilities.
- C. The kilowatt hours attributable for that previous one-month period (or such other period as directed by Utilities) to each Utilities Customer that has a Customer Solar Garden Interest in the Community Solar Garden Facility.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN BILL CREDIT (PILOT PROGRAM)

If this information is not provided by the Community Solar Garden Facility to Utilities on time, then Utilities shall not be required to comply with the Bill Credit section of this rate schedule for any period during which such information was not provided to Utilities. Additionally, Utilities shall not be required to provide back credits to Customers for any such period of non-compliance by the Community Solar Garden Facility.

Utilities shall not be required to purchase any excess electric generating output of the Community Solar Garden Facility pursuant to this rate schedule. The Community Solar Garden Facility is responsible for balancing its electric generation input into Utilities' Electric System to comply with this Community Solar Garden Bill Credit (Pilot Program) Rate Schedule. Any electric generating output of the Community Solar Garden Facility: a) that is received into Utilities' Electric System, and b) that is not accounted for by the Community Solar Garden Facility as attributable to a specific Customer or a specific Customer Solar Garden Interest shall become the property of Utilities at no cost to Utilities in consideration of Utilities accepting into Utilities' Electric System the non-accounted-for generation and adjusting Utilities' Electric System operations to accept such non-compliant electric generating output of the Community Solar Garden Facility.

CUSTOMER PARTICIPATION UNDER THIS RATE SCHEDULE

A Customer desiring to take service under this rate schedule shall present to Utilities evidence of the Customer Solar Garden Interest and the address of the single Premises to which the Customer Solar Garden Interest shall apply. A Customer may present to Utilities for service under this rate schedule a Customer Solar Garden Interest in any Community Solar Garden Facility that has executed an interconnection agreement with Utilities and proposes to have Customers that participate under this rate schedule.

An Educational Institution that takes service under any electric rate schedule, other than electric primary service, is eligible to participate in this Pilot Program. An Educational Institution means any governmental, quasi-governmental, or non-profit educational entity operating in Utilities' service territory that is a public school district, is a charter school, provides educational programs with proper relevant licensing, provides postsecondary education, provides not less than six-month training programs to prepare students for employment or with occupational skills, and/or is an entity organized principally for the support and benefit of an educational institution.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN BILL CREDIT (PILOT PROGRAM)

The choice of a Community Solar Garden Facility and the purchase of a Customer Solar Garden Interest is solely the responsibility of the Customer and is undertaken at the Customer's risk. Utilities makes no representations or warranties concerning the Community Solar Garden Facility (and its operation and maintenance and its financial viability), or the continued usefulness of any Customer Solar Garden Interest, or the continuation of this Community Solar Garden Bill Credit (Pilot Program) Rate Schedule. Any questions regarding the Community Solar Garden Facility and its operations, as well questions concerning a Customer Solar Garden Interest, must be directed by a Customer to (and answered by) the Community Solar Garden Facility.

If the Customer ceases to be a Customer at the single Premises to which the Customer Solar Garden Interest has applied, then within three billing periods, the Customer may do either of the following:

- A. The Customer may transfer the Customer Solar Garden Interest to another single Premise of the Customer within Utilities' service territory. Upon any such transfer to a different single Premise, the Customer must demonstrate that the Customer Solar Garden Interest continues to comply with the interest's sizing requirements of this rate schedule under the Community Solar Garden Facility section of this rate schedule.

- B. The Customer may transfer the Customer Solar Garden Interest to another Customer, who shall apply that interest to a single Premises within Utilities' service territory. Upon any such transfer to a different Customer, the new Customer must demonstrate that the Customer Solar Garden Interest complies with the interest's sizing requirements of this rate schedule under the Community Solar Garden Facility section of this rate schedule for the new Premises.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN BILL CREDIT (PILOT PROGRAM)

If the Customer does neither of the above actions within three billing periods, then the Customer Solar Garden Interest shall cease to be applied to any Customer account and in consideration of Utilities accepting into Utilities' Electric System the non-applied generation and adjusting Utilities' Electric System operations to accept such non-compliant electric generating output of the Community Solar Garden Facility, Utilities shall be entitled to retain at no cost any electric generating output received into Utilities' Electric System from:

- A. the date that the Customer ceased to be a Customer at the single Premises to which the Customer Solar Garden Interest applied, until

- B. the date that:
 - 1. the Customer Solar Garden Interest has been applied to a new Premises of the Customer and all provisions of this rate schedule have been complied with by the Customer, or

 - 2. the Customer Solar Garden Interest has been transferred to another Customer and all provisions of this rate schedule have been complied with by that Customer.

Unless transferred to Utilities by the Customer pursuant to agreements related to other incentive programs of Utilities that support solar energy generation, any Renewable Energy Credits generated by the Community Solar Garden Facility remain the property of the Customer or of the Community Solar Garden Facility.

BILL CREDIT

On or before the last day of each calendar month (or such other period as determined by Utilities) from the information supplied to Utilities by the Community Solar Garden Facility pursuant to the Community Solar Garden Facility section of this rate schedule, Utilities shall compute a bill credit as provided below. Such credit shall be applied as a line-item adjustment to the next bill for Utilities Electric Service provided to the Customer participating under this rate schedule. Electric power utilization as presented on each Customer's bill shall not be revised to account for any bill credit, and any demand charge payable by an Educational Institution shall not be revised because of the bill credit or any electric power consumption offset by such bill credit.

The bill credit shall be computed by utilizing the billing period kilowatt hours attributed to each Customer Solar Garden Interest for the prior period reported to Utilities by the Community Solar Garden Facility, and then by multiplying such kilowatt hours by the rate listed in the Rate Table.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN BILL CREDIT (PILOT PROGRAM)

The accuracy of the information provided by the Community Solar Garden Facility is solely the responsibility of the Community Solar Garden Facility. Utilities does not warrant the accuracy of the information provided by the Community Solar Garden Facility and may rely on that information when computing the bill credit. Customer questions regarding the accuracy of any information provided by the Community Solar Garden Facility shall be directed to and shall be the responsibility of the Community Solar Garden Facility. If with 90 days from the date of Utilities' receipt of information from the Community Solar Garden Facility that is required under this rate schedule to compute Customer bill credits, the Community Solar Garden Facility delivers to Utilities corrections to that previously submitted information together with a written explanation of why such correction is necessary and appropriate and such explanation is acceptable to Utilities in its reasonable discretion, then Utilities will make commercially reasonable efforts to revise any bill credits previously applied to Customer bills that utilized the corrected information.

A bill credit in excess of the bill rendered for the Customer's billing period shall be carried forward to future bills, and a payment to the Customer of any bill credit shall not occur unless the Customer has terminated Electric Service with Utilities and has not transferred the Customer Solar Garden Interest to another Utilities account of the Customer within three billing periods. Any such payment will be directed to the Customer's last known address on file with Utilities, or as otherwise specifically directed by the Customer.

RATE

See Rate Table. This rate may be revised from time-to-time as determined by the City Council of the City of Colorado Springs as provided by the City Code of the City of Colorado Springs, and as provided by the Colorado Revised Statutes.

This is a Pilot Program and its rate does not include costs related to distribution of electric power to the Premises, integrating the Community Solar Garden Facility into Utilities' Electric System, administering this Pilot Program, or providing standby or firming capacity to the Customer and the Customer's Premises. Such costs may be included within future revisions to this rate schedule as determined by the City Council of the City of Colorado Springs as provided by the City Code of the City of Colorado Springs, and as provided by the Colorado Revised Statutes.

COMMUNITY SOLAR GARDEN PILOT PROGRAM CAPACITY SUNSET
Total program capacity must be interconnected by August 14, 2015.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN PROGRAM

AVAILABILITY

The Community Solar Garden Program (Program) is available under the terms and conditions of this rate schedule to all Customers taking service under Utilities' electric rate schedules with the following exceptions: Contract Service – Military Wheeling (ECW), Contract Service – Traffic Signals (E2T), Contract Service – Street Lighting (E7SL), Electric Cost Adjustment (ECA), Electric Capacity Charge (ECC), Totalization Service, Enhanced Power Service, Renewable Energy Net Metering, Renewable Energy Certificates-REC, Small Power Producers & Cogeneration Service, and Community Solar Garden Bill Credit (Pilot Program). All Customers that participate under this rate schedule must hold evidence of ownership to, a subscription as evidence of beneficial use of, or an entitlement to the electric generating capacity of a Community Solar Garden Facility (Customer Solar Garden Interest). Customers may choose any Community Solar Garden Facility that conforms to this rate schedule.

The choice of a Community Solar Garden Facility and the purchase of a Customer Solar Garden Interest is solely the responsibility of the Customer and are undertaken at the Customer's risk. Utilities makes no representations or warranties concerning the Community Solar Garden Facility and its operation and maintenance and its financial viability or the continued usefulness of any Customer Solar Garden Interest.

COMMUNITY SOLAR GARDEN FACILITY

A Community Solar Garden Facility for purposes of this rate schedule is a photovoltaic electric generating installation having a nameplate rating of not less than 0.5 megawatts Alternating Current (MWAC) and not more than 2.0 MWAC in electric generating capacity and the owning entity that has executed an Interconnection Agreement with Utilities. If the Interconnection Agreement is extended, Utilities will retain the Renewable Energy Credits through the extension period at no additional cost. The physical location of any Community Solar Garden Facility under this rate schedule shall be within the electric service territory of Utilities and any electric power produced by the Community Solar Garden Facility shall be consumed within the electric service territory of Utilities. All costs of interconnection for the Community Solar Garden Facility shall be borne and paid by the legal owner of the Community Solar Garden Facility.

This Program will allow for up to 2.0 MWAC of electric generating capacity to be added to Utilities' portfolio of Distributed Generation resources.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN PROGRAM

REQUEST FOR PROPOSAL PROCESS

- A. A Request for Proposal (RFP) selection process will be used to select the Community Solar Garden developer(s) that will be allocated capacity and will build Community Solar Garden Facilities for the Program. Utilities shall issue an RFP in accordance with its standard policies and in doing so shall indicate the materials, documents, and information, including but not limited to the respondent's proposed Performance Based Incentive (PBI) that must be submitted by a respondent to properly comply with the RFP and be considered in the evaluation process.

- B. Each respondent to the RFP will be required to show good standing with the Colorado Secretary of State and to meet a minimum financial hurdle. Examples may include, but are not limited to:
 - 1. A Dun and Bradstreet minimum Financial Profile,

 - 2. An Altman Z Bankruptcy Rating, and/or

 - 3. A Credit Rating.

- C. Each respondent to the RFP may be required to provide evidence of its ability to secure a performance bond and/or third-party escrow account sufficient to cover the anticipated construction and/or operational cost of its project upon award of Community Solar Garden capacity, assuring the Community Solar Garden Facility is constructed in accordance with Utilities' Interconnection Standards.

- D. Each respondent to the RFP will be required to meet a minimum operational hurdle of having built and/or operated a 0.5 MW solar garden or array, interconnected to a utility system, for at least a period of one year.

- E. All RFP respondents providing evidence of the ability to secure a performance bond and/or establish an escrow account and meeting the minimum financial and operational hurdles will have their RFP responses scored based on additional factors and in accordance with Utilities' standard policies to determine the best value for Utilities and its Customers. Utilities will award capacity accordingly.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN PROGRAM

COMMUNITY SOLAR GARDEN FACILITY CUSTOMER QUALIFICATIONS

Each Customer Solar Garden Interest shall not be sized larger than 120% of the Customer's previous 12-month kWh usage at the individual Premises as represented in Utilities' Customer Information System.

The 12-month kilowatt-hour average usage shall be based on a period that begins on January 1 and ends on December 31 of the previous calendar year. In the case of new construction or the creation of a new utility account, Utilities' will determine a 12-month kilowatt- hour average usage based on input from the Customer.

A single Customer may not present for participation under this rate schedule for Customer Solar Garden Interests representing more than 40% of a single Community Solar Garden Facility's MWAC capacity under this Program. Individual Premises controlled by a single Customer will be aggregated to reach this 40% limit.

CUSTOMER PARTICIPATION UNDER THIS RATE SCHEDULE

A Customer desiring to take service and receive customer credits and/or PBI under this rate schedule shall present to Utilities evidence of the Customer's Solar Garden Interest, such as a lease, ownership agreement, or other subscription document and the address of the Premises to which the Customer Solar Garden Interest shall be applied. The Customer Solar Garden Interest shall be for the sole benefit of the Customer at the Premises to which the interest is assigned. Acquiring an interest with the intent to receive the PBI and/or Customer Credit only until the interest can be transferred to another Customer is prohibited. A Customer may present to Utilities for service under this rate schedule a Customer Solar Garden Interest in any Community Solar Garden Facility that has executed an interconnection agreement with Utilities and proposes to have Customers that participate under this rate schedule.

The choice of a Community Solar Garden Facility and the purchase of a Customer Solar Garden Interest is solely the responsibility of the Customer and are undertaken at the Customer's risk. Utilities makes no representations or warranties concerning the Community Solar Garden Facility and its operation and maintenance and its financial viability, or the continued usefulness of any Customer Solar Garden Interest.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN PROGRAM

Any questions regarding the Community Solar Garden Facility and its operations, as well as questions concerning a Customer Solar Garden Interest must be directed by the Customer to the Community Solar Garden Facility.

If the Customer chooses to end their participation in this Program, the Customer may arrange with the Community Solar Garden Facility to do the following:

- A. Transfer the Customer Solar Garden Interest to another Premise within Utilities' electric service territory. Upon any such transfer to a different Premise, the Customer must demonstrate that the Customer Solar Garden Interest complies with the sizing requirements of this rate schedule under the Community Solar Garden Facility Customer Qualifications section of this rate schedule.

- B. Transfer the Customer's Solar Garden Interest to another Customer, who shall apply that interest to another Premises within Utilities' electric service territory. Upon any such transfer to a different Customer, the new Customer must demonstrate that the Customer Solar Garden Interest complies with the sizing requirements under the Community Solar Garden Facility Customer Qualifications section of this rate schedule for the new Premises.

If a Customer fails to transfer their Solar Garden Interest prior to ending electric service with Utilities, then the Customer's Solar Garden Interest shall cease to be applied to any Customer electric account. In consideration of Utilities accepting into Utilities' Electric System the non-applied generation and adjusting Utilities' Electric System operations to accept such non-compliant electric generating output of the Community Solar Garden Facility, any electric generating output of the Community Solar Garden Facility shall become the property of Utilities at no cost to Utilities from the date that the Customer ceased to be a Customer at the single Premises to which the Customer Solar Garden Interest applied, until the date that:

- A. the Customer Solar Garden Interest has been applied to a new Premises of the Customer and all provisions of this rate schedule have been complied with by the Customer, or

- B. the Customer Solar Garden Interest has been transferred to another Customer and all provisions of this rate schedule have been complied with by that Customer.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN PROGRAM

An existing Customer Solar Garden Interest may be transferred to another Customer at any time subject to the following conditions:

- A. The existing Customer must transfer the entire Solar Garden Interest. If the new Customer receives only part of the total Solar Garden Interest being transferred then the remaining capacity will enter into an unsubscribed state with no Customer Credit applied until additional subscribers are found.
- B. New Customer Solar Garden Interests shall be sized as defined in the Customer Solar Garden Facility section contained herein.

The following documentation shall be submitted to Utilities to complete the Solar Garden Interest transfer process:

- A. Release of Customer Community Solar Garden Interest,
- B. Community Solar Garden New Subscriber Qualification Form, and
- C. A copy of the contract covering the new Solar Garden Interest between the new Customer and the Solar Garden Facility.

FACILITY OBLIGATIONS

On or before the 10th business day after the interconnection date, a Community Solar Garden Facility will be required to confirm all Customers participating in the Community Solar Garden. Each of those Customers must have met all requirements as defined in the Community Solar Garden Customer Subscriber form. This confirmation will be accomplished via approved electronic interactions between Utilities and the Community Solar Garden Facility.

On or before the 5th business day of each subsequent calendar month Utilities will provide the Community Solar Garden Facility with a bill stating the total electric generating output of the Community Solar Garden Facility. The electric generating output of the Community Solar Garden Facility shall be determined by subtracting the previous month's meter read from the current months meter read, or such other monthly period as defined by Utilities. On or before the 7th business day after Utilities mails the bill, the Community Solar Garden Facility must electronically verify the electric generating output prior to Utilities applying the appropriate credits to the applicable Customers' bills.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN PROGRAM

Additionally, the Community Solar Garden Facility shall provide, through approved electronic interactions with Utilities, any Customer additions, transfers, or account changes. If any transfer or change of information is not provided by the Community Solar Garden Facility to Utilities in the time frame identified herein, then Utilities shall not be required to comply with the Customer Credit section of this rate schedule for any period during which such information was not provided to Utilities. Additionally, Utilities shall not be required to provide retroactive credits to Customers for any such period of non-compliance by the Community Solar Garden Facility.

UNSUBSCRIBED POWER

The Community Solar Garden Facility is responsible for balancing its electric generation input into Utilities' Electric System to comply with this Tariff. Any electric generating output of the Community Solar Garden Facility that is a) received into Utilities' Electric System, and b) not accounted for by the Community Solar Garden Facility as attributable to a specific Customer or a specific Customer Solar Garden Interest shall be purchased by Utilities for a period of one calendar year from the date the Community Solar Garden Facility is interconnected. At the end of one year, the purchase of unsubscribed power will be solely determined by Utilities. Utilities shall not be obligated to purchase unsubscribed power from a Community Solar Garden Facility after expiration of the one year period described herein.

At the date of interconnection of a Community Solar Garden Facility, Utilities and the Solar Garden Facility will determine the amount of capacity (kW AC) that remains unsubscribed. Utilities will purchase the energy (kWh AC) produced by the agreed amount of unsubscribed capacity for one calendar year from the interconnection date subject to the following:

- A. As the remaining capacity is subscribed, the energy purchased by Utilities will be reduced by an equivalent amount.

- B. If, at any time, previously subscribed capacity becomes unsubscribed, the energy produced by that capacity will not be purchased by Utilities.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN PROGRAM

UNSUBSCRIBED POWER PURCHASE RATE

The purchase rate for unsubscribed power from qualifying Facilities will be Utilities' average monthly purchase power cost during the previous calendar year as per Utilities' recorded monthly purchase power costs. For unsubscribed power not purchased by Utilities as described above, in consideration of Utilities accepting into Utilities' Electric System the unsubscribed generation and adjusting Utilities' Electric System operations to accept such unsubscribed electric generating output of the Community Solar Garden Facility, Utilities shall be entitled to retain at no cost, any such unsubscribed electric generation and all Renewable Energy Credits.

CUSTOMER CREDIT

On or before the last day of each calendar month (or such other period as determined by Utilities) Utilities shall compute a Customer credit as provided herein. Such credit shall be applied as a line-item adjustment to the next monthly bill for Utilities Electric Service provided to the Customer participating under this rate schedule.

Electric power utilization as presented on each Customer's bill shall not be revised to account for any Customer credit, and any electric peak demand charge payable shall not be revised due to the Customer credit or any electric power consumption offset by such Customer credit.

The Customer credit shall be computed by multiplying each Community Solar Garden Facility Customer's percentage interest of the monthly kWh production of the Community Solar Garden Facility with the applicable amount listed in the Rate Table.

The accuracy of the information provided by the Community Solar Garden Facility is solely the responsibility of the Community Solar Garden Facility. Utilities does not warrant the accuracy of the information provided by the Community Solar Garden Facility and will rely on that information when computing the customer credit. Customer questions regarding the accuracy of any information provided by the Community Solar Garden Facility shall be directed to and shall be the responsibility of the Community Solar Garden Facility. If within 90 days from the date of Utilities' receipt of information from the Community Solar Garden Facility, as required under this rate schedule to compute customer credits, the Community Solar Garden Facility delivers to Utilities corrections to previously submitted information together with a written explanation of why such correction is necessary and appropriate, and such explanation is acceptable to Utilities in its reasonable discretion, then Utilities will make reasonable efforts to revise any customer credits previously applied to Customer bills that utilized the incorrect information.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN PROGRAM

A Customer credit in excess of the monthly utility bill for the Customer's billing period shall be carried forward to future bills, and a payment to the Customer of any Customer credit shall not occur unless the Customer has terminated Electric Service with Utilities and has not transferred the Customer Solar Garden Interest to another Utilities account of the Customer within three billing periods. Any such payment will be directed to the Customer's last known address on file with Utilities, or as otherwise specifically directed by the Customer.

PERFORMANCE BASED INCENTIVE

The PBI applicable to each kWh generated by the qualifying Community Solar Garden Facility under this rate schedule shall be in effect and remain fixed for a period of 20 years from the date the Community Solar Garden Facility receives approval to interconnect from Utilities. The PBI will be reflected on the Customer's monthly bill. The total PBI, not a portion, may be assigned for the 20-year period to the Community Solar Garden Facility by a Customer, or may be credited as a line-item credit on the Customer's monthly utility bill. If a Customer assigns the associated PBI to a Community Solar Garden Facility, the Customer may not change the PBI assignment.

On or before the last day of each calendar month (or such other period as determined by Utilities) Utilities shall compute the Customer PBI adjustment. The PBI shall be applied as a line-item adjustment to the next monthly bill for Utilities Electric Service provided to the Customer participating under this rate schedule, or paid on a monthly basis to the assignee demonstrated in the Customer's contractual agreement with the Community Solar Garden Facility.

The PBI adjustment shall be computed by multiplying each Customer's monthly kWh production from the Community Solar Garden Facility with the PBI amount agreed upon in the RFP process and resulting contract between Utilities and the Community Solar Garden Facility.

RENEWABLE ENERGY CREDITS

In consideration for payment of a PBI all Renewable Energy Credits become property of Utilities for the term agreed upon in the executed Interconnection Agreement and any renewal or extension to the Interconnection Agreement.

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ELECTRIC RATE SCHEDULES

COMMUNITY SOLAR GARDEN PROGRAM

RATE

The rate applicable to each kilowatt hour shall be determined by the Customer's applicable rate class as found in the Rate Table. The credit rate for each applicable Customer rate class will be calculated using the following formula: (Non-fuel generation) + (Capacity) + (ECA)

The tariff will be revised in accordance with the applicable rules and regulations governing these Tariffs as approved by the City Council.

The Customer credit will be based on calculating the cost of service for each electric service Customer's rate class. This Customer credit will be adjusted as applicable with Utilities' electric rate case filings.

This Program and its rate does not include costs related to distribution of electric power to the Premises, integrating the Community Solar Garden Facility into Utilities' Electric System, administering this Program, or providing standby or firming capacity to the Customer and the Customer's Premises.

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Natural Gas Tariffs

NATURAL GAS RATE SCHEDULES

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NATURAL GAS RATE SCHEDULES
RATE TABLE

Billing statements are the sum of rate components listed below each available service.

Description	Rates	Reference
Residential Service – Firm (G1R)		Sheet No. 4
Access and Facilities Charge, per day	\$0.3930	
Access and Facilities Charge, per Ccf	\$0.1645	
Gas Cost Adjustment (GCA), per Ccf	Sheet No. 2.4	
Gas Capacity Charge (GCC), per Ccf	Sheet No. 2.4	
Commercial Service – Small Firm (G1CS)		Sheet No. 5
Small Commercial Service (G1CS)		
Access and Facilities Charge, per day	\$0.3930	
Access and Facilities Charge, per Ccf	\$0.1645	
Gas Cost Adjustment (GCA), per Ccf	Sheet No. 2.4	
Gas Capacity Charge (GCC), per Ccf	Sheet No. 2.4	
Commercial Service – Large Firm (G1CL, G8M, G1S)		Sheet No. 6
Large Commercial Service Standard Option (G1CL)		
Access and Facilities Charge, per day	\$0.7860	
Access and Facilities Charge, per Ccf	\$0.1480	
Gas Cost Adjustment (GCA), per Ccf	Sheet No. 2.4	
Gas Capacity Charge (GCC), per Ccf	Sheet No. 2.4	
Large Commercial Service Monthly Index Option (G8M)		
Gas Cost, per Ccf	Index	Sheet No. 3.1
Access and Facilities Charge, per day	\$0.7860	
Access and Facilities Charge, per Ccf	\$0.1480	
Gas Capacity Charge (GCC), per Ccf	Sheet No. 2.4	

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NATURAL GAS RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Large Commercial Service Seasonal Option (G1S)		
Access and Facilities Charge, per day	\$0.7860	
Access and Facilities Charge:		
Winter (November - April), per Ccf	\$0.1724	
Summer (May - October), per Ccf	\$0.0625	
Gas Cost Adjustment (GCA), per Ccf	Sheet No. 2.4	
Gas Capacity Charge (GCC), per Ccf	Sheet No. 2.4	
Industrial Service – Interruptible Sales (G2I, G3M)		Sheet No. 7
Standard Option (G2I)		
Access and Facilities Charge, per day	\$5.1472	
Access and Facilities Charge, per Mcf	\$0.8910	
Gas Cost Adjustment (GCA), per Mcf	Sheet No. 2.4	
Gas Capacity Charge (GCC), per Mcf	Sheet No. 2.4	
Unauthorized Overrun Charge, per Mcf	\$40.0000	
Monthly Index Option (G3M)		
Gas Cost, per Mcf	Index	Sheet No. 3.1
Access and Facilities Charge, per day	\$5.1472	
Access and Facilities Charge, per Mcf	\$0.8910	
Gas Capacity Charge (GCC), per Mcf	Sheet No. 2.4	
Unauthorized Overrun Charge, per Mcf	\$40.0000	

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NATURAL GAS RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Industrial Transportation Service – Firm (G4T)		Sheet No. 8
Initial Service Fee (one time)	\$25,000.00	
Transportation Charges:		
Customer Charge, per day	\$17.9624	
Meter Charge per meter, per day	\$0.3014	
Transportation Demand Charge, per MDQ Mcf, per day	\$0.2300	
Transportation Commodity Charge, per Mcf	\$0.6270	
MDQ Overrun Charge: see the Maximum Delivery Quantity Adjustment and Overrun Charges Section for details		
Daily Balancing Charges:		
Daily Balancing Demand Charge, per MDQ Mcf, per day	\$0.0151	
Daily Balancing Commodity Charge – In-Band, per Mcf	\$0.0325	
Daily Balancing Commodity Charge – Out-of-Band, per Mcf	\$2.5000	
Daily Balancing Commodity Charge – RDD Event, per Mcf	\$40.0000	
Monthly Balancing Charge – Cash-Out:		
Under-deliveries, per Mcf	\$0.8096 + 110% of Index 1	Sheet No. 3.1
Over-deliveries – Credit, per Mcf	90% of Index 2	Sheet No. 3.1

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NATURAL GAS RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Contract Service – Military Firm (GCS-FIRM, GCS-G6M)		Sheet No. 9
Standard Option (GCS-FIRM)		
Access and Facilities Charge, per day	\$14.5375	
Access and Facilities Charge, per meter, per day	\$0.3014	
Access and Facilities Charge, per Mcf	\$1.5760	
Gas Cost Adjustment (GCA), per Mcf	Sheet No. 2.4	
Gas Capacity Charge (GCC), per Mcf	Sheet No. 2.4	
Monthly Index Option (GCS-G6M)		
Gas Cost, per Mcf	Index	Sheet No. 3.1
Access and Facilities Charge, per day	\$14.5375	
Access and Facilities Charge, per meter, per day	\$0.3014	
Access and Facilities Charge, per Mcf	\$1.5760	
Gas Capacity Charge (GCC), per Mcf	Sheet No. 2.4	
Contract Service – Military Interruptible Sales (GCS-INTS, GCS-G7M)		Sheet No. 10
Standard Option (GCS-INTS)		
Access and Facilities Charge, per day	\$15.1403	
Access and Facilities Charge, per Mcf	\$0.7290	
Gas Cost Adjustment (GCA), per Mcf	Sheet No. 2.4	
Gas Capacity Charge (GCC), per Mcf	Sheet No. 2.4	
Unauthorized Overrun Charge, per Mcf	\$40.0000	

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NATURAL GAS RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Monthly Index Option (GCS-G7M)		
Gas Cost, per Mcf	Index	Sheet No. 3.1
Access and Facilities Charge, per day	\$15.1403	
Access and Facilities Charge, per Mcf	\$0.7290	
Gas Capacity Charge (GCC), per Mcf	\$0.2940	Sheet No. 11
Unauthorized Overrun Charge, per Mcf	\$40.0000	
Gas Cost Adjustment (GCA)		Sheet No. 11
GCA, per Ccf (G1R), (G1CS), (G1CL), (G1S)	\$0.1776	
GCA, per Mcf (G2I), (GCS-FIRM), (GCS-INTS)	\$1.776	
Gas Capacity Charge (GCC)		Sheet No. 12
Residential Service – Firm (G1R), per Ccf	\$0.1009	
Commercial Service – Firm (G1CS), per Ccf	\$0.1009	
Commercial Service – Firm (G1CL), per Ccf	\$0.0851	
Commercial Service – Firm (G8M), per Ccf	\$0.0851	
Commercial Service – Firm (G1S), per Ccf	\$0.0623	
Industrial Service – Interruptible Sales (G2I), per Mcf	\$0.2940	
Industrial Service – Interruptible Sales (G3M), per Mcf	\$0.2940	
Contract Service – Military Firm (GCS-FIRM), per Mcf	\$0.8510	
Contract Service – Military Firm (GCS-G6M), per Mcf	\$0.8510	
Contract Service – Military Interruptible Sales (GCS-INTS), per Mcf	\$0.2940	
Contract Service – Military Interruptible Sales (GCS-G7M), per Mcf	\$0.2940	

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NATURAL GAS RATE SCHEDULES

GENERAL

BILLING UNITS

The unit of volume for the purpose of measurement will be a cubic foot of gas at a temperature base of 60 degrees Fahrenheit, a pressure base of 12.01 pounds per square inch absolute (PSIA), and an average local atmospheric pressure of 11.76 PSIA, except for the United States Air Force Academy, which will reflect a pressure base of 11.71 PSIA and an average atmospheric pressure of 11.46 PSIA.

Commercial Service – Firm (G8M)

The estimated volume of gas that the Customer would reasonably expect to use each month under the Monthly Index Rate Option will be specified by contract. This estimated monthly volume will be the basis for which monthly purchases for the Customer will be made. These monthly volumes will be set by Utilities with the Customer’s concurrence.

Industrial Service – Interruptible Sales (G2I, G3M)

Gas volumes will be corrected for pressure, temperature, the deviation from Boyle’s Law and other factors as necessary for accurate measurement. The following definitions will apply:

- Base Volume: Average Daily Volumes equal to the contract monthly volumes divided by the number of days in the month.
- Metered Volumes: Volumes at the Customer’s meter.
- Interruption: Days when Customer is notified that there is no or reduced system capacity or supply, whether on Colorado Interstate Gas Company or Utilities, to deliver gas to Customer.

The estimated volume of gas that the Customer would reasonably expect to use each month will be specified in the contract. This estimated monthly volume will be the basis for which monthly purchases for the Customer will be made. These monthly volumes will be set by Utilities with the Customer’s concurrence.

Contract Service – Military Firm (GCS-Firm, GCS-G6M)

The estimated volume of gas that the Customer would reasonably expect to use each month under the Monthly Index Rate Option will be specified by contract. This estimated monthly volume will be the basis for which monthly purchases for the Customer will be made. These monthly volumes will be set by Utilities with the Customer’s concurrence. If more than one primary sales gas meter serves a military installation, the meters will be totalized.

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NATURAL GAS RATE SCHEDULES

GENERAL

INDICES

Index (G8M, G3M, G6M, G7M)

Index is the first of the month index gas price as published in “Inside FERC’s Gas Market Report” for the average of Colorado Interstate Gas Company (Rocky Mountains) and Cheyenne Hub. This published Index price will be converted to the applicable Ccf or Mcf at 12.01 PSIA basis for billing purposes, except the United States Air Force Academy will be converted to Mcf at 11.71 PSIA basis for billing purposes.

Index 1 (G4T)

Index 1 is the higher of the first of the month Inside FERC Gas Market Report index gas price or Gas Daily daily gas midpoint gas price that occurs during a month at either Rockies CIG or Cheyenne Hub, whichever is higher. This published Index price will be converted to Mcf at 12.01 PSIA basis for billing purposes.

Index 2 (G4T)

Index 2 is the lower of the first of the month Inside FERC Gas Market Report index gas price or Gas Daily daily gas midpoint gas price that occurs during a month at either Rockies CIG or Cheyenne Hub, whichever is lower. This published Index price will be converted to Mcf at 12.01 PSIA basis for billing purposes.

RATE OPTIONS QUALIFICATIONS (G8M, G1S, G2I, G3M)

Under separate contract, Customers may elect rate options. Rate options are offered for an initial contract period of 12-months. As long as the Customer continues to meet the eligibility requirements, service shall be automatically renewed. After the initial 12-month contract period, Customer may provide written notice 30 days prior to the beginning of the month for which Customer elects not to renew. Customers will be evaluated periodically to ensure they continue to meet the eligibility requirements. In the event that a Customer is no longer eligible, the contract for service shall not renew at the close of the contract anniversary date and Customer shall be required to move to the rate schedule to which they are eligible upon the end of the contract period.

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NATURAL GAS RATE SCHEDULES
GENERAL

RULES AND REGULATIONS

Service under these rate schedules will be in accordance with the provisions of Utilities' Rules and Regulations and *Line Extension and Service Standards* for Gas, and if applicable, the conditions of:

- A. any associated contract,
- B. the City Code of the City of Colorado Springs,
- C. the Colorado Revised Statutes,
- D. City Ordinances

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NATURAL GAS RATE SCHEDULES

RESIDENTIAL SERVICE – FIRM (G1R)

AVAILABILITY

Available in Utilities’ gas service territory for general residential purposes. Whether or not the end use of the gas service is residential in nature, this rate is not available for master metered or nonresidential accounts.

RATE

See Rate Table for applicable charges.

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NATURAL GAS RATE SCHEDULES

COMMERCIAL SERVICE – SMALL FIRM (G1CS)

AVAILABILITY

Available in Utilities' gas service territory for any establishment engaged in the operation of a business or an institution, whether or not for profit, whose average daily usage (billing period Ccf divided by the number of days in the billing period) does not exceed 10 Ccf in any of the last 12 billing periods. Master meters will not be installed without Utilities' approval.

RATE

See Rate Table for applicable charges.

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NATURAL GAS RATE SCHEDULES

COMMERCIAL SERVICE – LARGE FIRM (G1CL, G8M, G1S)

AVAILABILITY

Available in Utilities’ gas service territory for any establishment engaged in the operation of a business or an institution, whether or not for profit, whose average daily usage (billing period Ccf divided by the number of days in the billing period) is greater than 10 Ccf in any of the last 12 billing periods. Master meters will not be installed without Utilities’ approval.

RATE OPTIONS

Customers may choose between the following:

A. Standard Option (G1CL)

B. Monthly Index Option (G8M)

C. Seasonal Option (G1S)

Customers electing this option must consume 30% or more of their 12 billing periods Ccf during the Summer period (May through October).

RATE

See Rate Table for applicable charges.

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NATURAL GAS RATE SCHEDULES

INDUSTRIAL SERVICE – INTERRUPTIBLE SALES (G2I, G3M)

AVAILABILITY

Available by contract in Utilities' gas service territory for any establishment engaged in the operation of a business or an institution, whether or not for profit. Master meters will not be installed without Utilities' approval.

Utilities reserves the right to curtail service to the Customer at any time. Interruptible gas sales service will be subordinate to all firm gas sales and firm gas transportation services.

Customer shall provide a dedicated 120-volt circuit prior to installation of the instrument communication equipment. Customer will coordinate the installation of measurement equipment and connection of the 120-volt circuit to communication equipment with Utilities.

RATE OPTIONS

Customers may choose between the following:

- A. Standard Option (G2I)

- B. Monthly Index Option (G3M)

RATE

See Rate Table for applicable charges.

UNAUTHORIZED OVERRUN

Unauthorized overrun volumes are any gas used by a Customer during an Interruption or gas used in excess of volumes authorized by Utilities for use by Customer on the Daily Index option during a partial curtailment. Unauthorized overrun volumes will be calculated on Customer's Metered Volumes for the period when Utilities has ordered an Interruption. For any unauthorized volumes, Customer shall pay the Unauthorized Overrun Charge.

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NATURAL GAS RATE SCHEDULES

INDUSTRIAL TRANSPORTATION SERVICE – FIRM (G4T)

AVAILABILITY

Available to individually metered Customers who are not on a Residential Service Rate Schedule and who have contracted for an alternate source of gas supply and have requested Utilities to transport such alternate gas for the Customer's account. The alternate source of gas supply must be delivered into Utilities' system by firm transportation capacity on the Colorado Interstate Gas Company system that is verifiable to Utilities' satisfaction. Service hereunder is conditioned upon availability of Utilities' capacity, resources, and assets without detriment or disadvantage to existing Customers. Customers interested in participating in G4T gas transportation service shall submit a written request for service to include Shipper name, account number(s), billing information, and other information as Utilities may deem appropriate. Utilities will provide to customers requesting this service the cost to upgrade the measurement and appurtenant equipment necessary to receive such service. The measurement equipment upgrade cost will be valid for 12 months from date of issuance.

SERVICE CONSIDERATIONS

Transportation Customers are responsible for all costs to upgrade the measurement and communication equipment required to measure daily consumption. Customer shall provide at its sole cost a dedicated 120-volt circuit prior to installation of the instrument communication equipment. Utilities and Customer will work together to coordinate the installation of measurement equipment and connection of the 120-volt circuit to the communication equipment. Customers must submit a completed signed Transportation Service Agreement (TSA), pay the Initial Service Fee, and pay all costs to upgrade the required measurement equipment in order to qualify for service under this schedule. Service will start no later than 120 days after the TSA is executed, the Initial Service Fee is paid in full, and measurement equipment upgrade costs are paid in full to Utilities, subject to equipment availability. The measurement equipment must be operational and ready for service at least 45 days prior to the requested service date. System availability may be impacted by either planned or unplanned outages. Shipper will be notified of such events. In the event a Customer terminates transportation service, returning to firm sales service will be conditioned upon Utilities' availability of capacity to serve Customer's firm requirement.

DAILY BALANCING

A Shipper's Imbalance will be calculated by subtracting the Metered Delivered Volume from the Final Scheduled Delivered Volume.

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NATURAL GAS RATE SCHEDULES

INDUSTRIAL TRANSPORTATION SERVICE – FIRM (G4T)

If, on any Gas Day, the absolute value of a Shipper’s Imbalance is less than or equal to 10% of the Metered Delivered Volume then the absolute value of the Imbalance will be subject to the In-Band Daily Balancing Commodity Charge. On any Gas Day when the absolute value of the Imbalance is more than 10% of the Metered Delivered Volume, the absolute value of the Imbalance Volumes within the 10% threshold will be subject to the In-Band Daily Balancing Commodity Charge and the absolute value of any Imbalance Volumes in excess of the 10% threshold will be subject to the Out-of-Band Daily Balancing Commodity Charge.

RESTRICTED DELIVERY DAY (RDD) EVENT

The declaration by Utilities of a Restricted Delivery Day (RDD) Event is a notification to Customers that limited capacity is available for balancing. During an RDD Event the Metered Delivered Volumes should not be less than or greater than the Final Scheduled Delivered Volumes.

In the event a condition is developing that may require the implementation of an RDD Event, or circumstances are present that significantly increase the likelihood that such conditions will develop, Utilities will undertake reasonable efforts to notify Shippers and their agents of the developing conditions or circumstances to provide Shippers the time and opportunity to take steps to address the condition. The RDD Event will commence with a NAESB gas pipeline nomination cycle specified in the notification. The RDD Event will end at a time specified in a separate notification. During an RDD Event, all four NAESB pipeline nomination cycles will be available to G4T customers to balance their Metered Delivered Volumes and Final Scheduled Delivered Volumes. In the event Utilities declares an RDD Event, Utilities will attempt to notify Shippers and their Agents by 4:00 p.m. the day prior to its effectiveness. However, Utilities may call an RDD Event at any time for any and all Shippers and their Agents, including for specific Shippers and their Agents that Utilities reasonably believes are causing the condition necessitating the RDD.

For deliveries during an RDD Event, the Daily Balancing Charges and provisions set forth above shall continue to apply. Imbalance Volumes in excess of 20% of the Metered Delivered Volumes will be assessed a charge equal to the Daily Balancing Commodity Charge – RDD Event. RDD Event charges will be assessed in addition to any other balancing charges that may apply.

MONTHLY BALANCING

At the end of each Gas Month, the total of daily positive and negative Imbalances that have accumulated throughout the Gas Month, both In-Band and Out-of-Band, will be netted and Cashed Out to zero.

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NATURAL GAS RATE SCHEDULES

INDUSTRIAL TRANSPORTATION SERVICE – FIRM (G4T)

Utilities will determine the Cash Out quantity applicable to each Shipper/Agent through the last day of the Gas Month. Utilities and Shipper/Agent will Cash Out by applying the applicable Monthly Balancing Charges for either under deliveries or over deliveries to the final Cash Out quantity.

Utilities shall either credit or charge the applicable transportation billing account to reflect the Cash Out amounts due either Shipper/Agent or Utilities, respectively. All Imbalances accrued will be resolved to zero at the end of each Gas Month. Imbalances shall not be carried over.

OPTIONAL SERVICE

Shipper may, with an Aggregator, participate in Aggregation as defined in the transportation terms and conditions contained within Utilities' Rules and Regulations. Individual Shipper's Maximum Delivery Quantity (MDQ) will remain in effect and may not be aggregated to avoid MDQ Overrun Charges. The Aggregation Pool will be considered as one Shipper for purposes of calculating the daily scheduling penalties and monthly imbalances, i.e., individual Shipper nominations and consumption will be summed and treated as if they were one Shipper.

Under this aggregation service, the Monthly and Daily Balancing Charges are billed to the Aggregator for the Aggregation Pool, rather than being billed to the Shipper.

INITIAL SERVICE FEE

In order to qualify for service under this rate schedule a one-time Initial Service Fee is required of each participating Customer.

MAXIMUM DELIVERY QUANTITY ADJUSTMENT AND OVERRUN CHARGES

If a Shipper's MDQ is exceeded by the Metered Delivered Volumes on any Gas Day, such Shipper's MDQ will be increased to the new highest Metered Delivered Volume provided system capacity is available. Such increased MDQ will become effective immediately and applied for the current billing month. The Shipper's Maximum Receipt Quantity ("MRQ") is equal to the MDQ + Lost and Unaccounted for Gas (L&U) and shall be increased proportionately.

MDQ Overrun Charge: In the event the Metered Delivered Volume exceeds the MDQ an MDQ Overrun Charge will be applied. The MDQ Overrun Charge will be calculated based on the difference between the maximum Metered Delivered Volume during the billing month minus the current MDQ multiplied by

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NATURAL GAS RATE SCHEDULES

INDUSTRIAL TRANSPORTATION SERVICE – FIRM (G4T)

the number of days from either the TSA Service Start Date or the most recent TSA Renewal Date to the end of the previous Gas Month multiplied by the Transportation Demand Charge. The overrun volumes will not be less than zero on any day. If a Shipper nominates an amount that results in their balancing band exceeding their MDQ, the balancing service will be provided. Any balancing service provided resulting in daily Metered Delivered Volumes exceeding the Shipper's existing MDQ will result in the Shipper's MDQ being increased to the higher daily Metered Delivered Volume along with the MDQ Overrun Charge.

Shipper may request in writing for Utilities to increase Shipper's MDQ. Providing that system capacity is available, a Shipper's MDQ will be increased effective the beginning of the following month.

Shipper may request in writing for Utilities to decrease Shipper's MDQ. Upon receipt of any such written request, Utilities will review and evaluate Shipper's usage history and may grant a reduction of a Shipper's MDQ if, in its sole discretion, Utilities determines a lower MDQ is justified based on Shipper's inability to utilize the existing MDQ level under any conditions.

RATE

See Rate Table for applicable charges.

TRANSPORTATION SERVICE AGREEMENT PERIOD

Unless otherwise specified, the initial contract period is from the TSA Service Start Date to October 31st. Unless otherwise stated, the Transportation Service Agreement shall automatically renew for an additional 12-month contract period each November 1st, unless Customer provides advance written notice to Utilities no later than 180 days prior to the November 1st renewal date that Customer elects not to renew for the upcoming TSA year.

NOMINATION PROCESS

Shippers under this rate schedule are required to nominate daily gas supplies from Utilities' Receipt Point to their individual delivery point using Utilities' electronic bulletin board (EBB). Shipper nominations may not exceed their MRQ. Nominations are due by 12:00 p.m. Mountain Time on the day prior to metered deliveries. Utilities will confirm these (NAESB cycle 1) nominations with CIG daily by 3:30 p.m. Mountain Time or as may otherwise be required under CIG's tariff. This is the only nomination allowed on Utilities' system for the following Gas Day. Utilities will confirm the same quantity of gas

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NATURAL GAS RATE SCHEDULES

INDUSTRIAL TRANSPORTATION SERVICE – FIRM (G4T)

nominated on its EBB with the upstream nomination on CIG for deliveries from CIG to Utilities. The daily quantity nominated on Utilities' EBB will be accepted as the maximum quantity deliverable into Utilities' distribution system for the following Gas Day. However, upstream nominations on CIG may be adjusted in CIG's remaining nomination cycles to attempt to meet any shortfall in nominated quantities on CIG compared to Utilities.

All nominations on Utilities' EBB are expected to be made in good faith to match the amount of anticipated actual consumption of the G4T Shippers for whom the nominations are being made. Utilities shall have the right, in its sole discretion, not to confirm any nomination that it deems is being made in order to take unfair advantage of any tariff provisions, including but not limited to, monthly Cash Out, or when Utilities determines its system reliability is being jeopardized.

NOTIFICATION AND CHANGES TO TRANSPORTATION

A Transportation Customer shall notify Utilities in writing of its request to make additions or changes to its service under this G4T gas transportation rate schedule. Notification shall include Shipper name, TSA #, account number(s), billing information and other information as Utilities may deem appropriate. Any such request shall take place as hereinafter described.

For additions of meters to the contract, the requested changes will become effective on a mutually agreeable date between CSU and the Transportation Customer; provided however that service will start no later than 120 days after the TSA amendment is executed and all measurement equipment costs are paid to Utilities, subject to measurement equipment availability.

To terminate Gas Transportation Service, the Customer's request must be received in writing by Utilities no less than 180 days prior to the November 1st TSA Renewal Date. Customers requesting to return to firm sales service will be conditioned upon Utilities' availability of capacity to serve Customer's firm requirement.

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NATURAL GAS RATE SCHEDULES

INDUSTRIAL TRANSPORTATION SERVICE – FIRM (G4T)

DEFINITIONS

CASH OUT: The application of Monthly Balancing Charges to the end-of-the-month imbalance quantity. (See Monthly Balancing)

FINAL SCHEDULED DELIVERED VOLUMES: Final volumes scheduled by CIG for receipt by Shipper at Utilities’ Citygates on a given Gas Day, less Utilities’ L&U, in Mcf at 12.01 PSIA using the CIG measured average BTU factor for the Gas Day.

FINAL SCHEDULED RECEIVED VOLUMES: Final volumes scheduled by CIG for receipt by Shipper at Utilities’ Citygates on a given Gas Day in Mcf at 12.01 PSIA using the CIG measured average BTU factor for the Gas Day.

FINAL SCHEDULED QUANTITIES: Final quantities scheduled by CIG for receipt by Shipper at Utilities’ Citygates on a given Gas Day in Dekatherms.

GAS DAY: A period of 24 consecutive hours commencing and ending at 8:00 a.m. Mountain Clock Time (MCT), adjusted for Daylight Savings Time when appropriate. “Clock Time” indicates that Utilities will adjust its Gas Day to reflect changes for Daylight Savings Time.

GAS MONTH: A period beginning at 8:00 a.m. Mountain Clock Time (MCT), adjusted for Daylight Savings Time when appropriate on the first day of a calendar month and ending at 8:00 a.m. Mountain Clock Time (MCT), adjusted for Daylight Savings Time when appropriate of the first day of the next succeeding calendar month.

IMBALANCE OR IMBALANCE VOLUMES: The Final Scheduled Delivered Volumes less the Metered Delivered Volumes on a given Gas Day.

IN-BAND VOLUMES: Daily under/over deliveries that are less than or equal to 10% of the daily Metered Delivered Volumes.

LINE-EXTENSION POLICY: Any new or additional facilities required at the delivery point to provide transportation service shall be paid for by the Customer. All facilities installed by Utilities shall continue to be owned, operated and maintained by Utilities.

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NATURAL GAS RATE SCHEDULES

INDUSTRIAL TRANSPORTATION SERVICE – FIRM (G4T)

LOST AND UNACCOUNTED FOR GAS (L&U): L&U gas is currently 1.6% of the total gas received at the Receipt Point(s). Shipper shall calculate its nominations on Utilities' system at the Receipt Point(s) to include L&U. L&U is consumed by Utilities distribution system and is not part of the Metered Delivered Volumes.

METERED DELIVERED VOLUMES: Volumes delivered to the Shipper's meter in Mcf at 12.01 PSIA.

MDQ OVERRUN: Metered Delivered Volumes in excess of the Maximum Delivery Quantity specified in the Transportation Service Agreement.

MEASUREMENT: All transportation deliveries will be measured on a Ccf or Mcf basis at the standard billing base pressure of 12.01 PSIA.

NAESB: North American Energy Standards Board.

NAESB NOMINATION CYCLES: Timely Cycle – 12:00 p.m. Mountain Clock Time (MCT) the day prior to Gas Day; Evening Cycle – 5:00 p.m. MCT the day prior to Gas Day; IntraDay 1 Cycle – 9:00 a.m. MCT on Gas Day; IntraDay 2 Cycle – 1:30 p.m. MCT on Gas Day; IntraDay 3 Cycle – 6:00 p.m. MCT on Gas Day.

NOMINATED VOLUMES: Daily volumes nominated by the Shipper to be received at Utilities' City gate in dekatherms.

NOMINATIONS: Shipper's estimate of gas volume to be transported on Utilities' distribution system on a daily basis.

OUT-OF-BAND VOLUMES: Daily under/over deliveries that are greater than 10% of the daily Metered Delivered Volumes.

OVER DELIVERIES: Daily Final Scheduled Delivered Volumes that are greater than daily Metered Delivered Volumes.

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NATURAL GAS RATE SCHEDULES

INDUSTRIAL TRANSPORTATION SERVICE – FIRM (G4T)

RESTRICTED DELIVERY DAY (RDD) EVENT: Days or partial day when Transportation Customers are notified that limited gas supply is available for balancing. Metered Delivered Volumes should not be less than or greater than the Final Scheduled Delivered Volumes. An RDD Event may be enacted for the entire system or for individual Shippers or their Agents.

SHIPPER/CUSTOMER: The party on whose behalf gas is being transported.

TSA RENEWAL DATE: Automatic yearly renewal date of the TSA effective November 1st.

TSA SERVICE START DATE: The first day of the month that G4T gas transportation service begins under a TSA.

UNDER DELIVERIES: Daily Final Scheduled Delivered Volumes that are less than daily Metered Delivered Volumes.

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NATURAL GAS RATE SCHEDULES

CONTRACT SERVICE – MILITARY FIRM (GCS-FIRM, GCS-G6M)

AVAILABILITY

Available in Utilities' gas service territory to the United States of America at the Fort Carson Military Installation, the Peterson Air Force Base, and the United States Air Force Academy. Service under this rate schedule to Customers with alternate firm transportation capacity on the Colorado Interstate Gas Company system is contingent upon unrestricted release of such capacity to Utilities. If at any time the Customer's capacity is not released without restriction to Utilities, service hereunder is conditioned upon availability of Utilities' capacity, resources, and assets without detriment or disadvantage to existing Customers.

RATE OPTIONS

Customers may choose between the following:

- A. Standard Option (GCS-FIRM)

- B. Monthly Index Option (GCS-G6M)

RATE

See Rate Table for applicable charges.

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NATURAL GAS RATE SCHEDULES

CONTRACT SERVICE – MILITARY INTERRUPTIBLE SALES (GCS-INTS, GCS-G7M)

AVAILABILITY

Available in Utilities' gas service territory to the United States of America at the Fort Carson Military Installation, the Peterson Air Force Base, and the United States Air Force Academy.

RATE OPTIONS

Customers may choose between the following:

- A. Standard Option (GCS-INTS)

- B. Monthly Index Option (GCS-G7M)

RATE

See Rate Table for applicable charges.

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NATURAL GAS RATE SCHEDULES

GAS COST ADJUSTMENT (GCA)

APPLICABILITY

Applicable to all rate schedules subject to the Gas Cost Adjustment (GCA).

GAS COST ADJUSTMENT

The GCA will be computed as follows:

The sum of:

- A. the forecasted cost of purchasing natural gas for the future recovery period to be determined by Utilities, plus

- B. an amount determined by Utilities as a projected over or under collected balance at the end of the recovery period used in A. above less the over or under collected balance of natural gas costs at the beginning of the recovery period.

Divided by:

- C. the forecasted sales subject to the GCA for the same period used in A. above.

RATE

See Rate Table. These rates may change as often as monthly by Resolution after review by the Office of the City Auditor and approval by City Council.

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NATURAL GAS RATE SCHEDULES

GAS CAPACITY CHARGE (GCC)

APPLICABILITY

Applicable to all rate schedules subject to the Gas Capacity Charge (GCC).

GAS CAPACITY CHARGE

The Gas Capacity Charge recovers forecasted capacity related expenses.

RATE

See Rate Table. These rates may change as often as monthly by Resolution after review by the Office of the City Auditor and approval by City Council.

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Water Tariffs

WATER RATE SCHEDULES

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WATER RATE SCHEDULES
RATE TABLE

Billing statements are the sum of rate components listed below each available service.

Description	Rates	Reference
Residential Service (WR)		Sheet No. 4
Inside City Limits		
Service Charge, per meter, per day, but not less than:		
5/8 to 1 inch	\$0.7079	
1 1/2 inch	\$1.4158	
2 inch	\$2.2653	
3 inch	\$4.2474	
Commodity Charge, per cf:		
First 999 cf	\$0.0381	
1,000 to 2,499 cf	\$0.0654	
2,500 cf or greater	\$0.0988	
Outside City Limits		
Service Charge, per meter, per day, but not less than:		
5/8 to 1 inch	\$1.0619	
1 1/2 inch	\$2.1237	
2 inch	\$3.3980	
3 inch	\$6.3711	
Commodity Charge, per cf:		
First 999 cf	\$0.0572	
1,000 to 2,499 cf	\$0.0981	
2,500 cf or greater	\$0.1482	

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WATER RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Nonresidential Service (WG, WM)		Sheet No. 5
Inside City Limits		
Service Charge, per meter, per day:		
Less than 2 inch	\$1.6562	
2 inch	\$2.6499	
3 inch	\$4.9686	
4 inch	\$8.2810	
6 inch	\$16.5620	
8 inch	\$26.4992	
10 inch	\$38.0926	
Commodity Charge:		
November through April, per cf	\$0.0451	
May through October, per cf	\$0.0676	
Outside City Limits		
Service Charge, per meter, per day:		
Less than 2 inch	\$2.4843	
2 inch	\$3.9749	
3 inch	\$7.4529	
4 inch	\$12.4215	
6 inch	\$24.8430	
8 inch	\$39.7488	
10 inch	\$57.1389	
Commodity Charge:		
November through April, per cf	\$0.0677	
May through October, per cf	\$0.1014	

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WATER RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Large Nonseasonal Service (WLNS)		Sheet No. 6
Service Charge, per metered service point, per day:		
Less than 2 inch	\$1.6562	
2 inch	\$2.6499	
3 inch	\$4.9686	
4 inch	\$8.2810	
6 inch	\$16.5620	
8 inch	\$26.4992	
10 inch	\$38.0926	
Commodity Charge, per cf	\$0.0442	
Contract Service – Military (WSC-MIL)		Sheet No. 7
Commodity Charge:		
November through April, per cf	\$0.0375	
May through October, per cf	\$0.0536	
Nonpotable (WN, W1P)		Sheet No. 8
Miscellaneous Service (WN)		
Commodity Charge, per cf	\$0.0213	
Contract Service (W1P)		
Commodity Charge, per cf	\$0.0123	
Augmentation (W1G)		Sheet No. 9
Commodity Charge, per cf	\$0.0072	

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WATER RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Temporary Service – Hydrant Use (WHYDM)		Sheet No. 10
Permit Fee, per permit	\$100.0000	
Customer Charge (all permit classes), per day	\$5.4216	
Meter Charge (Utilities owned meter), per day	\$4.0000	
Equipment Charge (Utilities owned back flow preventer), per day	\$4.0000	
Commodity Charge:		
Class A Permit, per 1,000 gallons	\$9.8176	
Class B Permit, per 1,000 gallons	\$9.8176	
Class C Permit (use of fire hydrant without meter – specified capacity), per 1,000 gallons	\$9.8176	
Water Shortage Tariff		Sheet No. 11
Rates and consumption range per Stage and Level, see detail in tariff		

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WATER RATE SCHEDULES
GENERAL

RULES AND REGULATIONS

Service under these rate schedules will be in accordance with the provisions of Utilities' Rules and Regulations and *Line Extension and Service Standards* for Water and the conditions of:

- A. any associated contract,
- B. the City Code of the City of Colorado Springs,
- C. the Colorado Revised Statutes,
- D. City Ordinances

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WATER RATE SCHEDULES

RESIDENTIAL SERVICE (WR)

AVAILABILITY

Inside City Limits (WR)

Available in the corporate limits of the City in Utilities' water service territory for general residential purposes. Whether or not the end use of the water is residential in nature, this rate is not available for master metered accounts.

Outside City Limits (WR)

Available outside the corporate limits of the City in areas where water service is available from Utilities for general residential purposes and only with prior approval by the City Council. Whether or not the end use of the water is residential in nature, this rate is not available for master metered accounts.

RATE

See Rate Table for applicable charges.

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WATER RATE SCHEDULES
RESIDENTIAL SERVICE (WR)

AVAILABILITY

Inside City Limits (WR)

Available in the corporate limits of the City in Utilities’ water service territory for general residential purposes. Whether or not the end use of the water is residential in nature, this rate is not available for master metered accounts. Additionally, this rate will apply to Premises with a single Accessory Dwelling Unit, as defined by City Code Section 7.2.201, regardless of the definition of master meter within Utilities’ Tariffs.

Outside City Limits (WR)

Available outside the corporate limits of the City in areas where water service is available from Utilities for general residential purposes and only with prior approval by the City Council. Whether or not the end use of the water is residential in nature, this rate is not available for master metered accounts. Additionally, this rate will apply to Premises with a single Accessory Dwelling Unit, as defined by City Code Section 7.2.201, regardless of the definition of master meter within Utilities’ Tariffs.

RATE

See Rate Table for applicable charges.

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Resolution No. _____

WATER RATE SCHEDULES

NONRESIDENTIAL SERVICE (WG, WM)
--

AVAILABILITY

Inside City Limits (WG, WM)

Available in the corporate limits of the City in Utilities' water service territory for master meter and general nonresidential purposes.

Outside City Limits (WG, WM)

Available outside the corporate limits of the City in areas where water service is available from Utilities for master meter and general nonresidential purposes and only with prior approval by the City Council.

RATE

See Rate Table for applicable charges.

Approval Date: June 26, 2018
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WATER RATE SCHEDULES

NONRESIDENTIAL SERVICE (WG, WM)

AVAILABILITY

Inside City Limits (WG, WM)

Available in the corporate limits of the City in Utilities’ water service territory for master meter and general nonresidential purposes. However, a Premises with a single Accessory Dwelling Unit, as defined by City Code Section 7.2.201, will be served by rate schedule Residential Service (WR), regardless of the definition of master meter within Utilities’ Tariffs.

Outside City Limits (WG, WM)

Available outside the corporate limits of the City in areas where water service is available from Utilities for master meter and general nonresidential purposes and only with prior approval by the City Council. However, a Premises with a single Accessory Dwelling Unit, as defined by City Code Section 7.2.201, will be served by rate schedule Residential Service (WR), regardless of the definition of master meter within Utilities’ Tariffs.

RATE

See Rate Table for applicable charges.

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WATER RATE SCHEDULES

LARGE NONSEASONAL SERVICE (WLNS)

AVAILABILITY

Available by contract in Utilities' exclusive water service territory for nonresidential customers with annual consumption (based upon the most recent 12-month period) of at least four million cubic feet and a maximum summer month (based upon the most recent period of May – October) cubic feet consumption of no greater than 1.3 times the monthly average use across the prior 12-month period. Qualifying water consumption must occur through meters located on contiguous service properties on a Customer campus setting. Customers may apply for service under this tariff upon meeting the eligibility requirements.

Service is offered for a 12-month contract period. As long as the Customer continues to meet the eligibility requirements, service shall be automatically renewed. After the initial 12-month contract period, Customer may provide written notice 30 days prior to the beginning of the month for which Customer elects not to renew. Customers will be evaluated periodically to ensure they continue to meet eligibility requirements. In the event that a Customer is no longer eligible, the contract for service shall not renew at the close of the contract anniversary date and Customer shall be required to move to the rate schedule to which they are eligible upon the end of the contract period.

RATE

See Rate Table for applicable charges.

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WATER RATE SCHEDULES

CONTRACT SERVICE – MILITARY (WSC-MIL)
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AVAILABILITY

Available by contract in Utilities' water service territory to the United States of America at the Fort Carson Military Installation, the Peterson Air Force Base, the United States Air Force Academy, and Cheyenne Mountain Air Force Station.

RATE

See Rate Table for applicable charges.

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WATER RATE SCHEDULES

NONPOTABLE (WN, W1P)

AVAILABILITY

Miscellaneous Service (WN)

Available to all Customers using Utilities' nonpotable water from a Utilities' owned, operated, and maintained supply system. Nonpotable water may consist of raw water, reclaimed water, groundwater, or any combination of these. Service is based on pressures, quantities, and availability determined by Utilities.

Contract Service (W1P)

Available to existing special contract Customer for nonpotable water service to the Kissing Camels Golf Course.

RATE

See Rate Table for applicable charges.

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WATER RATE SCHEDULES

AUGMENTATION (W1G)

AVAILABILITY

Available to Nonresidential Customers for replacement of stream depletions associated with groundwater withdrawn from Customer drilled and maintained groundwater wells, evaporation from ponds or lakes, and surface water diversions within the corporate limits of the City. Augmentation water service is typically available only for single user, stand alone, on-site installations. Service is based on quantities and availability determined by Utilities.

RATE

See Rate Table for applicable charges.

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WATER RATE SCHEDULES

TEMPORARY SERVICE – HYDRANT USE (WHYDM)

AVAILABILITY

Available by Utilities' permit for development and construction-related activities, health and safety purposes, or other approved uses, as determined by Utilities.

DEPOSIT

A cash deposit of \$300.00 may be required to guarantee performance of any permit. Utilities may require an additional deposit in the event the \$300.00 deposit is determined by Utilities to be insufficient.

PERMIT FEE

See Rate Table.

RATE

See Rate Table for applicable charges.

PAYMENT

Billing statements are due and payable by the date indicated on the statement.

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WATER RATE SCHEDULES

WATER SHORTAGE TARIFF

AVAILABILITY

The City Council may declare a Stage I, II, III, or IV shortage when either hydrologic or emergency water shortages exists in accordance with and as defined in City Code Section 12.4.1305. The following consumption rates and consumption levels will be in effect when such shortage is declared and Stage II is implemented for each rate class as described below. Temporary Service – Hydrant Use (WHYDM) and Miscellaneous Service – Augmentation (WIG) are excluded from this tariff. Service Charges are not impacted by this tariff and will be billed at the currently approved levels for each rate schedule. Stage III and IV declarations, should they occur, will be addressed on a case-by-case basis by Utilities by presenting additional tariff proposals addressing the declarations to City Council for approval.

Threshold as used in this document is the amount of water a Customer can use in a billing period without being subject to the higher charges imposed through application of this tariff.

Average Daily Usage (ADU) is determined by dividing the Customer's consumption during the billing period by the number of days in the billing period.

THRESHOLD EXCEPTION

A Customer may request a one-time review and potential threshold change if they can demonstrate to Utilities' satisfaction that a unique circumstance or infrequent event caused the change in usage that resulted in the Customer exceeding its existing threshold. Utilities' will analyze historical consumption patterns and information provided by the Customer to determine the appropriate threshold.

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WATER RATE SCHEDULES
WATER SHORTAGE TARIFF

AVAILABILITY

STAGE II

Residential Service – Inside and Outside City Limits (WR)

RATES AND CONSUMPTION RANGES

- **Level A**

<u>Block</u>	<u>Consumption Range</u>	<u>Charge</u>
1.....	First 999 cf.....	currently approved 1st level commodity charge
2.....	1,000 to 2,499 cf.....	currently approved 2nd level commodity charge
3.....	2,500 cf or greater	currently approved 3rd level commodity charge

- **Level B**

<u>Block</u>	<u>Consumption Range</u>	<u>Charge</u>
1.....	First 999 cf.....	1.08 times currently approved 1st level commodity charge
2.....	1,000 to 1,999 cf.....	1.13 times currently approved 2nd level commodity charge
3.....	2,000 cf or greater	1.22 times currently approved 3rd level commodity charge

- **Level C**

<u>Block</u>	<u>Consumption Range</u>	<u>Charge</u>
1.....	First 999 cf.....	1.16 times currently approved 1st level commodity charge
2.....	1,000 to 1,499 cf.....	1.26 times currently approved 2nd level commodity charge
3.....	1,500 cf or greater	1.44 times currently approved 3rd level commodity charge

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WATER RATE SCHEDULES

WATER SHORTAGE TARIFF

Nonresidential Service – Inside and Outside City Limits (WG, WM)

RATES AND CONSUMPTION RANGES

- **Level A**

All consumption to be billed at Customer's applicable, currently approved commodity charges.

- **Level B**

All consumption less than or equal to Customer's allowable threshold to be billed at 1.08 times the Customer's applicable, currently approved commodity charges.

All consumption greater than Customer's allowable threshold and up to 1.5 times the allowable threshold shall be billed at 1.35 times the Customer's applicable, currently approved commodity charges.

All consumption greater than 1.5 times the Customer's allowable threshold to be billed at 1.70 times the Customer's applicable, currently approved commodity charges.

- **Level C**

All consumption less than or equal to Customer's allowable threshold to be billed at 1.16 times the Customer's applicable, currently approved commodity charges.

All consumption greater than Customer's allowable threshold and up to 1.5 times the allowable threshold shall be billed at 2.65 times the Customer's applicable, currently approved commodity charges.

All consumption greater than 1.5 times the Customer's allowable threshold to be billed at 4.30 times the Customer's applicable, currently approved commodity charges.

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WATER RATE SCHEDULES

WATER SHORTAGE TARIFF

THRESHOLD DETERMINATION

- **Levels A, B, and C:** Customer's 2012-year Average Daily Usage (ADU) times days in current billing period.

- **New Customers:** Customer's first normal billing period usage times:
 - if first normal billing period is in Winter (November through April) – 3.5 times previous billing period consumption

 - if first normal billing period is in Summer (May through October) – 1.4 times previous billing period consumption

Contract Service – Military (WSC-MIL)

RATES AND CONSUMPTION RANGES

- **Level A**
All consumption to be billed at Customer's applicable, currently approved commodity charges.

- **Level B**
All consumption less than or equal to Customer's allowable threshold to be billed at 1.08 times the Customer's applicable, currently approved commodity charges.

All consumption greater than Customer's allowable threshold and up to 1.5 times the allowable threshold shall be billed at 1.35 times the Customer's applicable, currently approved commodity charges.

All consumption greater than 1.5 times the Customer's allowable threshold to be billed at 1.70 times the Customer's applicable, currently approved commodity charges.

- **Level C**
All consumption less than or equal to Customer's allowable threshold to be billed at 1.16 times the Customer's applicable, currently approved commodity charges.

All consumption greater than Customer's allowable threshold and up to 1.5 times the allowable threshold shall be billed at 2.65 times the Customer's applicable, currently approved commodity charges.

All consumption greater than 1.5 times the Customer's allowable threshold to be billed at 4.30 times the Customer's applicable, currently approved commodity charges.

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WATER RATE SCHEDULES

WATER SHORTAGE TARIFF

THRESHOLD DETERMINATION

- **Levels A, B, and C:** Customer's 2012-year Average Daily Usage (ADU) times days in current billing period.

Large Nonseasonal Service (WLNS)

RATES AND CONSUMPTION RANGES

- **Level A**
All consumption to be billed at Customer's applicable, currently approved commodity charges.
- **Level B**
All consumption to be billed at 1.08 times the Customer's applicable, currently approved commodity charges.
- **Level C**
All consumption to be billed at 1.16 times the Customer's applicable, currently approved commodity charges.

Nonpotable (WN, WIP)

RATES AND CONSUMPTION RANGES

- **Level A**
All consumption to be billed at Customer's applicable, currently approved commodity charges.
- **Level B**
All consumption in excess of each Customer's allowable threshold to be billed at 1.2 times the currently approved commodity charge.
- **Level C**
All consumption in excess of each Customer's allowable threshold to be billed at 1.3 times the Customer's applicable, currently approved commodity charge.

THRESHOLD DETERMINATION

- The average of the Customer's 2012 highest 3 months consumption.

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Wastewater Tariffs

WASTEWATER RATE SCHEDULES
TABLE OF CONTENTS

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WASTEWATER RATE SCHEDULES
RATE TABLE

Billing statements are the sum of rate components listed below each available service.

Description	Rates	Reference
Residential Service (SR)		Sheet No. 4
Inside City Limits		
Service Charge, per day	\$0.4975	
Normal Quantity Charge, per cf	\$0.0244	
Outside City Limits		
Service Charge, per day	\$0.7463	
Normal Quantity Charge, per cf	\$0.0366	
Nonresidential Service (SC)		Sheet No. 5
Inside City Limits		
Service Charge, per day	\$0.9880	
Normal Quantity Charge, per cf	\$0.0275	
Extra Strength Surcharges		
Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) Surcharges will be charged to Customers whose discharges exceed the normal domestic strength.		
BOD, per excess BOD billing unit	\$0.0037	
TSS, per excess TSS billing unit	\$0.0017	
Consumptive Use Adjustment (CUA) Charge, per day, per meter	\$0.0800	
Irrigation Adjustment (IA) Charge, per day, per meter	\$0.0800	

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WASTEWATER RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Outside City Limits		
Service Charge, per day	\$1.4820	
Normal Quantity Charge, per cf	\$0.0413	
Extra Strength Surcharges Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) Surcharges will be charged to Customers whose discharges exceed the normal domestic strength.		
BOD, per excess BOD billing unit	\$0.0037	
TSS, per excess TSS billing unit	\$0.0017	
Consumptive Use Adjustment (CUA) Charge, per day, per meter	\$0.0800	
Irrigation Adjustment (IA) Charge, per day, per meter	\$0.0800	
Contract Service – Military (MIL)		Sheet No. 6
Treatment Charge, per cf	\$0.0251	
Extra Strength Surcharges Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) Surcharges will be charged to Customers whose discharges exceed the normal domestic strength.		
BOD, per excess BOD billing unit	\$0.0037	
TSS, per excess TSS billing unit	\$0.0017	
Contract Service – Outside City Limits (S9C)		Sheet No. 7
Treatment Charge, per cf	\$0.0251	
Extra Strength Surcharges Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) Surcharges will be charged to Customers whose discharges exceed the normal domestic strength.		
BOD, per excess BOD billing unit	\$0.0037	
TSS, per excess TSS billing unit	\$0.0017	

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WASTEWATER RATE SCHEDULES
RATE TABLE

Description	Rates	Reference
Liquid Waste Hauler (WWLIQ)		Sheet No. 8
Quantity Charge, per 1,000 gallons or portion thereof of the rated vehicle capacity of the liquid waste hauler	\$72.5245	
Other Charges:		
Liquid Waste Hauler Permit Fee, per year	\$50.0000	
Lost Electronic Passcard, per loss	\$5.0000	
Extra Strength Surcharges		Sheet No. 9
Surcharges based on mathematical formula, see detail in rate schedule		

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WASTEWATER RATE SCHEDULES

GENERAL

RULES AND REGULATIONS

Service under these rate schedules will be in accordance with the provisions of Utilities' Rules and Regulations and *Line Extension and Service Standards* for Wastewater, Water and the conditions of:

- A. any associated contract,
- B. the City Code of the City of Colorado Springs,
- C. the Colorado Revised Statutes,
- D. City Ordinances

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WASTEWATER RATE SCHEDULES

RESIDENTIAL SERVICE (SR)

AVAILABILITY

Inside City

Available in the corporate limits of the City in Utilities' wastewater service area for general residential purposes.

Outside City

Available outside the corporate limits of the City in areas where wastewater service is available from Utilities for general residential purposes.

RATE

See Rate Table for applicable charges.

DETERMINATION OF BILLING UNITS

Wastewater billing units will be billed based on either actual metered water consumption or the previous year's winter wastewater average daily usage (ADU), whichever is less. New winter wastewater ADU calculations will typically be used for billing periods that begin after March 1st of each year.

DETERMINATION OF WINTER AVERAGE DAILY USAGE

A winter wastewater average daily usage will be based on metered water consumption using reads closest to, but not before, December 1st and closest to, but not after, February 28/29th. The winter wastewater average daily usage will be calculated based on water consumption between these read dates and the corresponding number of days between these read dates. For customers with less than 30 days of water consumption history with Utilities or zero water usage between these read dates, 33 cubic feet per day per residential unit will be used as the winter wastewater average daily usage.

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WASTEWATER RATE SCHEDULES

NONRESIDENTIAL SERVICE (SC)

AVAILABILITY

Inside City

Available in the corporate limits of the City in Utilities' wastewater service area for general nonresidential purposes.

Outside City

Available outside the corporate limits of the City in areas where wastewater service is available from Utilities for general nonresidential purposes.

RATE

See Rate Table for applicable charges.

DETERMINATION OF BILLING UNITS

Normal Quantity Charge (NQC)

The amount of water billed by Utilities for each billing period, less any applicable Consumptive Use Adjustment (CUA) or Irrigation Adjustment (IA), will be the basis for determination of the billing units for the NQC. For billing purposes, the Customer's cf of sewer flow is assumed to be the same as the incoming water flow, unless it is reduced by CUA or IA adjustments as described in the following paragraphs. Approved CUA quantities (in cubic feet) are subtracted from the sewer quantities, reducing the NQC and sewer bill amount. For those Customers without Utilities' water service, an alternative basis will be established representative of the Customer's wastewater volume.

Consumptive Use Adjustment

Any Customer that does not discharge all of its water into the sanitary wastewater system exclusive of any IA may be eligible for a CUA in accordance with this section. Granting of a CUA will be at the sole discretion of Colorado Springs Utilities and does not apply to non-sewered Customers.

The CUA will be based upon the Customer's measured consumptive use of water. All new CUAs require submetering by Utilities, using meters provided by Utilities.

The CUA provisions apply equally to both potable and nonpotable water provided the submetered consumption represents a reduction in treated effluent into the sanitary wastewater system.

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WASTEWATER RATE SCHEDULES

NONRESIDENTIAL SERVICE (SC)

For each equipment or process receiving a CUA, a Utilities submeter will be required to measure the water entering that equipment or process. Submetering will be accomplished with standard utility water meters provided by Utilities. All installations require an approved plumbing permit from the Regional Building Department and must meet all standards dictated by the Colorado Department of Public Health and Environment (CDPHE), Colorado Springs City Code (City Code) and Colorado Springs Utilities *Line Extension and Service Standards* for Water. The Customer shall provide the necessary piping, at their expense, and build the meter loop to standards provided by Utilities and specified in the approved plumbing permit. Utilities may, at their option, elect to utilize the main water meter as a submeter, only in the event the main water meter is at a 100% CUA level.

If special metering requirements are necessary, the additional cost of the special metering and maintenance thereto will be assessed to the Customer. Exceptions may be granted for existing customer-provided submeters installed prior to January 1, 2007 that are deemed impractical to replace with a Utilities provided meter. The exceptions will be reviewed and may be granted at the sole discretion of Utilities.

Discharge and blowdown meters will not be utilized to determine a CUA, unless the discharge rate is in excess of the value noted in “Flow Metering” in this section. For approved CUA applications meeting the Flow Metering criteria, an associated approved discharge percentage is used in lieu of metering to account for normal anticipated rates of discharge, blowdown, and washdown.

Backflow Prevention

All Customers entering and currently participating in the CUA program are required to have main line containment backflow prevention as specified by CDPHE and City Code. Backflow prevention assemblies must be installed in accordance with Colorado Springs Utilities *Line Extension and Service Standards* for Water and City Code. If no backflow prevention is in place or if Utilities determines that any cross connection presents a hazard to the water supply system, Utilities may require system changes and impose enforcement measures necessary to protect the water supply system.

Determination of Adjustment

On and after January 1, 2007, CUA applications and credits will be as shown in Table CUA-1 of this rate schedule. The CUA in all cases is the fraction of water entering the process that does not discharge into the sanitary wastewater system. The items listed in Table CUA-1 are the only approved CUA applications.

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WASTEWATER RATE SCHEDULES
NONRESIDENTIAL SERVICE (SC)

Table CUA-1 – Approved CUA Applications and Amounts

Application	Adjustment
Laundries <ul style="list-style-type: none"> • Washing and tumble drying processes only 	7% of sub-metered input water
Laundries <ul style="list-style-type: none"> • Washing, drying and steam pressing processes on a common sub-meter 	11% of sub-metered input water
<ul style="list-style-type: none"> • Swimming pools • Hot tubs • Spas • Whirlpools 	45% of sub-metered input water
<ul style="list-style-type: none"> • Bottling 	45% of sub-metered input water
<ul style="list-style-type: none"> • Cooling towers • Evaporative coolers • Evaporative condensers • Scrubbers • Humidifiers • Boilers that release steam that does not discharge into the sanitary wastewater system • Evaporative pre-cooling for air-cooled HVAC equipment • Direct evaporative cooling • Indirect-direct evaporative cooling • Similar evaporative equipment 	82% of sub-metered input water
<ul style="list-style-type: none"> • Commercial ice making • Ice rinks <p><u>Note:</u> Ice rinks will be allowed a CUA only if it can demonstrate that none of the melted ice is allowed to discharge into the sanitary wastewater system.</p>	90% of sub-metered input water

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WASTEWATER RATE SCHEDULES
NONRESIDENTIAL SERVICE (SC)

Table CUA-1 – Approved CUA Applications and Amounts

Application	Adjustment
Processes where more than half the sub-metered water is consumed or becomes an integral part of a product, such as concrete, etc. <u>Note:</u> This application is process specific and may not be applied to an entire facility.	50% of sub-metered input water
Processes where all the sub-metered water is consumed or becomes an integral part of a product, such as concrete, etc. <u>Note:</u> This application is process specific and may not be applied to an entire facility.	100% of sub-metered input water
Greenhouses and other year-round irrigation use	100% of sub-metered input water
Special cases where wastewater flow from the submetered process is discharged other than to the sanitary wastewater system through special permitting, such as Minimal Industrial Discharge (MINDI) State Permit <ul style="list-style-type: none"> • Proof of separate permit required 	100% of sub-metered input water

Irrigation Adjustment

Any Customer may be eligible for an IA provided the water used for irrigation purposes is separately submetered. All Customers requesting IAs will only receive the IA with the installation of a submeter.

Backflow Prevention

All Customers entering and currently participating in the IA program are required to have main line containment backflow prevention as specified by CDPHE and City Code. Backflow prevention assemblies must be installed in accordance with Colorado Springs Utilities *Line Extension and Service Standards* for Water and City Code. If no backflow prevention is in place or if Utilities determines that any cross connection presents a hazard to the water supply system, Utilities may require system changes and impose enforcement measures necessary to protect the water supply system.

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WASTEWATER RATE SCHEDULES

NONRESIDENTIAL SERVICE (SC)

Flow Metering

Customers discharging in excess of 25,000 gallons per day may elect or may be required by Utilities to use wastewater flow metering for determination of billing units. The Customer will be required to provide and install the flow metering equipment as specified by Utilities. In instances where Utilities requires wastewater flow metering, the metering equipment will be operated and maintained by Utilities. In instances where the Customer elects to use flow metering, all costs associated with operating and maintaining the meter will be assessed to the Customer.

BOD billing units and TSS billing units are determined pursuant to the Extra Strength Surcharges Rate Schedule.

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WASTEWATER RATE SCHEDULES

CONTRACT SERVICE – MILITARY (MIL)

AVAILABILITY

Available by contract in Utilities’ wastewater service territory where Utilities’ treatment system is available for the United States of America at the Fort Carson Military Installation, the Peterson Air Force Base, the United States Air Force Academy, and Cheyenne Mountain Air Force Station.

RATE

See Rate Table for applicable charges.

DETERMINATION OF BILLING UNITS

Treatment Charge

Treatment Charge units are determined by a flow meter installed by the Customer in accordance with Utilities’ *Line Extension and Service Standards* for Wastewater.

Extra Strength Surcharges

BOD billing units and TSS billing units are determined pursuant to the Extra Strength Surcharges Rate Schedule.

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WASTEWATER RATE SCHEDULES

CONTRACT SERVICE – OUTSIDE CITY LIMITS (S9C)

AVAILABILITY

Available by contract outside the corporate limits of the City in areas where Utilities' treatment system is available for institutions, plants, organized sewer districts, municipal corporations or other similar organizations and only with prior approval by the City Council.

RATE

See Rate Table for applicable charges.

DETERMINATION OF BILLING UNITS

Treatment Charge

Treatment Charge units are determined by a flow meter installed by the Customer in accordance with Utilities' *Line Extension and Service Standards* for Wastewater.

Extra Strength Surcharges

BOD billing units and TSS billing units are determined pursuant to the Extra Strength Surcharges Rate Schedule.

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WASTEWATER RATE SCHEDULES

LIQUID WASTE HAULER (WWLIQ)

AVAILABILITY

Available to liquid waste haulers with a permit who discharge permitted wastes into designated disposal facilities.

RATE

See Rate Table for applicable charges.

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WASTEWATER RATE SCHEDULES

EXTRA STRENGTH SURCHARGES

APPLICABILITY

Any nonresidential Customer is subject to Extra Strength Surcharges when their wastewater discharge exceeds 25,000 gallons per day or that Customer is classified as a Significant Industrial User pursuant to City Code.

EXTRA STRENGTH SURCHARGES FOR EXCESS BIOCHEMICAL OXYGEN DEMAND

The Normal Domestic Strength of Biochemical Oxygen Demand (BOD) is 280 milligrams per liter. If the BOD level exceeds 280 milligrams per liter, the excess BOD billing units will be calculated by subtracting the Normal Domestic Strength from the Customer's measured strength of BOD, then dividing that sum by the Normal Domestic Strength. The resulting number (Factor) will then be multiplied by the Customer's Normal Quantity Charge (NQC) billing units to determine the total Excess BOD billing units applicable to the Extra Strength Surcharge. The mathematical formula is shown below:

a = Customer's measured BOD level in milligrams per liter

b = Normal Domestic Strength of BOD in milligrams per liter

c = Customer's NQC billing units

d = Excess BOD billing units

$$d = ((a - b) / b) * c$$

In no event will excess BOD billing units be less than zero.

EXTRA STRENGTH SURCHARGES FOR EXCESS TOTAL SUSPENDED SOLIDS

The Normal Domestic Strength of Total Suspended Solids (TSS) is 270 milligrams per liter. If the TSS levels exceed 270 milligrams per liter, the excess TSS billing units will be calculated by subtracting the Normal Domestic Strength from the Customer's measured strength of TSS, then dividing that sum by the Normal Domestic Strength. The resulting number (Factor) will then be multiplied by the Customer's NQC billing units to determine the total Excess TSS billing units applicable to the Extra Strength Surcharge. The mathematical formula is shown below:

e = Customer's measured TSS level in milligrams per liter

f = Normal Domestic Strength of TSS in milligrams per liter

g = Customer's NQC billing units

h = Excess TSS billing units

$$h = ((e - f) / f) * g$$

In no event will excess TSS billing units be less than zero.

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WASTEWATER RATE SCHEDULES

EXTRA STRENGTH SURCHARGES

SAMPLING OF WASTEWATER DISCHARGES

Utilities will sample the wastewater discharges for all Customers that have a manhole. For those Customers that do not have an existing manhole, the Customer will provide to Utilities samples and analysis of wastewater discharges in accordance with Utilities' policies. Such sampling and analyses shall be used to develop the Customer's BOD and TSS Surcharge Factors. Utilities reserve the right to audit the Customer's processes for obtaining samples.

Until sampling and analysis of wastewater discharges have been performed for the Customer, the BOD and TSS factors will remain at the December 31, 2005, level for that Customer.

MANHOLES

Any new nonresidential Customer that converts to, or current nonresidential Customer that installs an additional connection to Utilities wastewater collection system, and is subject to Extra Strength Surcharges, at their sole expense, will install a manhole to provide access to the Customer's service lines for maintenance, measurement of flows, sampling, or other purpose. Manholes will be used by Utilities, at its option, to sample and measure flows for developing the Customer's surcharge factors. The allowable levels of BOD and/or TSS discharges along with the applicable billing unit factors will be made a part of the annual Significant Industrial User Wastewater Discharge Permit, if such permit is required pursuant to Utilities Rules and Regulations.

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**Utilities Rules and Regulations
(URR) Tariff Sheets**

UTILITIES RULES AND REGULATIONS

GENERAL

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UTILITIES RULES AND REGULATIONS

GENERAL

I. INTRODUCTION AND FEES

A. Instructions and Definitions

1. Introduction

Colorado Springs Utilities (Utilities) is governed in accordance with the Code of the City of Colorado Springs (City Code), Title 12 (Utilities). These Utilities Rules and Regulations (URR) and the Utilities Tariff (collectively, the URR and Tariff are referred to as the Tariff) set out the regulations, rates, and terms and conditions of Utilities' services. The URR is organized into a general section, affecting all services, followed by service-specific sections: Electric, Natural Gas, Water, and Wastewater Service. The Tariff, containing the rates and their components, follow the URR, and also are divided into similar service-specific sections. Rates are also summarized on a rate sheet published at Utilities' website (www.csu.org). Additional documents, the *Line Extension and Service Standards* for each service, set out the technical requirements for connection to and operation with Utilities' infrastructure, as well as acceptable standards of construction of new infrastructure.

In addition to the charges that normally vary from bill to bill for the actual quantity of utility services used (Consumption – see definitions), providing utility services to Customers results in certain fixed costs. These fixed costs include but are not limited to debt service, improvements, maintenance of the system infrastructure, meters, meter reading, issuing bills, and responding to emergencies. Each Customer that has an active account with Utilities will be charged the Per Day Access and Facilities or Service Charges for the applicable active services as their share of the fixed costs, for receiving the benefit of having their Premises connected to the system and ready to be served by the system, whether or not there is any consumption.

2. Definitions

ACCESS AND FACILITIES CHARGE: A charge designed to recover costs associated with: 1) Operation expenses to maintain the power plants and transmission and distribution systems. 2) The principal and interest payments on money that is borrowed to pay for the replacement and rehabilitation of the system. 3) Costs associated with billing and servicing our customers. These costs are recovered through an Access and Facilities Charge per day and an Access and Facilities Charge based on the customer's consumption or amount used – per kilowatt-hours (electric) or cubic feet (gas).

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UTILITIES RULES AND REGULATIONS

GENERAL

Definitions – cont'd

ACCOUNT ACCESS: An authorization to obtain information from and/or perform transactions in a Customer account.

AGGREGATION: The practice of combining the nominations and balancing of gas delivered to more than one Customer from receipt point(s) served by a common pipeline.

AGGREGATION POOL: An aggregation pool shall be defined as one or more Customers who elect to participate in aggregation. Any supplier or marketer that serves more than one Customer(s) that have elected to be pooled for the purpose of forming an Aggregation Pool will be deemed to be an Aggregator, and will be required to execute a Marketer Agreement.

AGGREGATOR: An agent who has been designated by one or more Customers to manage gas transportation services provided by Utilities to the Customer facilities on an aggregation basis and who executes a Marketer Agreement.

APPLICANT: Any Person who applies for connection to Utilities' system.

BOYLE'S LAW: The principle that at a constant temperature the volume of a confined ideal gas varies inversely with its pressure.

Ccf: One-hundred cubic feet of gas volume.

CITY: The City of Colorado Springs.

CITY CODE: The City Code of Colorado Springs, Colorado, 2001, as amended.

CITY GATE: The interconnection where Utilities receives gas from Colorado Interstate Gas' natural gas transmission system.

COLORADO SPRINGS UTILITIES (UTILITIES): Utilities of the City of Colorado Springs created and operated as an enterprise pursuant to article VI of the City Charter.

COMMUNITY GARDEN: A single Premises gardened collectively by a group of natural people to produce edible produce, for non-commercial purposes, and operated by a non-profit entity registered with the State of Colorado.

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UTILITIES RULES AND REGULATIONS

GENERAL

Definitions – cont'd

CONSUMPTION: The quantities of natural gas, water or electricity delivered at the physical point where the Utilities system connects to a Premises. Such physical point is usually the meter and the metered flow is usually the quantity.

COSTS: Labor, materials, equipment charges, overheads, permits and other out-of-pocket expenses for engineering, installing and connecting facilities to the distribution system.

CURTAILMENT/INTERRUPTION OF SERVICE: Notwithstanding any provision to the contrary herein, Utilities may fully or partially reduce applicable service when, in the Utilities opinion, reduction or interruption is necessary to protect the delivery of applicable service to Customers with higher priority uses, or to protect the integrity of its system. Utilities shall allocate, as equitably as practicable, the capacity which is available, taking into consideration priority of use of other factors it deems necessary to ensure public health and safety.

CUSTOMER: The person (or that person's authorized agent) designated on the records of Utilities as responsible for payment of charges incurred for the utility service at the Premises.

DEKATHERM: One dekatherm (Dth) shall mean a quantity of natural gas containing 1,000,000 Btu's. For the purpose of the G4T gas transportation service, Dth shall be the unit of measure for Nominations.

DYNAMIC RATE SWITCHING: Process whereby the Utilities billing system automatically places customers on the appropriate rate as defined by the Availability section of each electric and gas service tariff, based upon the customer's highest billing period usage in the last 12 months.

ENHANCED POWER SERVICE: An optional service, available by contract, for Customers who receive service under an Industrial Service Electric Rate Schedule and require a higher level of electric availability than standard service.

FINANCIALLY RESPONSIBLE: A Person who is liable to pay the balance or a portion of the balance of a Customer's account, including the Customer, all Users as defined in the City Code, or other Persons who are liable because of the effect of other applicable laws or court orders. A Person does not become Financially Responsible solely because the Person has been authorized by a Customer to have Account Access.

INTERIM SERVICE: Permanent utility service billed to property Owners when the Premises is vacant or between tenants.

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UTILITIES RULES AND REGULATIONS

GENERAL

Definitions – cont'd

LINE EXTENSION AND SERVICE STANDARDS: Utilities' guidelines for obtaining service and line extensions and put forth the service available, conditions for service and the standards for materials and construction.

MASTER METER: One meter that measures consumption of a service to more than one Premises within the customer billing system.

MAXIMUM DELIVERY QUANTITY (MDQ): Maximum Delivery Quantity is the maximum amount of gas that can be delivered on Customer's behalf on any day (measured in Mcf at 12.01 PSIA). The MDQ shall be utilized for billing demand charges.

MAXIMUM RECEIPT QUANTITY (MRQ): The Maximum Receipt Quantity is the maximum amount of gas to be received on Customer's behalf (measured in Mcf at 12.01 PSIA) on any day. MRQ is the maximum amount of gas that can be nominated in the Utilities electronic bulletin board on any gas day for a Customer. MRQ is the total of the MDQ and Lost and Unaccounted for Gas (L&U).

Mcf: One-thousand cubic feet of gas volume.

MEDICAL CERTIFICATE: A document signed by a physician licensed by the State of Colorado stating that discontinuance of service would be especially dangerous to the health or safety of a permanent resident of the residence served, or that it would create a medical emergency. The purpose of the Medical Certificate is to provide an extension of utility services for a limited amount of time, allowing customers additional time to secure payment on their account or make alternative arrangements to accommodate the medical situation.

METER LOOP: A conductive wire that connects the meter to the house or building. The meter loop serves as the path for electrical conductors to securely attach to the house or building and the electrical meter. After the electricity goes through the meter, the wires in the meter loop connect to the customer's service entrance.

METER STATION: One or more meters in close proximity serving a common load.

MIXED USE: A Premises that includes both nonresidential occupancy and Multi-Family Residential dwellings within one structure.

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UTILITIES RULES AND REGULATIONS

GENERAL

Definitions – cont'd

MOBILE HOME PARK: Any tract of land held under single ownership or unified control upon which two or more mobile homes, occupied for residential purposes, are located and for which a charge is made for such accommodations, and will include any structures used or intended for use as a part of such park.

MOBILE HOME SUBDIVISION: A tract of land subdivided into two or more lots or parcels for the purpose of transfer of ownership or development of lots or both upon which are to be placed mobile homes or trailer coaches by property Owners for residential purposes. A mobile home subdivision is a subdivision designed and intended primarily for the sale of lots where residence is in mobile homes exclusively.

MULTI-FAMILY RESIDENTIAL: Premises with a common wall for the purpose of dividing multi-family residential dwellings. This may be described as an apartment, condominium, townhouse, duplex, stacked housing or other name form for permanent multi-family housing. This also includes service to buildings appurtenant to a residence including garage, cottages and other minor buildings where a Utilities' water meter is being utilized on a single platted lot and each dwelling unit in a Mobile Home Park.

NATURAL GAS EXTENSION: The extension of the system mains, installation of Service Stubs and installation of Mainline Facilities as required.

NATURAL GAS MAINLINE EXTENSION: An extension of a main segment that is sized by Utilities to serve connections attached directly to the segment.

NATURAL GAS MAINLINE FACILITIES: Facilities including the 150 PSIG system, regulator stations, Mainline Extensions and pressure upratings to provide system capacity for serving connections.

NATURAL GAS OVERSIZED DISTRIBUTION MAIN: A natural gas main segment that is sized by Utilities larger than that needed to serve connections attached directly to the segment.

NATURAL GAS REINFORCEMENT: The upgrading of an existing main to increase its capacity.

NATURAL GAS SERVICE LINE: The gas distribution piping connection from the Service Stub to the outlet of the gas meter or the connection to the Customer's fuel gas piping, whichever is further downstream.

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UTILITIES RULES AND REGULATIONS

GENERAL

Definitions – cont'd

NATURAL GAS SERVICE STUB: That segment of a Service Line running from the main to the Customer's or Shipper's property line, or the boundary of the utility easement that was planned as part of an original extension.

NORMAL DOMESTIC STRENGTH: The baseline value sampled and analyzed to reflect local conditions for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). These values are used to calculate connection charges and to identify and surcharge nonresidential Customers whose wastewater discharge strengths exceed one or both of these values.

OWNER: The Person(s) having ownership of the Premises or acting as an agent for the Owner.

OWNER-OCCUPANT: Customer with a residential account having ownership of and occupying the Premises.

PERSON: Person includes a natural person, firm, association, organization, partnership, business, trust, corporation, public entity, government agency or any agent thereof.

PERSONALLY IDENTIFIABLE INFORMATION, or PII: Personally Identifiable Information (PII) includes but is not limited to the following information about an individual: name, age, birth date, address, telephone number, social security number, financial account number, bank name and account number, credit card number, driver's license or other governmental identification number. PII is any information which identifies or would lead to identification of a particular individual by itself or when combined with other information about that individual. PII shall include all applicable federal and state laws and regulations, as those laws and regulations may change from time to time. In the event of any conflict, "PII" shall take the broadest possible meaning.

POINT OF COMMON COUPLING (PCC): The physical point where Utilities' equipment connects to the Customer's equipment for electric service. Ownership and responsibility for any repair and maintenance of the equipment changes at this point from Utilities to the Customer.

PREMISES: The physical location where service is provided.

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UTILITIES RULES AND REGULATIONS

GENERAL

Definitions – cont'd

PRIMARY EMPLOYER: A company that derives at least 50% of its principal source of gross annual income from the sale of locally produced products or services outside of El Paso County either directly or indirectly through sale to a prime contractor and which will also add 10 or more permanent, full-time, regular jobs.

PSI: Pounds per square inch.

PSIA: Pounds per square inch absolute.

RATE SCHEDULE: The document detailing the rates, terms and conditions under which a customer takes service from Utilities. Customers are placed on a Rate Schedule based upon meeting the qualifications of the Availability section of the Rate Schedule.

RECEIPT POINT: The point of interconnection (city gate) with CIG where Utilities receives gas on behalf of Shipper.

RESTRICTED DELIVERY DAY (RDD): Days or partial day when Transportation Customers are notified that limited gas supplies are available for balancing. Metered Delivered Volumes should not be less than or greater than Final Scheduled Delivered Volumes. An RDD may be enacted for the entire system or for individual Shippers or their Agents.

SERVICE POINT: The point at which service is connected or provided.

Electric service point – meter socket

Gas service point – outside of the meter loop (back side)

Water service point – outside of the meter loop (back side)

Wastewater service point – point where the service line connects to the main (at the street) or at the “clean out”

SHIPPER: A Utilities' Customer who has executed a natural gas Transportation Service Agreement or is receiving natural gas service under a Natural Gas Rate Schedule – Firm and Interruptible Transportation Service.

SUBMETER: A utility meter, especially for electricity, that allows for the monitoring of usage on a portion of a distribution network, especially not owned by a utility, past a main meter.

SUBTERFUGE: When service is obtained, or liability avoided by deception, concealment or fraud.

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UTILITIES RULES AND REGULATIONS

GENERAL

Definitions – cont'd

TARIFF: Utilities' Tariff as adopted by the City Council of the City of Colorado Springs. The Tariff sets forth the services offered by Utilities, including the rates and fees for the services, and governing rules, regulations and practices relating to those services.

TEMPORARY SERVICE: Provisional utility service used only for a limited time generally not to exceed 18 months. (E.g.; nonpermanent electric service at a construction site as provided by a temporary meter.) When construction at the site is complete, the temporary meter is removed and replaced with a permanent meter.

TOTALIZED SECONDARY SERVICE: The summation of multiple electric meters served at one Premises whose totalized service exceeds 1,000 kWh per day.

TRANSPORTATION CUSTOMER: A person who, by signing a gas Transportation Service Agreement, elects to subscribe to the unbundled service option of gas transportation offered by Utilities.

TRANSPORTATION SERVICE AGREEMENT: A contract signed between a Shipper and Utilities outlining the terms and conditions of transporting gas as an unbundled service option.

UNDERDRAIN SYSTEM: A pipe system typically installed in public rights of way to collect subsurface ground water from building perimeter drains or area underdrains and transport the ground water to a point of discharge at a drainage channel, storm sewer, or other City approved location.

UTILITIES: Colorado Springs Utilities.

WATER DISTRIBUTION MAIN: That portion of Utilities' water supply system or a private water system which transmits and distributes potable water to users for fire supply and domestic service connections or transmits and distributes potable water from Utilities' water supply system to users, excluding portions of service lines as defined in City Code Section 12.4.201.

WATER SERVICE LINE: The line extending from the property, building, establishment or grounds up to and including the connection to the Water Distribution Mains.

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UTILITIES RULES AND REGULATIONS

GENERAL

B. Fees

1. Utilities may charge and collect fees as described in the below table, by contract, or as established by City Code Section 14.8.109 for residential Stormwater service fees. For fees associated with the Development process, see Section I.C., Development Fees.

DESCRIPTION	AMOUNT	REFERENCE
GENERAL		
Return Trip Fee (including Re-inspection of failed new gas or water meter loops or to Restore service to additional meters)	\$30.00	General, Sheet No. 19
Returned payment fee (whether returned/refused payment was attempted by check, EFT, debit/credit card or other means).	\$30.00	General, Sheet No. 24
Restoration of Service Fee (Other than temporary discontinuance of service by Utilities for operations and maintenance activities) <ul style="list-style-type: none"> • All Restorations \$30.00 • Additional charge for after-hours restorations (outside of Utilities normal working business hours) \$10.00 		General, Sheet No. 39-40
Field Collection and Credit Fee	\$20.00	General, Sheet No. 40
Opt-Out Program fee (for non-standard meters) <ul style="list-style-type: none"> • One-time fee to enter program: \$109.00 • Quarterly manual read charge: \$20.00 		General, Sheet No. 46
ELECTRIC LINE EXTENSIONS		
Residential Electric Fees (Single Service only) <ul style="list-style-type: none"> • Inspection and Connection fee \$401.94 • Return Trip fee (including late appointment cancellations) \$299.98 • Distribution Charge (Contribution in Aid of Construction) <ul style="list-style-type: none"> ○ Single-phase primary distribution line (sum the following:) \$18.40/linear foot ○ 3-phase main line, 22-75 circuit feet \$11.37/circuit foot ○ 3-phase main line, 75-175 circuit feet \$22.74/circuit foot ○ 3-phase underground main line, >175 circuit feet \$54.74/circuit foot 		Electric, Sheet No. 65 Electric, Sheet No. 65 Electric, Sheet No. 66 Electric, Sheet No. 66 Electric, Sheet No. 66 Electric, Sheet No. 66
Electric Temporary Service Connection Fee	\$130.00	Electric, Sheet No. 66
Pedestal Damage Fee	Cost of Repairs	Electric, Sheet No. 67

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UTILITIES RULES AND REGULATIONS

GENERAL

Fees – cont'd

DESCRIPTION	AMOUNT	REFERENCE
ELECTRIC LINE EXTENTIONS AND EXTENSION OF NATURAL GAS MAINS		
Residential Natural Gas Fees (Single Service only)		
<ul style="list-style-type: none"> • Inspection and Connection fee 	\$389.17	Natural Gas, Sheet No. 81
<ul style="list-style-type: none"> • Return Trip fee 	\$319.97	Natural Gas, Sheet No. 82
<ul style="list-style-type: none"> • Inspection and Connection fee for other polyethylene services less than 2" in diameter (Per Stub) 	\$332.97	Natural Gas, Sheet No. 81
Residential Electric & Gas Fees (Joint Service)		
<ul style="list-style-type: none"> • Inspection and Connection fee 	\$603.14	Electric, Sheet No. 65
<ul style="list-style-type: none"> • Inspection and Connection fee for other polyethylene services less than 2" in diameter (Per Stub) 	\$522.26	Natural Gas, Sheet No. 81
<ul style="list-style-type: none"> • Return Trip fee (including late appointment cancellations) 	\$491.89	Natural Gas, Sheet No. 82
<ul style="list-style-type: none"> • Distribution Charge (Contribution in Aid of Construction) <ul style="list-style-type: none"> ○ Single-phase primary distribution line ○ 3-phase main line, 22-75 circuit feet ○ 3-phase main line, 75-175 circuit feet ○ 3-phase underground main line, >175 circuit feet 	(sum the following:) \$15.54/linear foot \$11.37/circuit foot \$22.74/circuit foot \$54.74/circuit foot	Electric, Sheet No. 66 Electric, Sheet No. 66 Electric, Sheet No. 66 Electric, Sheet No. 66
Commercial & Industrial Electric, Contribution in Aid of Construction		
<ul style="list-style-type: none"> ○ Primary distribution line ○ 3-phase main line, 6-20 circuit feet ○ 3-phase main line, 20-50 circuit feet ○ 3-phase underground main line, >50 circuit feet 	(sum the following:) Customer paid* \$11.37/circuit foot \$22.74/circuit foot \$54.74/circuit foot	Natural Gas, Sheet No. 81 Natural Gas, Sheet No. 81 Natural Gas, Sheet No. 81
*Customer installed, with all trenching, compaction, etc.; all circuit-feet lengths are as estimated by Utilities		
Cancellation Fees (Reduced in circumstances per Utilities' policy)	% Return Trip Fee	
<ul style="list-style-type: none"> ○ Step One ○ Step Two ○ Step Three 	<ul style="list-style-type: none"> ○ 10% ○ 25% ○ 50% 	Natural Gas, Sheet No. 82 Natural Gas, Sheet No. 82 Natural Gas, Sheet No. 82

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UTILITIES RULES AND REGULATIONS

GENERAL

Fees – cont'd

DESCRIPTION	AMOUNT	REFERENCE
WATER		
Water Service Permit Fee		
• Initial inspection	\$80	Water, Sheet No. 98
• Re-inspection/return trip (each)	\$50	Water, Sheet No. 98
Water non-compliance		
• First violation	\$0 - \$5,000	Water, Sheet No. 99
• Second & subsequent violations	\$5,000 - \$10,000	
WASTEWATER		
Wastewater non-compliance with LESS		
• First violation	\$0 - \$500	Wastewater Sheet No. 104
• Second & subsequent violations	\$500 - \$1,000	
Wastewater, Emergency and After-Hours Inspection	Time and Materials Cost	Wastewater, Sheet No. 104
Residential Wastewater Fees (including mobile homes, townhouses)		
• New Connection	\$80	Wastewater, Sheet No. 104
• Additional installation, repair or alteration	\$100	Wastewater, Sheet No. 104
• Re-inspection	\$50	Wastewater, Sheet No. 104
Multi-Family Wastewater Fees, per service line		
• New Connection	\$100	Wastewater, Sheet No. 104
• Additional installation, repair or alteration	\$120	Wastewater, Sheet No. 104
• Re-inspection	\$70	Wastewater, Sheet No. 104
Nonresidential Wastewater, without grease trap		
• New Connection	\$100	Wastewater, Sheet No. 104
• Additional installation, repair or alteration	\$120	Wastewater, Sheet No. 104
• Re-inspection	\$70	Wastewater, Sheet No. 104
Nonresidential Wastewater, with grease trap or sand/oil interceptor		
• New Connection	\$175	Wastewater, Sheet No. 104
• Additional installation, repair or alteration	\$195	Wastewater, Sheet No. 104
• Re-inspection	\$145	Wastewater, Sheet No. 104
Wastewater Discharge Permit Fee, per calendar year (no pro-rata)	\$1,132	Wastewater, Sheet No. 118
Wastewater Zero Discharge Permit Fee	\$50	Wastewater, Sheet No. 118

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UTILITIES RULES AND REGULATIONS

GENERAL

Fees – cont'd

For all taps into new, developer-installed Water Distribution Mains that are larger than two inches in diameter, all construction will be performed by Utilities. The fees for these larger taps are listed below:

MAIN SIZE (ft. in.)	MAIN EXTENSION FEE	SERVICE LINE (2 VALVES)	WELDED 150#	WELDED 300#
4x4	\$2,586.32	\$3,148.32	-	-
6x4	\$2,047.66	\$3,188.32	-	-
6x6	\$2,844.32	\$3,604.32	\$2,851.22	\$2,887.21
8x4	\$2,651.32	\$3,213.32	-	-
8x6	\$2,876.32	\$3,636.32	\$2,851.22	\$2,887.21
8x8	\$3,434.32	\$4,588.32	\$3,093.31	\$3,132.85
10x4	\$2,721.32	\$3,283.32	-	-
10x6	\$2,939.32	\$3,699.32	\$2,851.22	\$2,887.21
10x8	\$2,968.48	\$3,614.64	\$3,093.31	\$2,887.21
12x4	\$2,842.32	\$3,404.32	-	-
12x6	\$3,085.32	\$3,845.32	\$3,091.74	\$2,887.21
12x12	\$3,912.66	\$7,911.32	\$3,852.89	\$2,887.21
16x6	\$2,245.66	\$3,033.04	\$2,851.22	\$2,887.21
16x8	\$2,254.66	\$4,894.32	\$3,093.31	\$3,132.85
16x12	\$4,195.66	\$8,194.32	\$3,894.19	\$3,894.19
20x6	\$3,289.32	\$4,049.32	\$2,851.22	\$2,887.21
20x8	\$4,560.70	\$4,927.32	\$3,093.31	\$3,132.85
20x12	\$5,844.32	\$8,357.32	\$3,852.89	\$3,894.19
24x6	\$3,257.32	\$4,017.32	\$2,851.22	\$2,887.21
24x8	\$3,740.32	\$4,894.32	\$3,093.31	\$3,894.19
24x12	\$5,844.32	\$8,515.32	\$3,852.89	\$3,894.19
30x6	\$3,879.32	\$4,639.32	\$2,851.22	\$2,887.21
30x8	\$4,425.32	\$5,579.32	\$3,093.31	\$3,132.85
30x12	\$6,716.32	\$9,229.32	\$3,852.89	\$3,894.19
42x6	-	-	\$2,851.22	\$3,755.77
42x8	-	-	\$3,093.31	\$3,132.85
42x12	-	-	\$3,894.19	\$3,894.19

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Fees – cont'd

2. All Utilities-owned and maintained Water Distribution Mains.
- a. For residential and nonresidential Customers for Service Lines of two inches or less that are tapping into Utilities-owned and maintained Water Distribution Mains, Utilities will perform all construction. The following Water Service Permit Fees apply:

<u>Service Line Diameter</u>	<u>Fee</u>
3/4 inch or less	\$250.00
1 inch.....	\$290.00
1-1/2 inch to 2 inch	\$430.00

- b. For all taps into Utilities-owned and maintained Water Distribution Mains that are larger than two inches in diameter, all construction will be performed by Utilities. See Section I.B. Fee Table.

C. Development Fees

FEE	AMOUNT	PAYABLE AT TIME OF:
<ul style="list-style-type: none"> • City of Colorado Springs major development application review 	<ul style="list-style-type: none"> • \$479.00 per application 	Plan submittal to City Land Use Review
<ul style="list-style-type: none"> • City of Colorado Springs minor development application review 	<ul style="list-style-type: none"> • \$111.00 per application 	Plan submittal to City Land Use Review
<ul style="list-style-type: none"> • City of Manitou Springs development application review 	<ul style="list-style-type: none"> • \$61.00 per application 	Review of submittal
<ul style="list-style-type: none"> • El Paso County development application review 	<ul style="list-style-type: none"> • \$54.00 per application 	Review of submittal
<ul style="list-style-type: none"> • All other jurisdictions' development application review 	<ul style="list-style-type: none"> • \$45.00 per application 	Review of submittal

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Development Fees – cont'd

*De minimus reviews are not charged development application fees for the above reviews

FEE	AMOUNT	PAYABLE AT TIME OF:
<ul style="list-style-type: none"> Electric and/or gas line extension design 	<ul style="list-style-type: none"> Electric residential - \$166.00 per extension contract plus \$33.00 per lot Electric commercial - \$398.00 per building Gas - \$166.00 per extension contract plus \$33.00 per service stub 	Submittal of extension contract, except electric commercial to be submitted at time of service contract
<ul style="list-style-type: none"> Water or wastewater recovery agreement contract application fee 	<ul style="list-style-type: none"> \$1,473.00 for contracts involving 50 acres or less \$2,942.00 for contracts involving more than 50 acres 	Submittal of recovery agreement request
<ul style="list-style-type: none"> Water or wastewater recovery agreement processing fee 	<ul style="list-style-type: none"> \$31.00 per service contract with recovery agreement reimbursements 	Service contract execution
<ul style="list-style-type: none"> Utilities' preparation of Hydraulic Analysis Reports – Complex Application 	<ul style="list-style-type: none"> \$3,200.00 for sites greater than 30 acres and within a single pressure zone or sites located within multiple pressure zones (Revisions will be billed at \$200.00 per hour) 	Prior to Development Plan approval or upon invoicing

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Development Fees – cont'd

FEE	AMOUNT	PAYABLE AT TIME OF:
<ul style="list-style-type: none"> Utilities' preparation of Hydraulic Analysis Reports – Basic Application 	<ul style="list-style-type: none"> \$1,600.00 for sites 30 acres or less and located within a single pressure zone (Revisions will be billed at \$200.00 per hour) 	Prior to Development Plan approval or upon invoicing
<ul style="list-style-type: none"> Fire flow reports 	<p>New Development*</p> <ul style="list-style-type: none"> Initial two fire flow reports – no charge (within twelve-month period). Additional reports charged \$200.00 per hour with minimum one-hour charge <p>Existing Hydrant Reports*</p> <ul style="list-style-type: none"> First request, per site, no charge. Thereafter, all requests, per site, will be assessed \$50.00 per instance <p>* Refer to current edition of the <i>Line Extension and Service Standards - Water</i> for more detailed information pertaining to fire flow report charges</p>	Prior to construction plan approval or upon invoicing

D. Failed Re-Inspection Return Trip Fee

All new gas and water meter loops must meet the standards set forth in Utilities' *Line Extension and Service Standards*. If a gas or water meter loop fails to pass the initial inspection, the meter loop will be tagged with a rejection notice. All deficiencies must be corrected before a re-inspection is requested or Return Trip fee will be charged for each failed re-inspection return trip by Utilities (see I.B. Fee Table).

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E. Convenience Fees

Third parties who process bill payments to Utilities for Customers' convenience may determine and collect from Customers any reasonable fee for their services.

F. Development – Financial Responsibility for New Premises

The contractor or builder of a new or renovated Premises requesting or using utility services for that Premises will remain solely responsible for such services until both of the following occur: (i) a Certificate of Occupancy is issued by the Pikes Peak Regional Building Department for the Premises and (ii) another Customer assumes responsibility for the services for that Premises or the services for that Premises are terminated at the request of the contractor or builder.

II. STARTING SERVICE

A. Application and Financial Responsibility

1. Application

- a. Persons requesting utility service must complete an application for service by contacting Utilities.
- b. A natural person requesting utility service must be of full legal age. Utilities shall require some form of identification.
- c. Utilities' acceptance of an application constitutes a binding contractual agreement between Utilities and the Customer, including all applicable provisions of Utilities' Tariffs.
- d. Applicable fees must be paid at the start of service. See Section I.B. Fee Table.

2. Financial Responsibility

Each Financially Responsible Person—which, as defined in these Utilities Rules and Regulations, includes the Customer, all Users as defined in the City Code, or any Person who is liable because of the effect of other applicable laws or court orders shall

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Starting Service – cont'd

be obligated to Utilities for payment, whether or not service is listed in that individual's name. (See City Code Section 12.1.101 "USER" (B) for additional information).

3. Rate Selection

a. General

Customers are placed on Standard rate offerings based upon their type of service (residential, nonresidential) and the amount of product they consume during the month. Where available, customers may choose optional rate offerings in place of the Standard offering if they meet the qualifications set out in the Availability clause of the optional rate offering. The Customer is ultimately responsible for rate selection and for monitoring the account to ensure that the rate selection remains the best choice and use of utility services. Electric and gas residential rates are not available to master metered or nonresidential accounts.

b. Commercial and Industrial Rate Schedules subject to Dynamic Rate Switching

Customers are placed on the appropriate Standard rate schedule based upon highest daily usage or highest maximum demand during any of the last 12 billing periods. Because the applicability to Customers of rate schedules varies based on usage and/or demand, Utilities billing system tracks the Customer's usage and/or demand and then each billing period places the Customer on the most appropriate rate schedule under Utilities Dynamic Rate Switching. Dynamic Rate Switching is only applicable to service taken under Standard rate schedules. Should a Customer be switched to a different rate schedule through Dynamic Rate Switching, the Customer may request a one-time review and potential adjustment back to the previous rate schedule if the Customer can demonstrate to Utilities' satisfaction that a unique circumstance or infrequent event caused the change in usage. Utilities will analyze historical consumption patterns and information provided by the Customer to determine the appropriate rate schedule.

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Starting Service – cont'd

B. Deposits

1. General

- a. Utilities may require a deposit from a Customer as a guarantee of payment. The deposit will be in the form of cash, approved surety bond or irrevocable letter of credit. A deposit may be waived upon a Customer's successful enrollment in Utilities AutoPay program and the maintenance of on-time payment through the AutoPay program except for accounts with bankruptcy filings, assignments, or judgments as described in the Deposit Policy. Utilities may determine that the deposit may also be waived if the cost of assessing and collecting the deposit is deemed to be greater than the estimated amount of the total deposit.
- b. Any deposit required and made will not relieve any Customer from payment of current charges as they become due and payable, nor will any deposit be applied by Utilities to any indebtedness of the Customer except after termination of service or as authorized by the United States Bankruptcy Code.
- c. The deposit is calculated by taking the average bill amount for Premises from available data for the previous 12 billing periods multiplied by four. When there are insufficient consumption records, Utilities will estimate the average bill amount of a similar Premises or with actual daily usage at the Premises for a billing period and multiply that estimate by four.

2. Residential Accounts

- a. Utilities does not require a deposit from Customers with a residential account unless they have a payment record with Utilities that includes delinquent payments within the previous 12 consecutive billing periods.
- b. In the event a Customer with a residential account files a petition for relief under applicable provisions of the United States Bankruptcy Code, Utilities may require a deposit as authorized by the Bankruptcy Code.

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Starting Service – cont'd

- c. Any deposit will be refunded in full upon the completion of 12 consecutive billing periods in which all billing statements have been paid promptly.
 3. Nonresidential Accounts
 - a. Utilities requires a deposit from Customers with nonresidential accounts except as otherwise provided within these URRs. Any deposit from Customers with nonresidential accounts will be held for a minimum of 36 consecutive billing periods and will be refunded in full after that time if Utilities determines that all billing statements have been paid promptly.
 - b. The deposit is waived for a new nonresidential account of an existing Customer, if the existing Customer has at the time of application maintained nonresidential service under that same name for at least the previous 12 consecutive billing periods with no delinquency within that period.
 - c. The deposit for a new nonresidential account may be waived for an Applicant with existing residential service, if the Applicant has, at the time of application, maintained residential service under that same name with no delinquency within the last 12 consecutive billing periods, and if Utilities is satisfied that the utility consumption at the nonresidential Premises will not be substantially higher than that at the residential Premises. If at any time Utilities is not so satisfied, the Applicant or Customer will be required to provide satisfactory information identified in this section in order to avoid the assessment of a deposit.
 - d. The deposit may be waived for a new nonresidential account if the Applicant meets Utilities' credit policy.
 - e. Utilities may require a deposit if a nonresidential account is delinquent and a first notice of discontinuance is generated for nonpayment.
 - f. Utilities may require an additional deposit in the event the current deposit on file is determined to be insufficient to cover the amount calculated.

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Starting Service – cont'd

- g. In the event a Customer with a nonresidential account files a petition for relief under applicable provisions of the United States Bankruptcy Code, Utilities may require a deposit as authorized by the United States Bankruptcy Code.
 - h. A deposit for Interim Service and Temporary Service may be charged for new or existing Customers with nonresidential accounts if there are recent or substantial delinquencies.
4. Interest on Deposits
- a. Any deposit required for utility service will accrue simple interest. The interest rate will be the interest rate for customer deposits published by the Colorado Public Utilities Commission (PUC) for the current calendar year.
 - b. Interest paid on any deposit will be earned for the time such deposit is held by Utilities and is calculated from the date the deposit is received by Utilities to the date the deposit is returned to the Customer. Accrued interest will be credited to the Customer's account at least annually.

III. RECEIVING SERVICE

A. Billing

1. General

- a. Utilities will bill and collect for utility services as provided for in these Tariffs, by contract, or as established by City Code Section 14.8.109 for residential Stormwater service fees. Billing statements are due and payable by the date indicated in the billing statement. If the billing period is of a nonstandard length, the bills will be normalized to reflect the number of days in the billing period. If the billing period spans multiple effective rates, then the charges for the billing period will be prorated to reflect the number of days in each rate period.
- b. Utilities generates billing statements on a regular basis. Billing statements may be impacted and corrected without notice because of unusual circumstances in Utilities' business caused by emergencies, events, occurrences, accidents, strikes, force majeure, or availability of Utilities' systems. Fees may be assessed for returned payments, convenience charges, and similar items, in accordance with Section I.B. Fee Table.

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- c. Utilities will bill for actual consumption that is measured through the Meter or established calculated fees for non-metered services. Utilities may estimate charges due for utility service on accounts where Utilities determines that accurate meter readings have not been obtained. Billing for water and wastewater services may be based on criteria other than actual consumption that is measured through the Water Meter as provided in Section III.E., Water Leak Adjustment Program.
- d. In any case where any meter has not been accessible for reading, maintenance, or replacement, where inaccurate readings or information has been provided by a Customer for billing purposes, where subterfuge has occurred or where there has been a diversion of utility service, Utilities will bill the Customer or user to the extent of available meter readings or other records or information acceptable to Utilities to determine or reasonably estimate the charges due.
- e. Utilities is required to collect, remit and exempt sales tax per applicable law.
- f. If service is discontinued for an account, whether at the Customer's request or in accordance with Section IV.A. of these Utilities Rules and Regulations, then Utilities may transfer any unpaid amounts to other utility service accounts in the Customer's name or in the name of a user of the utility services at the Premises served by the discontinued account.
- g. In invoicing, billing, and collecting (collectively "billing") residential Stormwater service fees in accordance with City Code Section 14.8.109, Utilities will bill the established fee in each applicable Utilities bill period to each applicable customer through Utilities' standard billing practices. Utilities' applicable customers constitute owners or occupants of residential property as stated in the listed City Code Section. Utilities' bill periods may not align with calendar months, but customers will be billed the appropriate Stormwater service fees over time. Residential Stormwater service fees are due in full upon billing in accordance with provision (a) of this section. Utilities may prorate residential Stormwater service fees when an applicable customer is billed for a partial bill period. Upon termination of utility service, no partial residential Stormwater service fee refunds will be granted, as the Stormwater service fee is incurred in full upon billing. Except for refunds processed through Utilities' standard operating procedures, in the event of any refunds for residential Stormwater service fees paid over to the City, the City will be responsible for making such refunds.

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B. Underbilling

Utilities may make reasonable adjustments to a Customer's utility bill in the event of underbilling when Utilities, in its sole discretion, determines that the costs likely to be incurred by Utilities to resolve the underbilling approximates or exceeds the underbilled amount, Utilities determines that the underbilling is the result of a recurring Utilities error, or in accordance with another provision of these Utilities Rules and Regulations.

1. Residential Service

- a. When Utilities determines that a meter has failed to register usage within prescribed accuracy limits, Utilities will bill metered consumption to the affected Customer for the period during which the meter malfunction occurred except when caused by vandalism or damage by others.
- b. In the case of a failed water remote reader, Utilities will not bill for the difference between the inside meter reading and the remote reading when the failure was not caused by vandalism or damage by others.

Active Customers who have been underbilled for service received, whether or not in control of Utilities, will be re-billed for a period not to exceed two consecutive billing periods for the actual or estimated service based on Utilities' records or other information acceptable to Utilities that verifies previous billing statements did not appropriately reflect actual consumption. Interest or late charges on underbilled accounts will not be assessed.

2. Nonresidential Service

- a. Current charges may include credits or additional amounts Utilities determines to be due from past billing periods arising from any event, whether or not under the control of Utilities, including but not limited to meter malfunctions, billing errors, meter reading errors, failure to read a meter or automated meter reading technology errors.
- b. Active Customers who have been underbilled for service received, whether or not in the control of Utilities, will be re-billed not to exceed 12 consecutive billing periods for the actual or estimated service based on

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Utilities' records or other information acceptable to Utilities. Should any subsequent underbilling event occur within 12 months of a previous underbilling event, for the same Customer and same meter, or be the result of a recurring Utilities error as determined by Utilities, Utilities will not re-bill the Customer for the subsequent underbilling.

- c. Customers are permitted to make installment payments if any amounts from a past billing period are included in current charges. Typically, installment payments will not extend over a period that exceeds the length of the period during which the errors were accumulated.

C. Overbilling

1. Overbilling adjustments will be applied to current Customer accounts without interest.
2. Previous Customer accounts will be reviewed to determine if they were affected by the overbilling. If it is determined that an overbilling affected a previous Customer, reasonable efforts will be made to locate the Customer and refund any amounts owed due to the overbilling without interest.
3. No overbilling adjustments, credits or refunds will be made in situations where utility service has been metered within Utilities' prescribed accuracy limits. Reasonable overbilling adjustments can be made where consumption has been estimated due to failure or malfunction of metering equipment and Utilities is provided with information acceptable to Utilities indicating that the estimated consumption does not reasonably equate to the Customer's ability to use the utility services provided.

D. Credit Balance Refund

1. Any amount paid or credited to an account for utility service in excess of applicable charges where there are current billing records acceptable to Utilities will be refunded or credited to the Customer's account without interest.
2. Any refund check mailed to the last known address of the Customer and returned unpaid to Utilities or not cashed by the Customer within two years of either the date of delivery or mailing of the check, will be retained by the Utilities, and will be credited as miscellaneous revenue for the utility service which was overpaid.

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Receiving Service – cont'd

E. Water Leak Adjustment

1. General

- a. The Water Leak Adjustment Program is intended to provide financial relief to Customers who experience extremely high water use as a result of a leak. Water leak adjustments are limited to two per Premises in any 36-month period. Water leak adjustments may span a maximum of two billing periods.
- b. Within the context of the program, a water leak shall be defined as “an unintentional water loss caused by broken or damaged plumbing fixtures, pipes, or irrigation equipment, at a Customer’s residence or nonresidential site that results in a Customer’s bill(s) being higher than the Customer’s typical bill for water services.”
- c. Upon application for a water leak adjustment in accordance with a Customer’s type of water service, as discussed below, a Customer must verify that a water leak occurred, the estimated time frame of the water leak, and that the water leak was repaired. Utilities will accept reasonable documentation that the water leak was repaired, such as a receipt for repairs, parts, or a signed affirmation of the Customer. Utilities shall have the right to deny an application for a water leak adjustment or reduce the adjusted quantity of water that passed through the billing meter as a result of the water leak for a water leak adjustment if, in Utilities’ sole discretion, the leak or its magnitude is the result of negligence or malicious acts by the Customer.

2. Residential Service

- a. Residential Customers who have experienced a water leak that has resulted in an increase in their water bill may apply for a water leak adjustment by submitting a completed Water Leak Adjustment Request Form to Utilities at the address listed on the Form. The Water Leak Adjustment Request Form and documentation of repairs must be received by Utilities within 60 days of the due date listed on the Customer’s utility bill for the period in which the leak occurred.

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- b. Upon receiving a completed Water Leak Adjustment Request Form, Utilities will review the billing history and consumption data for the Premises to determine the typical amount of water that passes through the water meter and, if applicable, approve an adjustment to the Customer's water bill, as provided herein, for the time period covering the water leak. Upon approval, Utilities will adjust the charges billed to the Customer for water services for the time period covering the water leak by one half of the volume of water that passed through the water meter as a result of the water leak. The total volume of water that is charged to the Customer will be billed at the standard service rates applicable to the Customer. In order to determine the portion of the water that passed through the Customer's water meter that resulted from the water leak, Utilities will estimate the volume of water associated with the leak by analyzing information provided by the Customer, Utilities' data, and current, historical and seasonal consumption data for the Customer. The maximum water leak adjustment for a Customer receiving water service under a Water Rate Schedule – Residential Service is limited to 20,000 cf. The volume of water above 20,000 cf that passed through the meter as a result of a leak will be billed at the appropriate Commodity Charge rate level under the applicable Water Rate Schedule for Residential Service.
 - c. Utilities may adjust the Customer's wastewater winter period average daily units, if applicable, in addition to the water leak adjustment.
3. Nonresidential Service – Customer Receiving a Monthly Average of Less Than 50,000 cf of Water:
- a. Nonresidential Customers who receive an average monthly water amount that is less than 50,000 cf and who have experienced a water leak resulting in an increase in their water bill may apply for a water leak adjustment by submitting a completed Water Leak Adjustment Request Form to Utilities at the address listed on the Form.
 - b. The Water Leak Adjustment Request Form and documentation of repairs must be received by Utilities within 60 days of the due date listed on the Customer's utility bill for the period in which the water leak occurred.

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- c. Upon receiving a completed Water Leak Adjustment Request Form, Utilities will review the billing history and consumption data for the Nonresidential Customer to determine the typical amount of water that passes through that Customer's water meter and, if applicable, approve an adjustment to the Customer's water bill, as provided herein, for the time period covering the water leak. Upon approval, Utilities will adjust the charges billed to the Customer for water services for the time period covering the water leak by one half of the volume of water that passed through the water meter as a result of the water leak. The total volume of water that is charged to the Customer will be billed at the standard service rates applicable to the Customer. In order to determine the portion of the water that passed through the Customer's water meter that resulted in the water leak, Utilities will estimate the volume of water associated with the leak by analyzing information provided by the Customer, Utilities' data, current, historical and seasonal consumption data for the Customer. The maximum total volume of water eligible for a water leak adjustment under this subsection is limited to 40,000 cf, meaning that the maximum water leak adjustment for a Customer receiving a monthly average of less than 50,000 cf of water under a Water Rate Schedule – Nonresidential Service is limited to 20,000 cf.
 - d. As wastewater bills are based upon the amount of water that passes through the water meter, the wastewater billing units will coincide with the water consumption billed after the water leak adjustment.
4. Nonresidential Service - Customer Receiving a Monthly Average of 50,000 cf or More of Water:
- a. Nonresidential Customers who receive an average monthly water volume of 50,000 cf or more and who have experienced a water leak resulting in an increase in their water bill may apply for a water leak adjustment by submitting a Water Leak Adjustment Request Form to Utilities at the address listed on the Form. In addition to the Water Leak Adjustment Request Form, Nonresidential Customers who receive an average monthly water volume of 50,000 cf or more must provide documentation verifying that a leak occurred and that the leak has been repaired.

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- b. The Water Leak Adjustment Request Form and documentation of repairs must be received by Utilities within 60 days of the due date listed on the Customer's utility bill for the period in which the water leak occurred.
- c. Water leak adjustments for Nonresidential Customers who receive an average monthly water volume of 50,000 cf or more will be evaluated on a case-by-case basis. Any approved water leak adjustments will be made at the lowest level of the applicable Commodities Charges as defined in Water Rate Schedule - Nonresidential Service in the form of a credit to the Customer's water utility bill equivalent to no more than 50% of the determined leak volume. Approval of an adjustment under this section requires the approval of a Utilities Officer.
- d. Wastewater adjustments will be provided for outdoor water leaks only unless the Customer can verify that water volumes related to the leak did not enter the wastewater system.

F. Budget Billing Plan

1. Upon approval of Utilities, a Customer may elect to participate in Utilities' Budget Billing Plan.
2. Any Customer electing to participate in Utilities' Budget Billing Plan will pay a monthly amount for all utility services on one account as follows:
 - a. A monthly Budget Billing Plan amount equal to the monthly average of the prior year's billing history for each utility service, plus a Budget Billing adjustment percentage, potentially including and/or addressing but not limited to changes in rates, consumption patterns of service, and rounded to the next whole dollar. Each of the monthly average utility service amounts calculated from the prior year's data are then added together to determine the total monthly Budget Billing Plan amount. For recurring Customers, the previous year's outstanding amount or credit will also be included in the recalculated Budget Billing Plan amount.
 - b. The Budget Billing Plan amount will be recalculated at least annually from the date that the account established a Budget Billing Plan and can be adjusted at any time.

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- c. The Budget Billing Plan amount and the Customer's actual consumption is trued-up annually.
 3. If a Customer participating in Utilities' Budget Billing Plan fails to pay the Budget Billing Plan obligation by the due date, the Customer may be removed from Utilities' Budget Billing Plan and normal collection and discontinuance of service procedures will be followed.
 4. If a Customer ends or is removed from Utilities' Budget Billing Plan, or terminates service, the entire outstanding amount is due and payable by the date indicated on the billing statements. A credit balance will be refunded or transferred to another account for the Customer.
- G. Summary Billing
 1. For billing purposes concerning a Customer with multiple Premises, Utilities or that Customer may elect to have all services for each Premises billed on a single account. In the event that the charges are not paid when due, any one or all of the services furnished to any one or all of the Premises may be disconnected.
- H. Significant Meter Failure Policy
 1. Customers who experience a significant meter failure, may be eligible for a billing adjustment in accordance with this provision. A significant meter failure is the failure of a Utilities owned meter or related equipment that causes underbilling and that the recorded consumption, following correction, results in an increase of at least 50% to that Customer's total monthly utility bill when compared to the Customer's historically billed consumption.
 2. In order to be eligible for mitigation, the significant meter failure must be brought to Utilities' attention by the relevant Customer, or, in the event that Utilities discovers the significant meter failure, the circumstances surrounding the significant meter failure must demonstrate, in Utilities' sole opinion, that the relevant Customer did not know of or reasonably have a way of identifying or knowing of the significant meter failure.
 3. Upon determining that a Customer has experienced a significant meter failure and qualifies for mitigation, Utilities will review the circumstances of the significant

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meter failure and, at Utilities' sole discretion, implement reasonable adjustments to the relevant monthly utility bill(s) impacted by the meter failure. The adjustments may include modifying or waiving the Rebilling provision of Section III of these Utilities Rules and Regulations and/or including a 30% reduction to the consumption based charges under the relevant commodity tariff rate schedule for billing periods not to exceed 12 months, in order to phase in the impact of accurate meter reads.

I. Economic Development Special Contracts

1. Utilities may execute special contracts with selected Nonresidential, Commercial, Industrial or Contract Service Customers or may offer to execute special contracts with potential such Customers to support economic development and/or infill/redevelopment. If executed, the special contract shall contain specific provisions relating to the various rates, terms and conditions under which Utilities will provide service(s) to those Customers, including, but not limited to: 1) fee deferrals for Utilities charges and fees, 2) cost participation for relocations, extensions, and capacity improvements, 3) special rates for utility products and services, 4) revenue guarantees and 5) financial assurances. These specific provisions may differ from the applicable Tariff provisions. The special contract may concern one or more services. Except for the specific rates, terms and conditions contained within the special contract, services(s) shall be provided under the rates, terms and conditions set forth in the Tariffs.
2. A special contract may only be executed by Utilities if all the following conditions are met:
 - a. The Customer (or potential Customer) has been identified as a Customer that offers significant risk or opportunity to Utilities in terms of potential loss or gain to the system(s), because: 1) the Customer may decline or may discontinue (or partially may discontinue) taking service(s) from Utilities, or 2) the Customer may provide its own services(s), or 3) the Customer may seek other alternatives to the service(s) provided by Utilities, or 4) the Customer may increase use of the system to the benefit of Utilities and the remaining Utilities' Customers.
 - b. The approval and subsequent execution of the special contract will not adversely affect the remaining Utilities' Customers.

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- c. Funding is available.
- 3. Prior to the execution of the special contract, Utilities shall develop substantive written documentation demonstrating the special contract's compliance with these Tariff provisions and Utilities shall provide that documentation to the City Auditor's Office for its review. If the City Auditor's Office concurs that the special contract complies with these Tariff provisions, Utilities may execute the special contract without further review. If the City Auditor's Office does not concur that the special contract complies with these Tariff provisions, then the matter may be taken to the City Council in Closed Executive Session for its review and approval.

IV. ENDING SERVICE

A. Discontinuance of Service

1. General Provisions

Service can be discontinued by a Customer at any time, an Owner of vacant Premises, or by Utilities (for cause). All charges incurred up to the effective date of discontinuance are due and payable as billed; Utilities retains all rights and remedies, including recovery by action at law. Causes for which Utilities may discontinue service include:

- a. Non-payment of all amounts due;
- b. No known customer at Premises;
- c. Unsafe conditions, including any unauthorized connection;
- d. Denying access to Utilities' equipment, easements and/or other property/rights;
- e. Violations of the Tariffs, these Rules and Regulations, the *Line Extension and Service Standards*, duly-promulgated laws and/or standards; and/or
- f. Government order.

Utilities will give notice of discontinuance as set out below, unless otherwise specified. Service that has been discontinued by Utilities may be restored if conditions are met, as set out below.

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2. Discontinuance of Service by Customer or Premises Owner
 - a. Utilities will discontinue service at the request of an Account's Main Customer or authorized person.
 - b. If Premises are vacant, Utilities will discontinue service at the Premises upon the request of the Owner of the Premises, even if the Owner is not the person maintaining an Account for service at the Premises.
3. Discontinuance of Service by Utilities for Failure to Pay When Due
 - a. Utility service may be discontinued by Utilities when any billed charges are not paid when due, including a payment instrument returned, refused, or otherwise declined or dishonored by a financial institution. Any one or all services furnished under the delinquent account may be discontinued upon Utilities giving Notice of Discontinuance of Service.
 - b. Service will not be discontinued for non-payment in the following circumstances:
 - i. When Utilities has failed to make a reasonable effort to advise of the proposed discontinuance, or a sum which has not appeared on a notice of discontinuance is the sole amount unpaid;
 - ii. The amount owed is less than 30 days past due, except for deposits or other extenuating circumstances;
 - iii. The amount due was incurred by a previous occupant of the Premises; however, Utilities may decline to continue to furnish service at the same Premises if it is apparent the service is being obtained by subterfuge in any manner;
 - iv. When the full amount shown on a notice of discontinuance is received in Utilities' business office during business hours or by a Utilities' representative authorized to receive payment (or otherwise acceptable payment arrangements are made), before the discontinuance date; and/or
 - v. When a residential Customer presents an acceptable Medical Certificate as set out below.

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c. Medical Certificates

In the event a Medical Certificate is received by Utilities, residential service cannot be discontinued, or if already discontinued, must be restored. The period of non-discontinuance of service is effective for 60 days from the date of the Medical Certificate. One 30-day extension of service may be granted by receipt of a second Medical Certificate by Utilities prior to the expiration of the initial 60-day period. A maximum of 90 days per household will be granted in any consecutive 12-month period. The 12-month period begins on the date the first Medical Certificate is presented to Utilities.

4. Discontinuance of Service by Utilities for Other Causes

a. No Known Customer

In the event there is no known Customer at any Premises connected to Utilities' system, service may be discontinued.

b. Unsafe Conditions

i. Utilities may interrupt service to any Premises without prior notice if Utilities determines that continuing to provide the service will present an immediate threat to the safety of persons or property (Unsafe Condition), even if other circumstances related to the Premises would otherwise require notice. Utilities will make a reasonable effort to notify affected Customers or users of interruption due to an Unsafe Condition and what steps are necessary for the service to be restored.

ii. A Utilities' representative may authorize shutting off natural gas service for unsafe conditions without prior notice to the affected Customer, user or Owner as described in these Utilities Rules and Regulations, Natural Gas section, "Discontinuance of Natural Gas for Unsafe Condition."

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c. Denying Right of Access

In the event any Person refuses or fails to allow Utilities entry and/or access to its equipment at any Premises, service to that Premises may be discontinued until Utilities is permitted access and reconnection of service is approved by Utilities.

d. Violation of Ordinances, Resolutions, Tariffs, Rules and Regulations or *Line Extension and Service Standards*

i. Service may be discontinued upon giving 10 days prior written notice of discontinuance, in the event that a Customer violates an ordinance, resolution, Tariff, rule or regulation, or *Line Extension and Service Standards* concerning utility service. If the violation concerns a particular utility service, only that service may be discontinued; however, if the violation concerns wastewater service, then wastewater and/or water service may be terminated for that violation.

ii. The City Code includes specific penalties and/or enforcement actions for certain classified Wastewater violations. In the event that enforcement action charges imposed against any nonresidential (commercial/industrial) account are not paid when due, the Premises may be disconnected from the wastewater treatment system.

5. Tampering, Bypassing or Unauthorized Metering

a. Tampering, bypassing and unauthorized metering, the receipt of utility services by these means, and the distortion of electric wave shapes to cause a meter to register inaccurately are unlawful acts as defined in Section 12.1.113 of the City Code. These illegal acts constitute an Unsafe Condition as set forth above. Service will not be reconnected until any and all deficiencies in wiring, connections, meters, piping, and/or facilities of the Premises have been repaired or corrected to conform to the requirements of the City Code, all applicable ordinances, rules and regulations.

b. Utilities may impose charges specified by the City Code for tampering, bypassing or unauthorized metering of utility facilities and services. These charges are in addition to all other applicable charges and must be paid prior to restoration of services. Criminal charges may also be filed.

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6. Subterfuge

Any Person's utility service may be discontinued, without prior notice, for any action by which service is obtained or liability avoided by deception, concealment, or fraud.

B. Notice and Procedure of Discontinuance

1. In general, Utility service will not be discontinued between 5:00 p.m. on Friday and 8:00 a.m. the following Monday, or between 12:00 noon on the day prior to and 8:00 a.m. on the day following any holiday observed by Utilities.
2. If notice is required, written Notice of Discontinuance of Service must be sent or delivered at least 10 days in advance of the proposed discontinuance date. A notice of discontinuance will be conspicuous and in easily understood language. Unintentional error in the information contained in the notice does not render the notice void. The notice will clearly state, in English and in Spanish, that this is a final notice of discontinuance of service. A message in Spanish will also indicate that Customers who do not read English should request the help of a translator.
3. In addition, at a minimum, the notice will advise the Customer:
 - a. that service may be discontinued on a particular date;
 - b. the amount past due (if applicable) or other reason for discontinuance; if the discontinuance is due to illegal activity, the notice shall identify or describe the ordinance, resolution, rules or regulation, Tariff or Service Standards manual that is being violated;
 - c. how a Customer may avoid discontinuance of service, including by correction of a violation or illegality;
 - d. of agencies, known to Utilities, which provide Customer assistance or benefits to help pay utility bills (if applicable); and
 - e. that a review may be provided to resolve any dispute concerning the discontinuance of utility service if the request is made in writing before the discontinuance date, unless a hearing has already been conducted in regard to the dispute. (See Section V.I. below).

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4. In addition to the reasons set forth within these tariffs, the requirements for notice to Customers prior to discontinuance may also be waived for the following reasons:
 - a. Discontinuance is ordered by any properly constituted governmental authority;
 - b. Service, having been discontinued in accordance with this section, is restored by someone other than authorized Utilities' personnel or those persons authorized by the Pikes Peak Regional Building Department; or
 - c. Payments made to Utilities for service reconnection or to avoid service disconnection are dishonored, declined, or otherwise not processed.

5. Where the utility service is recorded on Master Meters
 - a. Utilities will make a reasonable effort to deliver or mail a written notice to each sub-premises at least 30 days prior to the proposed date of discontinuance, advising that the party responsible for payment of utility bills has been sent a notice of discontinuance.
 - b. A notice to the occupants will be posted, to the extent possible, in at least one of the common areas of the multi-unit dwelling.
 - c. Service may not be discontinued if the party responsible for payment pays the amount on the notice, including any applicable fees (see Section I.B. Fee Table).

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C. Restoring Service after Discontinuance

1. Conditions for Restoring Service

Service will be restored within 24 hours after satisfaction of the following:

- a. Customer pays in full or makes acceptable payment arrangements (or presents a Medical Certificate to Utilities) regarding the amount shown on a notice of discontinuance for non-payment;
- b. Customer pays any additional charges required for restoration of service (see Section I.B. Fee Table); and
- c. Customer notifies Utilities that the cause of discontinuance has been corrected and such information is confirmed by Utilities.

Further, where any violations or illegal acts have occurred, the Customer or User at the Premises may also be required to pay the following additional charges:

- d. The applicable charges under any part of the City Code or these Utilities Rules and Regulations;
- e. A service charge calculated to compensate Utilities for all reasonable expenses incurred due to the illegal actions including, but not limited to, costs of investigation, disconnection, reconnection and service calls, and administration costs;
- f. The cost of repairing or replacing any damaged Utilities' equipment; and/or
- g. The actual or estimated charges for utility services not previously billed to the Customer or User as a result of the violations or illegalities; separate rules in the City Code for of wastewater discharge violations also apply.

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2. Effect of Discontinuance on Access and Facilities or Service Charges.
 - a. In cases where one or more services have been temporarily discontinued for non-payment and the account remains active, the customer shall continue to be charged the Per Day Access and Facilities or Service Charges for all services, during the entire period until restoration occurs.
 - b. Where restoration does not occur and the account becomes inactive, the Customer will not be charged the Per Day Access and Facilities Charges for those service points as of the date the individual meter was disconnected.
 - c. In cases where all services have been discontinued for non-payment and the account is closed, the Customer will not be charged the Per Day Customer, Access and Facilities Charges for the entire period.

V. OTHER RIGHTS, LIMITATIONS, AND OBLIGATIONS

A. Right of Access

1. The Owner, Customer, or user, upon receiving, and while continuing to receive, service from Utilities, or so long as Utilities owned meters or appurtenances are present on the relevant Premises, grants to Utilities the irrevocable right to enter and to access the Premises at which service is being received, utility easements rights-of-way and all buildings or appurtenances thereon at all times, indoors and outdoors, in emergency and non-emergency situations, for the purpose of:
 - a. Installing, replacing, repairing and testing meters to include automated meter reading devices and remote reconnect/disconnect equipment;
 - b. Installing, constructing, renewing, replacing, removing, relocating, operating, maintaining, reading the meter, inspecting, repairing, testing and test upgrading of any portion of the distribution system located on or within the boundaries of the Premises;
 - c. Trimming or removing vegetation or other obstructions, which interfere with the operation, maintenance of or create a safety hazard to the utility system;

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- d. Locating, excavating or removing Utilities' property after discontinuance;
 - e. Taking any actions necessary to prevent possible personal injury or property damage including shutting off gas meter valves and lighting of gas appliances, disconnecting service for non-compliance with wastewater pre-treatment requirements or prohibiting wastewater discharges and hazardous substances; and/or posting of notices dealing with discontinuance of service for non-payment.
2. In non-emergency situations, Utilities will attempt to notify the Owner, Customer, or user. Such notice may include: customer contact or leaving notice at the affected Premises, telephone communication, electronic communication, mail service, and/or any other reasonable means.

B. Liability of Utilities

1. Utilities is not liable to any Person for:
- a. Any loss or damage resulting from utility system design, construction, operation practices and procedures, repair or maintenance of the system unless actual negligence is shown;
 - b. Consequential damages of any kind, including without limitation, loss of business, products, wages and computer data, which are not Utilities' responsibility;
 - c. Any damages caused by the failure of any Customer or user to provide required protective equipment; or
 - d. Failure to notify or be required in any way to notify any Customer or Person in the event that Utilities obtains information concerning that Customer's or Person's utility use that may be interpreted to show that the Customer's or Person's consumption of electricity, natural gas, or water is out of the ordinary for that Customer or Person.

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2. The Owner, developer, Customer or user will:
 - a. Provide at their expense, any required devices for adequate protection of equipment, products, processes, personnel, agents or contractors against interruptions.
 - b. Protect Utilities' owned facilities and equipment located on the Premises and will limit access to the facilities and equipment as required by applicable safety codes or regulations. No refund for excess credits will be given.
 - c. Indemnify, defend, and protect Utilities against all liabilities, claims, judgments, losses, costs and expenses resulting from property damages or personal injury caused by or arising from the Person's failure to limit access to Utilities' facilities and equipment as required and from all actions arising therefrom.
3. Nothing in this section waives any of the requirements and limitations afforded to Utilities by the Colorado Governmental Immunity Act. The provisions in this section are supplemented by other provisions in the Tariffs.
4. This section is in addition to any other of the Utilities Rules and Regulations, and is not limited in any manner by those sections.

C. Resale

Utility service will be furnished for the sole use of the Customer at the Premises designated in the service application and/or contract. The Customer will not directly or indirectly sell or otherwise dispose of the service to any other person, except upon specific authorization of City Council or as authorized in the City Code. This provision incorporates and is subject to Section 12.1.110, Exclusivity, of the City Code. Additional information and standards related to resale within the context of Master Meters can be found in Paragraph G, below.

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D. Service Interruptions or Curtailments

Utilities' goal is to provide reliable service; however, continuous uninterrupted service is not guaranteed. Utility services may be interrupted without notice for emergency repairs, events, occurrences, accidents, strikes, force majeure or other circumstances beyond Utilities' control. Curtailments of service due to supply or system capacity constraints may also occur without prior notice. Utilities generally intends to provide prior notice to affected Customers and users if utility services will be interrupted for scheduled repairs or extensions to the utility supply systems; however, interruptions caused by these activities may occur without prior notice.

E. Meters

In addition to all applicable provisions of the Tariff and *Line Extension and Service Standards*, the following provisions apply to Utilities' meters.

1. Tagging of Meters

In the event that service to a single Premises serves more than one Customer or user through multiple meters, the Owner of the Premises must plainly mark each meter socket and/or piping inlet with a permanent brass tag which correctly identifies the sub-premises served by each individual meter, and meet all other requirements of the Tariff and *Line Extension and Service Standards* regarding meters. When incorrect tagging or addressing creates inaccurate information in Utilities' records, the Owner of such Premises will be responsible for actual time and material charges incurred by Utilities to correct the situation. The resolution of billing inaccuracies due to incorrect tagging or addressing will be the responsibility of the Owner and the Customer or user.

2. Nonstandard Meter Installations

a. Upon a request from a residential Customer for a nonstandard meter installation, Utilities shall evaluate the request, and upon review, may install nonstandard meters. Nonstandard meters include meters installed as part of Utilities' Automated-Meter Opt-Out Program (Opt-Out Program).

b. Customers who request and are approved for a nonstandard meter installation that includes opting out of automated meter usage shall be a part

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of the Opt-Out Program and subject to all applicable terms and conditions. The Opt-Out Program is subject to the following:

- i. The Opt-Out Program will be limited to Customers with residential rated services only.
 - ii. A Customer can submit a request to opt-out of automated-meter service only for the Premises in which they reside, not for or on behalf of other Premises or Customers (e.g. apartment building or complex).
 - iii. The Opt-Out Program will be applied to all metered services at the Premises. Customer cannot Opt-Out of one service and leave others under standard automated meter configurations.
 - iv. Customers who participate in the Opt-Out Program will not be eligible to participate in other services including, but not limited to, Load Profile, Net Metering, My Usage and special use rates offered by Utilities.
 - v. Customers who participate in the Opt-Out Program that violate any part of the Tariff or practice any form of subterfuge of utilities services will be terminated from the Opt-Out Program, and standard automated metering will be installed at Customer's expense if Customer is eligible to continue to receive utility service.
- c. Customers who elect to participate in the Opt-Out Program (all amounts of fees described below are in the Fee Table at I.B.3 above):
- i. Will incur an initial service fee to cover the costs associated with changing the configuration of the meters;
 - ii. Are responsible for calling in their meter reads into Utilities each month except for those months where Utilities has manually read the meter, which will occur at least once per quarter; Customer will not incur a meter read charge for those months where they are responsible for providing Utilities with reads; and

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- iii. Will incur a manual read charge quarterly for Utilities obtained reads.
- d. Customers will be subject to the charges outlined above each time they elect to participate in the Opt-Out Program.
- e. Utilities reserves the right to decline or discontinue Customer participation in the Opt-Out Program if found to have a negative impact to other Customers or Utilities operations.

F. Rights of Landlords

1. Third Party Notification

Customers may authorize a third party be sent copies of all notices of non-payment, discontinuance and/or collection activities that are sent to the customer by (1) submitting a Utilities Third Party Notification Form, or (2) by completing such a request with an authorized customer service representative by telephone, online and/or in person. Verification of customer identity in accordance with Utilities' policy is required. Third party designees are also authorized to receive information regarding meter and service status.

2. Interim Service or Always Disconnect

The Owner will be charged for Interim Service at Premises when utility service is not disconnected by the Owner. If the Owner wants the utility service to be automatically disconnected in the event an occupant or tenant terminates its utility service, the Owner must notify Utilities for each specific Premises it wants the utility service to be automatically disconnected by completing and filing with Utilities an Always Final Read Disconnect Form. The Always Final Read Disconnect Form must be completed and signed by the Owner, with original copies retained on file at Utilities. If the Owner has authorized a property manager or other person to make changes to the Owner's utilities account on Owner's behalf and notified Utilities of the authorization, then the authorized person may notify Utilities and may complete and sign the form.

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G. Master Meters – No Resale

1. Submetering, for the purpose of resale of a service, by a Master Metered Customer of Utilities is prohibited. However, a Master Metered Customer may install their own check-meter for tenants, lessees, or other persons, to whom ultimately the service is distributed, for the purpose of reimbursing the Master Metered Customer by an appropriate allocation procedure. The Master Metered Customer will not receive more than is necessary to pay the Master Metered bill. The Master Metered Customer must also reimburse tenants, lessees or other persons to whom service is distributed in a reasonable manner for all refunds received or credited to the Master Metered Customer for the utility service.
2. Metering arrangements, agreements and allocation procedures used by Master Metered Customers to obtain reimbursement of the Master Metered bill are determined solely by contractual arrangement between the Master Metered Customer and the persons to whom the service is distributed. The resolution of disputes between the Master Metered Customer and tenants, lessees or other persons to whom the service is distributed is not the responsibility of Utilities.

H. Use, Account Access, Disclosure, and Release of Information

1. Use of Account Information

- a. As a condition of service, Utilities collects certain Personally Identifiable Information (PII) from Customers and others. Utilities is entitled to use all information collected by it and otherwise created and compiled by it for Utilities' legitimate business purposes. Utilities may also use and/or disclose information necessary to calculating any Development Charges, Reconnection Charges or any other fees necessary to establish service under Utilities' Tariff.
- b. As it deems reasonable and necessary, Utilities may also provide to permit issuers or contracted vendors any such information, or allow its contracted vendors performing Utilities' legitimate business purposes to use any such information, in accordance with Utilities' documented procurement and compliance policies as they are amended from time to time, including terms and conditions that prohibit release of such information by the recipient.

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2. Account Access
 - a. Utilities is committed to protecting the confidentiality of its Customer account information. Therefore, Customer account information will not be accessed or disclosed except as indicated herein or as otherwise provided in any applicable law or court order.
 - b. A customer may provide, change or obtain his/her own Customer account information upon review and proof of identification, and may release information or authorize others to have Account Access.
 - c. A Person may have Account Access to a Customer's information, excluding PII, if that Person is specifically authorized on the Customer's account.
 - d. A "person in interest" as defined by applicable law may obtain certain items of information, excluding PII, within a Customer's account, in accordance with Utilities' documented customer information policies and programs.
3. Disclosure of Information
 - a. With regard to requests for disclosure of Customer account information, Utilities will comply with the provisions of the Colorado Open Records Act, C.R.S. section 24-72-201, et seq., as amended from time to time.
 - b. Customer account information may be furnished in response to proper legal process and/or discovery requests in legal proceedings. However, Utilities, at its sole discretion, may seek appropriate orders limiting the disclosure.
4. Release of Information
 - a. Customer account information may be provided to a Person whose name does not appear on the account, or is not authorized on the account, if Utilities receives a consent to release Customer account information (Release) executed by the Customer in a form acceptable to Utilities and with verification of the Customer's identity in accordance with Utilities' policies.

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- b. The Release must contain the following information:
 - i. the Customer's name, address and telephone number;
 - ii. the Customer's account number;
 - iii. the name of the Person to whom the information may be released;
 - iv. the time frame covered by the Release;
 - v. the specific information to be released;
 - vi. the Customer's signature; and
 - vii. the signature and seal of a notary public.

- c. The burden is on the party requesting the information to obtain the Release from the Customer and to provide it to Utilities. The requirement of the signature and seal of a notary public may be waived by Utilities if authorization from the Customer is provided in person or telephonically to Utilities following appropriate Customer verification. Any such Release under this provision releases Utilities from any claim resulting from any use or misuse of the information provided.

I. Dispute Resolution Procedure

1. General

Any Customer's or user's dispute with Utilities concerning the Customer's or user's utility service or proposed utility service, except as otherwise provided herein, including, without limitation, billing errors and omissions, termination of service, line extensions or alleged violations of regulations or ordinances, shall be reviewed and determined by the following procedure, unless otherwise provided for in ordinances or resolutions. The process consists of a mandatory first step of an Informal Review and, if the Customer or user is dissatisfied with the Informal Review, a Formal Review. A Customer or user is required to complete the dispute resolution procedure, which results in a final decision, before seeking any judicial action.

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Only disputed amounts will be excluded from credit and collection activity until the dispute is resolved. Credit and collection activity will continue on any or all other amounts due.

Except as provided in this section, or in the case of a hazardous condition, during the time period of the review process regarding any reviewable dispute, the Customer's or user's service will not be terminated, and the status quo will be maintained through the review process.

No refund or credit for overcharges, or rebilling for undercharges, ordered as the result of a dispute will be issued until an order has been issued and no further review of the dispute is permitted by these provisions.

Any disputes regarding the assessment and/or applicability of residential Stormwater service fees billed by Utilities will be directed to the City and addressed by the City in accordance with applicable City Code provisions and Stormwater Enterprise rules, regulations, and policies.

2. Informal Review

As provided below, the Customer or user shall proceed with the required Informal Review in one of two methods: (a) the Customer or user shall seek an informal review with Utilities or, in lieu thereof, (b) seek informal review through the Colorado Springs Better Business Bureau (BBB). The purpose of the informal review process is to review whether Utilities properly applied its ordinances, Tariffs, regulations, policies or procedures with regard to a particular situation. In no event is the informal review process to be utilized to negotiate a settlement of the amounts due for utility services.

3. Request for Informal Review

a. A request for an informal review must be in writing addressed to:

Colorado Springs Utilities
Customer and Corporate Services
Attn: Dispute Resolution
P. O. Box 1103
Colorado Springs, CO 80947-1339

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The request must include:

- i. the Customer's or user's name,
 - ii. the Customer's or user's address and telephone number,
 - iii. the service address of the dispute,
 - iv. the nature of the dispute,
 - v. the dollar amount in dispute,
 - vi. copies of relevant documents, and
 - vii. any other relevant information.
- b. Informal Review Process Options

The Customer or user shall choose an informal review by Utilities or an informal review by the BBB.

Option 1. Informal Review by Utilities:

The Customer or user may choose the first method of informal review which is an informal review by Utilities to determine if Utilities' action or omission was consistent with its controlling ordinances, Tariffs, regulations, policies or procedures. Utilities' Chief Executive Officer is authorized to establish procedural regulations governing the review process.

The Customer or user has the right to appear and present information relevant to the dispute to the Utilities' representative and has the right to obtain, without charge, prior to the review, a copy of each document Utilities plans to introduce or discuss at the review. In addition, the Customer or user has the right to review the Customer's or user's account records and all applicable written policies or regulations relevant to the dispute. The matter will be reviewed and determined by Utilities' representative within 10 working days of the request unless the time is extended by Utilities' representative for good cause. The Customer or user will be notified in writing within three working days of the determination.

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If the dispute is not resolved to the Customer's or user's satisfaction, the Customer or user may file a written request for a formal review as provided below.

Option 2. Informal Review Process using BBB Services:

The Customer or user may choose the second method of informal review which is an informal review using the BBB Services. Utilities may also elect to use the BBB Services for informal review with the consent of the Customer or user. The Customer or user will have five working days in which to decide to use the BBB Services offered by Utilities. Utilities' designated representative will send a packet of information pertaining to the dispute to the Customer or user in advance of the informal review session. The packet will include all applicable codes, rules and regulations, policies and Tariffs. Prior to the informal review session, Utilities and the BBB mediator will sign an agreement regarding the review process. Utilities will bear the cost of the BBB Services. Utilities' representative will bring extra copies of all relevant Customer or user information in regard to the dispute for the Customer or user and the BBB mediator to the informal review session. If the dispute is resolved at the informal review session, the Customer or user and Utilities' representative will sign a form setting forth the agreement. A copy of the agreement will be maintained in the Customer's or user's file. If the dispute is not resolved during the informal review session, Utilities' representative will advise the Customer or user of their option to request a formal review.

4. Formal Review

a. Request for Formal Review

If the Customer or user is not satisfied with the outcome of the informal review and wishes further proceedings, the Customer or user shall submit a written request for a formal review with the City Attorney within five working days of written determination, unless the time is extended by the City Attorney for good cause. The Customer or user must identify in the request the portion(s) of the informal review results they are disputing.

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b. Designation of Hearing Officer

The City Attorney will assign the formal review to an appropriate hearing officer. The hearing officer will have had no previous involvement with the Customer's or user's specific dispute. Involvement does not include, however, reviewing a previous or other issue involving the same Customer or user, whether regarding a different, similar or identical issue.

5. Formal Review Process

a. The formal review process will be conducted as follows:

- i. Within 15 working days of the Customer's or user's written request, unless the time is extended as necessary to meet scheduling needs of Utilities, Customer, user or hearing officer, the hearing officer will schedule a time for consideration of the dispute.
- ii. The hearing officer has the authority to establish procedures governing the formal review process.
- iii. During the formal review process, the Customer or user has the right to appear in person, to make a presentation, and to provide written documentation concerning any matter relevant to the disputed determination and to question Utilities' representatives. The Customer or user has the right to require the presence of those Utilities' representatives who are reasonably necessary to support the presentation they intend to make. The formal review may be rescheduled as necessary if such required representatives are not reasonably available on the date the review is scheduled. Utilities has the right to present any matter relevant to the disputed determination and to question the Customer or user and any of their witnesses. The Customer or user and Utilities may be represented by an attorney or other advocate. However, no legal briefs outlining argument will be submitted to the hearing officer, nor will legal cases be cited by the Customer, user, Utilities, or their attorneys to the hearing officer. A recording of the proceeding will be retained by the City Attorney's Office and is the official record of the proceeding.

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However, when the City Attorney, in the City Attorney's sole discretion, determines that because of the length or complexity of the proceeding that a transcript should be kept by a certified shorthand court reporter, that transcript will be the official record of the proceeding. A copy of the recording or transcription, whichever is applicable, is available to the Customer or user upon payment of the cost of reproduction if a deposit of the estimated cost of reproduction is made in advance.

- iv. At the conclusion of the review process, the hearing officer may announce the decision or inform the parties that a written determination will be rendered within 10 working days. The hearing officer will determine whether the disputed determination was consistent with Utilities' controlling ordinances, resolutions, Tariffs, regulations, policies or procedures.
- v. Utilities has the responsibility to establish that the disputed decision is consistent with its controlling ordinances, resolutions, Tariffs, regulations, policies or procedures.
- vi. If the hearing officer decides that Utilities' actions or omissions or the Utilities' representative's determination is consistent with the controlling ordinances, resolutions, Tariffs, regulations, policies or procedures, the Customer or user will be advised that the hearing officer's decision is final for purposes of the administrative review process.
- vii. Disputes which involve the legality of the application of ordinances, resolutions, Tariffs, regulations, policies or procedures, or which question the legality of such ordinances, Tariffs, regulations, policies, or procedures, on other grounds, are not proper disputes for the Dispute Resolution Procedure. Upon certification by Deputy City Attorney/Utilities or his/her designee (Utilities' Attorney) that such issues are involved in any such dispute, the Customer or user will be permitted to immediately seek remedy of the dispute through the legal system without the necessity of proceeding through Utilities' administrative Dispute Resolution Procedure. Such certification will occur within 10 days after the Customer's written

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request for review, including identification of issues is submitted. Any issues not so certified within 10 days are deemed to be appropriately raised in the review procedure. However, whenever a dispute necessarily includes other issue(s) not so certified by Utilities' Attorney or his/her designee, the Customer or user may proceed through Utilities' administrative Dispute Resolution Procedure on such other non-certified issue(s) before filing any action in the legal system for review of the issues excused from review under Utilities' Dispute Resolution Procedure by certification of Utilities' Attorney.

6. Final Decision

Upon completion of the Formal Review, the hearing officer's determination will be considered the final decision of Utilities and the City Attorney. Following the final decision, a Customer or user has the option of appealing to the District Court under Colorado rule of Civil Procedure 106(a)(4). Under Colorado Rule of Civil Procedure 106(a)(4), the District Court reviews the record of the formal review for sufficient evidentiary support.

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UTILITIES RULES AND REGULATIONS

ELECTRIC

VI. ELECTRIC

A. Electric Service Standards

1. Utility Provisions

Utilities will furnish, install at its expense, own and maintain the equipment to properly meter the service required except as specified under the Totalization Service charge in the Electric Rate Schedules, and the Automated-Meter Opt-Out Program.

All electric service will be metered except in limited circumstances. Upon execution of a separate written agreement in which Utilities and the Customer agree upon usage estimation procedures, Customers may receive service without metering at tariffed rates. This option will be limited to instances when average, individual, commercial facility loads are estimated to be less than 66 kWh/day and when Utilities, at its sole discretion, (1) determines that metering is not appropriate or cost effective and (2) determines that a limited opportunity for load variance, misuse or subterfuge exists. At any time during the contract period, Utilities may check the Customer's usage and a meter(s) will be installed in a Customer-owned socket(s) if deemed necessary by Utilities.

Standard service consists of overhead service including an overhead service drop from the service line to the Customer's Premise. In the event underground service is desired or is required in an underground service area, the Customer will provide contributions in aid-of-construction. In some existing locations, if this equipment is on the load side of the Point of Common Coupling (aka Service Point as defined by the National Electric Code), the customer is responsible to install or remove the Utilities metering equipment for maintenance and repair.

The Customer will pay the specified fee for design of Line Extensions.

a. Primary Service

This type of service (highest voltage located on the Customer's Premise) is alternating current, 60 hertz, three-phase, four wire wye, 12,470/7,200 volts or 34,500/19,900 volts nominal.

This does not preclude Utilities from providing primary or secondary service to a customer at Utilities convenience, provided the service is metered and billed under the appropriate Electric Tariff.

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b. Secondary Service

This type of service is alternating current, 60 hertz, single or three phase.

Available secondary service nominal voltage classifications will depend upon a Customer's location and proximity to existing facilities as follows:

- i. Single-phase, three wire, 120/240 volts;
- ii. Single-phase, two wire, 120 volts;
- iii. Single-phase, three wire, 120/208 volts;
- iv. Three-phase, four wire, 120/208 volts wye;
- v. Three-phase, four wire, 277/480 volts wye.

Totalized Service is available upon request at the rates and conditions provided for in the Totalization Service charge in the Electric Rate Schedules.

2. Customer Provisions

The Customer will provide, at the Customer's expense, a suitable mounting space or enclosure in an acceptable location for the installation of the metering equipment in accordance with the *Line Extension and Service Standards* for Electric. The Customer, as a condition of service, agrees to the original as-built location for those portions of the facilities on the Customer's Premise that are outside of a public utility easement or right of way. Any changes in location of the facilities will be at the sole expense of the Customer.

a. Primary Service

All wiring, pole lines, conductors, transformers and other electric substation and distribution equipment beyond the point of metering, except Utilities' metering equipment, will be provided, owned, installed, and maintained at the Customer's expense.

b. Secondary Service

This type of service is alternating current, 60 hertz, single or three phase.

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Available secondary service nominal voltage classifications will depend upon a Customer's location and proximity to existing facilities as follows:

- i. Single-phase, three wire, 120/240 volts;
- ii. Single-phase, two wire, 120 volts;
- iii. Single-phase, three wire, 120/208 volts;
- iv. Three-phase, four wire, 120/208 volts wye;
- v. Three-phase, four wire, 277/480 volts wye.

Totalized Service is available upon request at the rates and conditions provided for in the Totalization Service charge in the Electric Rate Schedules.

3. Customer Provisions

The Customer will provide, at the Customer's expense, a suitable mounting space or enclosure in an acceptable location for the installation of the metering equipment in accordance with the *Line Extension and Service Standards* for Electric. The Customer, as a condition of service, agrees to the original as-built location for those portions of the facilities on the Customer's Premise that are outside of a public utility easement or right of way. Any changes in location of the facilities will be at the sole expense of the Customer.

a. Primary Service

All wiring, pole lines, conductors, transformers and other electric substation and distribution equipment beyond the point of metering, except Utilities' metering equipment, will be provided, owned, installed, and maintained at the Customer's expense.

b. Secondary Service

The Customer will provide, at the Customer's expense, all inside wiring necessary for the proper utilization of the service. Utilities will require that the service entrance wiring, the meter loop, the service loop support and the service entrance switch be installed in accordance with the *Line Extension and Service Standards* for Electric. The service entrance wiring will be brought to a point outside the Premise that can be reached from the service line without service drop trespass upon other property.

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- 4. Service Limitations
 - a. Instantaneous Demand

In order to protect Utilities' service and infrastructure, any Customer's equipment such as motors, welding equipment, X-ray equipment, furnaces, heat pumps, etc., will have such characteristics, or be equipped with control equipment of such design, that the instantaneous current requirements during starting or cyclic operation are limited so that voltage flicker will conform to Utilities' *Line Extension and Service Standards* for Electric. As a general rule, instantaneous starting current for motors of 10 horsepower or more is limited to approximately 300% of normal full load current.

For residential electric service, the use of any single-phase motor will be limited to 125 amps starting current at 240 volts. Any motor with greater starting current requires review and approval of Utilities prior to installation to assure that voltage flicker will conform to allowable *Line Extension and Service Standards* for Electric.

B. Electric Line Extensions and Services

Extension of distribution lines to place of delivery of service to a Customer will be made, subject to the following conditions:

- 1. Permanent Extension for Continuous Service
 - a. General
 - i. Extensions

Extensions will be constructed within 180 days after approval when, in the judgment of Utilities' the assured annual revenue for each year of the five-year period immediately following the construction of such extension and establishment of service will equal or exceed 30% of the total cost of such extension.

When it is not certain in the judgment of Utilities that the assured annual revenue for each of the five-years following the construction and establishment of service to such extension will equal 30% of the cost, such permanent extension will nevertheless be made when the construction and existence of such extension is economically sound and feasible.

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- ii. Revenue Guarantees or Deposits:
 - a. Revenue Guarantees or Deposits generally apply to three-phase mainline extensions of one-half mile in distance or greater. Utilities may require, by written contract of the Customer(s) to be served by an extension, a satisfactory guaranteed annual or billing period revenue for each year of the five-year period following the establishment of service to an extension, equal to 30% of the total cost of such extension.

When the actual annual billed revenue is less than the guaranteed annual revenue for any year of the five-year period, the resulting shortfall of revenue is a revenue deficiency. Revenue deficiencies will be billed at 63% of the deficiency to allow for variable costs not incurred.

- b. Utilities may require an advance revenue cash deposit in the form of cash, an acceptable surety bond or an irrevocable letter of credit of a part or all of the annual or billing period revenue for each year of the five-year period following the establishment of service to an extension, equal to 30% of the total cost of such extension.

The minimum annual revenue requirements may be prorated on a billing period basis irrespective of the billing period minimum established in the Electric Rate Schedules applicable to the particular class of service to be rendered, in the event that such revenue requirements are in excess of the established minimum in the Electric Rate Schedules.

- c. If a revenue cash deposit is made by the Customer of the required five-year Revenue Guarantee, the deposit may be drawn upon by the Customer to meet the billing period minimum or annual revenue guarantee.

If a revenue cash deposit is made by the Customer of only a portion of the required five-year Revenue Guarantee, the

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deposit may not be drawn upon by the Customer to meet the billing period minimum or annual revenue guarantee until current bills have been paid, the total amount of which together with the amount of the revenue cash deposit will equal 30% of the cost of the extension each year for a five-year period.

Any revenue cash deposit required and made, will accrue simple interest on the unused balance of such revenue cash deposits at the end of each fiscal year and will be credited to the revenue deposit account of the Customer. At the end of the fifth year, any balance remaining in the account will be refunded to the Customer.

- d. Determination of Revenue Guarantees or Deposits per Customer:

When more than one Customer is to be served from an extension, the amounts of the guaranteed revenue or advance revenue cash deposits to be assumed by each may be on an equal pro rata basis such that the total number of Customers bear the total cost of extension, or upon any other basis that may be agreed upon between Utilities and the Customer(s) to be served.

- e. New Customer(s) to Extensions:

Should application be made by additional Customer(s) to an existing extension for service from the extension, the service will be connected. Utilities may elect to revise the existing Revenue Guarantee if the change is significant for all Customers then served on the extension to include the revenue of the then existing and proposed new Customer(s).

If the resulting Revenue Guarantee is less, then the annual guarantee of the existing Customer(s) will be adjusted accordingly and the amounts of the adjustments in the event deposits were made, will be refunded to the original Customer(s) in proportion to their original deposits.

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If the resulting revenue to be guaranteed or deposited by all the existing Customer(s) is greater than that originally determined, the proposed additional Customer(s) will not be accepted as members of the original group on the existing extension, but will be considered independently as a separate new extension.

iii. Construction Advance for Mainline Facilities

As an alternative to a Revenue Guarantee, Utilities may require a Customer to advance the entire estimated cost of design, construction and materials for mainline facilities requested in advance of platting and development. The Customer may elect to enter into a Mainline Facilities Refund Contract to recover a pro rata share of the extension cost as new connections (revenue meters) are made to the mainline extension.

If a Customer desires to enter into a Mainline Facilities Refund Contract with Utilities, a signed Mainline Facilities Refund application must be submitted prior to the start of construction. The Mainline Facilities Refund Contract will be executed after final costing of the construction. Refunds of the advance payments will be made annually to the contract holder based upon the load to be served by the facility. The term of this Mainline Facilities Refund Contract will be 20 years.

The refunds will be based upon the actual construction costs, without interest, and an estimate of the number of Customers to be served by the extension as established at the time of contract execution. Refunds under each Mainline Facilities Refund Contract will extend to all connections made after the effective date of the contract. Total refunds will not exceed the Mainline Facilities Refund Contract amount. No refunds will be made after the full contract amount has been refunded or for connections made after the contract term has expired, whichever occurs first.

Any unrefunded deposit which exists at contract expiration will become a contribution-in-aid of construction to Utilities. If at any time, in Utilities' sole determination, the extension is declared economic, the balance of any remaining advance may be refunded to the developer and the contract terminated.

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b. Underground Electric Service and Extensions

All electric service lines must be installed in accordance with Utilities' *Line Extension and Service Standards* for Electric.

In the event underground single-phase and/or three-phase primary distribution lines are installed, the Customer will pay a contribution-in-aid of construction equal to the difference in cost between an overhead and an underground system.

i. Underground Electric Service - Residential

a. General Conditions

The Owner, developer or Customer will install, or cause to be installed, at no cost to Utilities, all materials necessary for the connection of Residential electric service from the Utilities system to the Premise, including those Residential connections within Mobile Home Parks, developments and subdivided property in which only one building (consisting of a single-family residence up to a four-plex residence) is to be constructed on a single Premise with a single service. Such Residential electric service installations include all trenching, backfilling and restoration as well as materials necessary for the installation.

The Residential electric service installation shall become the property of Utilities on and after the date of its inspection and connection to the Utilities system.

The Owner, developer and Customer warrants to Utilities all materials and labor related to the Residential electric service installation from its point of connection to the Utilities system to the Premise for a period of three years from the date of its inspection and connection to the Utilities system. In the event of a defect in the Residential electric service installation during the three-year warranty period, then the Owner, developer and Customer immediately shall repair or replace the Residential electric service installation at no cost to Utilities. The Owner, developer and Customer

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acknowledge that this warranty continues to be the obligation of the Owner, developer and Customer even though that Owner, developer or Customer ceases to be the Owner of the Premise, the developer of the Premise or the Customer of record at the Premise.

The Owner, developer and Customer agree to indemnify and hold Utilities harmless from any damages, loss, cost, or liability (including, but not limited to, any death, injury, legal fees and the cost of enforcing this indemnity) arising out of, or resulting from the use of, the Residential electric service installation during the three-year period of the warranty.

b. Inspection

The Owner, developer and Customer shall schedule an appointment with Utilities, in accord with Utilities' policies, to inspect and connect the Residential electric service to the Utilities system.

c. Inspection and Connection Fees

Utilities shall inspect and connect the Residential electric service to the Utilities system. The Residential electric service shall be installed as a single service or shall be installed jointly with natural gas service (see Section I.B. Fee Table).

The Joint Service Inspection and Connection Fee is also listed under the Natural Gas section of these Utilities Rules and Regulations. However, that fee is only paid once for a joint Residential electric service and natural gas service inspection and connection.

d. Return Trip Inspection and Connection Fees

In some instances, the service inspection and connection appointment may be cancelled outside the time frame set out in Utilities' policies or the service installation itself may not comply with Utilities' *Line Extension and Service Standards* when it is inspected.

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e. Cancellation Fees

In certain instances under Utilities' policies, a reduced fee may be charged for cancellation of inspection and connection appointments.

f. Electric Distribution Charge (Electric Only)

For fees, see Section I.B. Fee Table.

g. Electric Distribution Charge (Joint Trench with Gas)

For fees, see Section I.B. Fee Table.

ii. Underground Electric Service - Commercial and Industrial

The Customer will provide, at no cost to Utilities, trenching, backfilling, compaction and restoration of property for the primary and secondary trenches; installation of primary conduit from the primary source to the transformer pad; and installation of secondary conduit, conductor and terminations from the transformer pad to the meter.

2. Extensions for Electric Temporary Service

Electric Temporary Service may be provided for construction needs, circuses, bazaars, fairs, fireworks stands, Christmas tree sales, concessions and similar enterprises, or to non-permanent ventures upon application for service for a period not to exceed 18 months, on the Electric Rate Schedule applicable to the particular class of service.

Utilities will provide a temporary power pedestal (in an underground service area) when distribution facilities exist and upon payment of the Temporary Service Connection Fees. Service loop supports must be supplied by the Customer in overhead service areas and Temporary Service will be provided when distribution facilities exist and upon payment of the charges below.

Electric Temporary Service Connection Fee - A non-refundable fee for the total cost of all labor, material, equipment and supplies required by Utilities to establish and disconnect service to include the removal and return of the pedestal.

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No permanent service connections will be made to extensions for Temporary Service. If a Customer desires a permanent extension, all provisions for Permanent Extension for Continuous Service will apply.

Utilities may require a deposit from a Customer for electric Temporary Service as a guarantee of payment. No deposit required and made will relieve any Customer from payment of current charges as they become due and payable, nor will any deposit be applied by Utilities to any indebtedness of the Customer except after termination of service. Deposits will be refunded according to Utilities' Rules and Regulations – General.

The Customer will pay the following damage fees when the power pedestal is returned based on the circumstances indicated.

Pedestal Damage Fees

The cost of necessary repairs if the pedestal is damaged.
The replacement cost if the pedestal must be replaced.

If the Customer fails to make payment, Utilities will not provide additional electric Temporary Service to that Customer and may take any necessary action for restitution provided in the City Code.

C. Demand Metering – Electric

Measured demand is determined as the highest of the average kW demand during any 15-minute interval during the billing period. A new 15-minute interval will begin every five-minutes.

D. Electric Power Factor Correction

1. **Lagging:** Power factor correction of any service with low power factor characteristics will, at all times, be provided with effective power factor corrective equipment so that the power factor will not be less than 95% lagging or leading. Such corrective equipment will be directly connected in the load circuit and switched with the load. Utilities will assess a monetary adjustment to any low power factor load in accordance with the respective rate schedule until these requirements have been met.
2. **Leading:** If Utilities determines that a Customer having a leading power factor is creating a problem for either Utilities or another Customer on the system, the Customer creating the problem will be required to correct the leading power factor.

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E. Enhanced Power Service Option

Enhanced Power Service is available by contract for Customers who receive service under an Industrial Service Electric Rate Schedule and require a higher level of electric availability than standard service. Due to annual budget constraints, Utilities will have the right to limit the number of Enhanced Power Service Customers and/or the amount of enhanced power equipment supplied.

Utilities will specify, purchase, maintain, and own the enhanced power equipment, backup feeder lines, and facilities on the Utilities side of the Point of Common Coupling (PCC). The Customer will provide a suitable location for Utilities' equipment on their site. The Customer will provide for the installation and maintenance of the equipment on the Customer's side of the PCC. Such equipment will not interfere with the operation of the Utilities' system. The Customer will pay a reserved capacity charge and an operations and maintenance charge, as specified in the contract and set forth in the Electric Rate Schedules.

Customers subscribing to and under current contract for Enhanced Power Service will receive billing based upon the totalizing of the main meter and the alternate source meter(s). Totalizing of primary and secondary services will include a transformer and equipment loss factor.

The Commercial contributions-in-aid of construction policy as set forth in the *Line Extensions and Service Standards* for Electric applies only to the extension of the first feeder as determined by Utilities.

F. Network Service – Electric

Connection of additional Customers for electric network service is subject to availability of capacity.

G. Attachments to Facilities

Attachments to poles, lighting standards or other equipment or facilities will not be permitted except upon specific written approval of Utilities.

H. Utilities' Liability – Electric

Utilities is not liable for any service failures or interruptions that include, but not limited to, phase reversals and/or single-phasing of three-phase services, voltage transients, or frequency and wave shape deviations. This section is in addition to, and does not limit Utilities Rules and Regulations - General.

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NATURAL GAS

VII. NATURAL GAS

A. Natural Gas Priorities and Conditions of Applications

Applications for service, requests for rate class changes or requests for increased or decreased loads will be granted when Utilities is able to provide supply and/or capacity that will not endanger adequate service to existing Customers.

In emergency cases, Utilities has the right to grant preference to that service which is the most essential to the public welfare.

In the case of supply or capacity constraints of the distribution system, Utilities has the right to limit the availability of service under any rate schedule.

B. Natural Gas Service Standards

The heating value of the gas (natural gas or as supplemented by the injection of a propane-air mixture) will be a minimum of 963 British Thermal Units per cubic foot (BTU/cf) measured dry at a temperature base of 60 degrees Fahrenheit and a pressure base of 14.65 pounds per square inch absolute (PSIA). This is equivalent to 789 BTU/cf at the billing units standard which is measured dry at a temperature base of 60 degrees Fahrenheit and a pressure base of 12.01 PSIA (average local atmospheric pressure of 11.76 PSIA plus the standard delivery pressure of 0.25 pounds per square inch gauge), except service to the Air Force Academy under the Natural Gas Rate Schedule - Special Contract Service (GCS), is equivalent to 770 BTU/cf at the GCS Rate billing units standard at a local atmospheric pressure of 11.46 PSIG.

The specific gravity and quality of gas will be in accordance with the specifications of Colorado Interstate Gas Company (CIG) as stated in CIG's Tariff on file with the Federal Energy Regulatory Commission (FERC).

C. Natural Gas Meters and Service Connections

Utilities will furnish, install at its own expense, own and maintain the equipment to properly meter the service required, except as stated in specific tariffs, and the Automated-Meter Opt-Out program.

Any equipment, devices or facilities furnished at the expense of Utilities, or on which Utilities bears the expense of maintenance and renewal, remains the property of Utilities and may be removed by Utilities at any time after discontinuance of service.

Any gas meter installation which requires a compensation instrument and associated communication device for a specific gas tariff the customer will be required at their cost to

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NATURAL GAS

Natural Gas – cont'd

provide a dedicated 120V electric circuit to the gas metering facility. Connections of the 120V circuit to Utilities' equipment will also be provided at the customers cost.

Utilities will provide a Natural Gas Service Stub to the property line, provided a main is located in the street adjacent to the Premise, or will provide a Natural Gas Service Stub to the boundary of its easement when a main is located in an acceptable easement adjacent to the Premise. All necessary permits, fees and public right-of-way restoration costs will be paid by the Owner.

Natural Gas Service Stubs will be maintained by and at the expense of Utilities. Single family residential Natural Gas Service Lines will be maintained by and at the expense of Utilities. However, Utilities may require the property Owner to pay for the replacement of Natural Gas Service Lines other than single family residential.

Service lines to the meter riser will be maintained at Utilities' expense after the installer's warranty period is completed. This applies when the failure is caused by aging or other natural causes.

The Owner will provide at the Owner's expense and in connection with the piping, a suitable location for metering equipment, which is safe from damage and is accessible for reading, operation and maintenance in accordance with prevailing requirements of the *Line Extension and Service Standards* for Gas and the City Code.

The Owner, as a condition of service, agrees to the original as-built location for those portions of the facilities on the Owner's Premise that are outside of a public utility easement or right of way. Any changes in location of the facilities will be at the sole expense of the Owner.

D. Installation and Maintenance of Natural Gas Piping

1. All piping and facilities downstream of the connection to the Customer's fuel piping will be installed, maintained, and operated at the expense of the Owner of the Premise, in accordance with the provisions of the Pikes Peak Regional Building Department Code. The Pikes Peak Regional Building Department is responsible for the inspection of all installations.
2. All piping and facilities downstream of a Master Meter set are installed, maintained and operated at the expense of the Owner of the Premise, and in accordance with the *Line Extension and Service Standards* for Gas. New Master Meter sets will only be installed upon Utilities' approval.

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Natural Gas – cont'd

3. All piping upstream of a gas meter set will be installed, maintained and operated in accordance with the City Code.

E. Natural Gas Interconnected Fuel Line Piping

A Customer may not have non-adjacent meters servicing one interconnected fuel line system. Interconnection of fuel line piping designed for service through more than one meter is not permitted.

F. Discontinuance of Natural Gas Service for Unsafe Condition

1. The Owner, Customer, user or Person in possession of the Premise served by the distribution system, will maintain and keep in a safe condition all fuel piping, end use appliances and associated equipment downstream of the meter set at the Premise. This will be done in accordance with the City Code, Utilities' Rules and Regulations or any other governmental authority having jurisdiction. Those persons are also required to exercise reasonable care concerning the same; provided however, that the supply system installed, owned or operated is maintained by Utilities.
2. In the event that Utilities determines that any fuel piping, end use appliance or associated equipment on the Premise is unsafe, service to that Premise may be shut off and a Red Tag Shut-Off Notice will be issued. Further, service will not be restored until the unsafe condition has been corrected. If, within five working days, Utilities has not received notification that the unsafe condition has been repaired by a person authorized by the Pikes Peak Regional Building Department, (refer to Table 1), Utilities will follow up to determine if the unsafe condition has been repaired. If Utilities determines that the unsafe condition has not been repaired or is unable to determine that the unsafe condition has been repaired, the gas meter valve will be turned off and locked off. If the meter is locked off, service will not be restored until the unsafe condition has been repaired or is in the process of being repaired by an authorized person.

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Natural Gas – cont'd

**Table 1
AUTHORIZED RED TAG PERSONS**

LICENSE TYPE	TYPE OF WORK ALLOWABLE		
	New Appliance Installation	Appliance Replacement	Component/System Repair/Service
Mechanical Contractor "A"	YES	YES	NO
Mechanical Contractor "B"	YES	YES	NO
Mechanical Contractor "D"	NO	NO	YES
Heating Mechanic IV †	YES	YES	YES
Owner-occupant	YES	YES	YES

† Heating Mechanic IV *must* be employed by and perform work under the direction of a Mechanical Contractor "A", "B", or "D".

3. Utilities, when requested by the Owner-occupant, will inspect repairs made by the Owner-occupant for unsafe conditions for the fees established by Utilities. If such an inspection determines that the unsafe condition has not been corrected, the Red Tag Shut-Off Notice will remain in effect and the meter valve will be turned off and locked off by Utilities.
4. Utilities will not perform any inspections on repair work made downstream of the gas meter. This includes Customer fuel piping, associated equipment and end use appliances.
5. Utilities will not make repairs at any time for any Owner-occupant, Customer, user or Person in possession, except where repairs are necessary due to the action of Utilities.
6. If a Heating Mechanic IV, licensed by the Pikes Peak Regional Building Department, notifies Utilities in writing that an unsafe condition exists downstream of the meter set which may pose a threat to the welfare of persons and/or property, Utilities will attempt to inform the Person at the Premise of the unsafe condition and will notify the Owner via certified mail with a copy of the written Unsafe Condition Notice describing the unsafe condition discovered.
7. Utilities, when requested by Owner-occupant, Customer, user or Person in possession of a Premise served by the distribution system, will inspect flexible appliance connectors. If a defective connector is found during the inspection,

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Natural Gas – cont'd

Utilities will shut off the line serving the defective connector and issue a red tag notice.

G. Extension of Natural Gas Mains and Services

Utilities, where economically feasible, will extend mains and Service Stubs to new sales Customers and transportation Shippers in its certificated service area in accordance with the terms in this section. This will also apply to load expansions of existing sales Customers and transportation Shippers where additional facilities are required to serve them.

Extensions and connections to Utilities' facilities will be made in accordance with the Tariff and City Code.

Supply and transportation services will be provided in accordance with the terms of the "Priorities and Conditions of Applications" as stated in Utilities Rules and Regulations.

1. Cost Allocation

a. Mainline Facilities

- i. Extensions - The Applicant will advance the cost of the equivalent nominal pipe size needed to serve the Applicant's request. However, if the main size required for the Applicant's master plan is two inches or larger, then the Applicant will be charged at least a two-inch equivalent nominal pipe size. The cost advance necessary for extensions will be determined based on the criteria in the Extension Contract section.
- ii. Reinforcement - Except as noted below, Utilities will assume the cost of reinforcing the Mainline Facilities needed to serve connections.

When the Customer's connection is served directly off the 150 PSIG system, or an expansion of the Mainline Facilities is required to serve a single Customer, then Utilities may charge the Applicant for the portion of the Mainline Facilities needed to supply that connection on an equivalent nominal pipe size basis.

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NATURAL GAS

Natural Gas – cont'd

Funds advanced by the Applicant under Cost Allocation for Mainline Facilities - Extensions will be included in the costs for the Mainline Facilities Refund Contract.

If Utilities determines it is not economically feasible to extend natural gas to an area, Utilities will require the Applicant to pay all or part of the cost of the Mainline Facilities including reinforcement. Factors considered in this decision may include, but are not limited to, the size of the project, distance from the existing system, expected build out rate of the area, rate class, risk to existing Customers, budget availability and economic conditions. For this case, a Mainline Facilities Refund Contract will be applicable.

b. Oversized Distribution Mains

The Applicant will advance the cost of the equivalent nominal pipe size needed to serve the Applicant's request. However, if the distribution main size required for the Applicant's master plan is two inches or larger, then the Applicant will be charged at least a two-inch equivalent nominal pipe size. The costs allocated to the Applicant for Oversized Distribution Mains will be included in the costs for the single parcel extensions.

c. Allocation of Advance Construction

When Utilities builds facilities in advance of development of lots connecting directly to the facility, the Applicant will be charged for the appropriate portion of those facilities at the time the Service Stubs are requested. Applicant costs will be based upon costs in effect at time of request.

2. Extension Contract

Utilities will determine the facilities necessary to serve the Extensions requested by the Applicant, on an equivalent nominal pipe size basis, while maintaining the safety and integrity of the existing system to protect the Customers and Utilities. Utilities is responsible for the engineering and installation of the facilities. The Applicant is responsible for the specified design fee, which is nonrefundable, and any applicable construction advances or contributions-in-aid.

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Natural Gas – cont'd

The Applicant will execute an Extension Contract for installation of all new facilities necessary to serve the development. Contracts for economically feasible extensions, as determined by Utilities, under \$100,000.00 in total estimated extension cost will be required to pay 20% of the estimated extension cost in addition to the specified design fee, as a non-refundable payment.

All other Applicants will advance 100% of the estimated cost of construction to Utilities in addition to the specified non-refundable design fee. As an alternative, the Applicant may advance 50% of the estimated cost of construction and provide adequate assurance acceptable to Utilities for the remaining 50%. This assurance will be irrevocable and may be in the form of a letter of credit, cash escrow, set-aside letter, or other forms acceptable to Utilities which will allow Utilities to receive the second 50% immediately after construction. After completion of construction, Utilities will determine the actual costs of construction and will charge (or refund without interest) the contract holder the difference between the estimated and actual costs of construction. Utilities may refuse to make connections until all amounts due to Utilities have been paid. After all the amounts due to Utilities are paid, the Applicant will be entitled to execute a Refund Contract.

3. Refunds

a. Refund Contracts

Advance payments for extension of facilities that are eligible for refunds will be completed under one of the following Refund Contracts:

- i. Single Parcel Refund Contract - This contract is intended to cover the cost of installing mains and Service Stubs to serve a parcel and may include allocated costs for Oversized Distribution Mains. This contract includes provisions for refunding all or part of the advance payment. Refunds of advance payments will be based on estimated or actual revenue. The term of this contract will be 10 years.
- ii. Mainline Facilities Refund Contract - If an Applicant is charged for Mainline Facilities, the Applicant may receive refunds for that facility. The Applicant must notify Utilities prior to the start of construction if the Applicant desires to enter into a Refund Contract. A Mainline Facilities Refund Contract will be executed after final

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Natural Gas – cont'd

costing of the construction. Refunds of the advance payments will be made annually based upon the ratio of actual connected load to expected load to be served by the facility. The term of this contract will be 20 years.

Refunds under the Single Parcel Refund Contract and the Mainline Facilities Refund Contract will extend to all connections made after the effective date of the applicable contract. Total refunds will not exceed the Refund Contract amount. No refunds will be made after the full contract amount has been refunded or for connections made after the contract term has expired, whichever occurs first. Any unrefunded deposit which exists at contract expiration will become a contribution-in-aid of construction to Utilities.

b. Refund Determination (Effective January 1, 2005)

Refund amounts, per contract holder, will be determined based on the date of connection using the Annual Revenue Determination Method.

Maximum Refund Amount = Net Annual Revenue multiplied by 1.69

c. Refunds will be made for each connection, without interest, based upon the date of connection according to the following:

- i. For eligible contract holders specified in Section VII.G.3.c.iii.a.1., refunds will be determined and paid following connection or execution of the Refund Contract, whichever is later.
- ii. For contract holders specified in Section VII.G.3.c.iii.a.1., 50% of the estimated refund will be determined and paid following connection or execution of the Refund Contract, whichever is later. Based upon actual annual revenues, the balance of the refund will be paid following the end of the one year immediately following connection. At the option of Utilities, and with agreement from the Applicant, an alternate revenue year using months seven through eighteen after connection may be used to determine the final refund amount.

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Natural Gas – cont’d

iii. Annual Revenue Determination

a. Method

For the purpose of calculating refunds for connections, annual revenues will be determined either by estimation procedures or by use of actual consumption data from Utilities’ records as specified below. Annual revenues will be determined using the applicable Tariff rate in effect, excluding amounts collected related to the Gas Cost and Gas Cost Adjustment (GCA) for any Customer, for the respective customer class at the time annual revenue is determined.

1. Net annual revenues will be determined using estimated residential and commercial sales Customers with only space heating and water heating loads and badge loads less than 5,000 cubic foot per hour (cfh).
2. For Customers not covered in Section VII.G.3.c.iii.a.1. above, net annual revenues will be determined by using the portion of actual revenues containing capital recovery amounts that are received by Utilities during the first year following connection.

b. Estimated Annual Revenue Calculation

1. Determine Estimated Annual Consumption (EAC) for Water Heating and Space Heating (WHS):

$$EAC = (\text{Badge Load})(\text{WHS Factor})$$

For Residential Load:

<u>Badge Load</u>	<u>WHS Factor</u>
0-90 cfh	7.99 (ccf/year)/cfh
91-125 cfh	9.45 (ccf/year)/cfh
126-150 cfh	8.42 (ccf/year)/cfh
151-180 cfh	8.32 (ccf/year)/cfh
greater than 180 cfh	7.43 (ccf/year)/cfh

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Natural Gas – cont'd

For Commercial Load:

<u>Badge Load</u>	<u>WHS Factor</u>
0-100 cfh	7.72 (ccf/year)/cfh
101-200 cfh	7.91 (ccf/year)/cfh
201-500 cfh	6.94 (ccf/year)/cfh
501-1500 cfh	6.87 (ccf/year)/cfh
1501-5000 cfh	8.37 (ccf/year)/cfh

2. Determine Annual Consumption Allowances (ACA) for each additional installed gas appliance:

Residential Clothes Drying	60 ccf/year
Residential Cooking	80 ccf/year
Gas Fireplaces, Logs	60 ccf/year
Outdoor Grills	15 ccf/year
Gas Light	205 ccf/year
Gas Air conditioning (per ton)	200 ccf/year

3. Calculate estimated net annual revenue (EAR):

$$\text{EAR} = (\text{EAC} + \text{ACA}) * (\text{Access and Facilities Charge per ccf}) + (\text{Access and Facilities Charge per day} * 365)$$

Badge Loads will be determined from a load survey conducted prior to setting the meter. Only appliances built into the structure or connected to the system at the time of the load survey will be eligible for determining annual revenues.

WHS factors will be determined by statistical sampling of actual consumption data for representative Customer groups. Sampled consumption data will only include data from new construction. For weather sensitive consumption, statistics will be developed for a normal weather test year or will be normalized.

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Natural Gas – cont'd

iv. Oversized Facilities

Utilities may oversize any facility as part of an extension to provide capacity for additional developments that may be served by the Mainline Facilities.

v. Utilities will pay the additional costs of those oversized facilities on an equivalent pipe size basis in excess of facilities required by the Applicant's master plan.

vi. Exception for New Buildings Ready for Service

Utilities, at its option, may reduce the advance payment required for an extension contract by the appropriate refund amount for new buildings and appliances ready for service. The structure must be under construction at the time advance payment amounts are determined. If actual revenues are less than the estimated revenues used to calculate an advance credit, and there is a material effect on the advance payment amount, Utilities may adjust the advance payment amount to be based on actual revenues rather than the estimated revenues.

vii. Applicant Requested Extras

Utilities will require Applicants to pay all costs for Applicant requested extras including the following without limitation:

- a. frost excavation in excess of 18 inches in depth, including backfilling and compaction of trenches;
- b. removal and replacement of paving, except for main tie-ins required to provide gas to the requested parcels;
- c. any overtime performed by Utilities or its contractor; and/or
- d. Customer service lines and Customer fuel lines installed by Utilities.

These costs will become a contribution-in-aid of construction and will not be eligible for refund.

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NATURAL GAS

Natural Gas – cont'd

viii. Natural Gas Service Lines

All service lines must be installed in accordance with Utilities' *Line Extension and Service Standards* for Natural Gas.

- a. Polyethylene natural gas service lines two inches in diameter or smaller.

1. General Conditions

The Owner, developer or Customer will install, or cause to be installed, at no cost to Utilities, all materials necessary for the connection of natural gas service from the location of the primary point of use structure to Utilities system at the property line of the Premise. Such natural gas service installations include all trenching, backfilling and restoration as well as materials necessary for the installation.

The natural gas service installation shall become the property of Utilities on and after the date of its inspection and connection to the Utilities system.

The Owner, developer and Customer warrants to Utilities all materials and labor related to the natural gas service installation from its point of connection to the Utilities system to the Premise for a period of three years from the date of its inspection and connection to the Utilities system.

In the event of a defect in the natural gas service installation during the three-year warranty period, then the Owner, developer and Customer immediately shall repair or replace the natural gas service installation at no cost to Utilities. The Owner, developer and Customer acknowledge that this warranty continues to be the obligation of the Owner, developer and Customer even though that

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Owner, developer or Customer ceases to be the Owner of the Premise, the developer of the Premise or the Customer of record at the Premise.

The Owner, developer and Customer agree to indemnify and hold Utilities harmless from any damages, loss, cost, or liability (including, but not limited to, any death, injury, legal fees and the cost of enforcing this indemnity) arising out of, or resulting from the use of, the natural gas service installation during the three-year period of the warranty.

2. Inspection

The Owner, developer and Customer shall schedule an appointment with Utilities, in accord with Utilities' policies, to inspect and connect the natural gas service to the Utilities system.

3. Inspection and Connection Fees

Utilities shall inspect and connect the natural gas service to the Utilities system. The natural gas service shall be installed as a single service or shall be installed jointly with Residential electric service (see Section I.B. Fee Table).

The Joint Service Inspection and Connection Fee is also listed under the Electric section of these Utilities Rules and Regulations. However, that fee is only paid once for a joint natural gas service and Residential electric service inspection and connection.

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NATURAL GAS RATE SCHEDULES

NATURAL GAS

Natural Gas – cont'd

4. Return Trip Inspection and Connection Fees

In some instances, the service inspection and connection appointment may be cancelled outside the time frame set out in Utilities' policies or the service installation may not comply with Utilities' *Line Extension and Service Standards* when it is inspected.

5. Cancellation Fees

In certain instances, under Utilities' policies, a reduced fee may be charged for cancellation of inspection and connection appointments.

- b. Polyethylene natural gas service lines larger than two inches in diameter and all steel natural gas service lines must be installed by Utilities under a time and materials contract.

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VIII. WATER

A. Water Development Charge

A Water Development Charge (WDC) is assessed for each new connection to Utilities' supply system except for those Customers receiving service under the Augmentation Water Service Rate Schedule. The applicable WDC is shown below.

1. For each Single-Family Residential Connection with a ¾ inch water meter:

Inside City Limits

Less than 1,500 square foot lot	\$5,779.00
Between 1,500 and 2,999 square foot lot.....	\$5,887.00
Between 3,000 and 4,999 square foot lot.....	\$6,533.00
Between 5,000 and 6,999 square foot lot.....	\$7,956.00
Between 7,000 and 8,999 square foot lot.....	\$9,292.00
Between 9,000 and 10,999 square foot lot.....	\$10,197.00
Between 11,000 and 14,999 square foot lot.....	\$11,555.00
15,000 square foot or larger lot.....	\$12,913.00

Outside City Limits

Less than 1,500 square foot lot	\$8,669.00
Between 1,500 and 2,999 square foot lot.....	\$8,830.00
Between 3,000 and 4,999 square foot lot.....	\$9,800.00
Between 5,000 and 6,999 square foot lot.....	\$11,934.00
Between 7,000 and 8,999 square foot lot.....	\$13,938.00
Between 9,000 and 10,999 square foot lot.....	\$15,296.00
Between 11,000 and 14,999 square foot lot.....	\$17,332.00
15,000 square foot or larger lot.....	\$19,369.00

2. For each Nonresidential, Single-Family Residential (1" or larger meter), Multi-Family or Mixed Use connection based on meter size:

Inside City Limits

¾ inch or less (excludes Single-Family Residential).....	\$9,292.00
1 inch.....	\$15,487.00
1-1/2 inch	\$30,973.00
2 inch.....	\$49,557.00
3 inch.....	\$92,920.00
4 inch.....	\$154,867.00
6 inch.....	\$495,542.00
8 inch.....	\$867,222.00
10 inch.....	\$1,300,880.00
12 inch.....	\$1,641,618.00

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Outside City Limits

3/4 inch or less (excludes Single-Family Residential).....	\$13,938.00
1 inch.....	\$23,230.00
1-1/2 inch	\$46,460.00
2 inch.....	\$74,336.00
3 inch.....	\$139,380.00
4 inch.....	\$232,300.00
6 inch.....	\$743,313.00
8 inch.....	\$1,300,833.00
10 inch.....	\$1,951,320.00
12 inch.....	\$2,462,427.00

Mixed-Use Premises shall pay the rate per water meter under Section VIII.A.2. when one water meter is requested. If more than one water meter is requested, the nonresidential use shall pay the rate per water meter under Section VIII.A.2., and the Multi-Family use shall pay the rate per water meter in Section VIII.A.3. multiplied by the number of dwelling units for individually metered connections provided the metering configuration is approved by Utilities.

3. For each Multi-Family Residential Premises connection or for each additional 3/4 inch Residential connection on a Single Platted Lot:

Inside City Limits	\$5,295.00
Outside City Limits.....	\$7,942.00

Individually metered Multi-Family Premise connections shall pay the applicable WDC in Section VIII.A.3. multiplied by the number of dwelling units, while Master Metered Multi-Family Premise connections shall pay the WDC per meter under Section VIII.A.2.

4. For Nonpotable Water Connection Based on Meter Size:

2 inches or less	\$10,714.00
3 inch.....	\$23,614.00
4 inch.....	\$37,680.00
6 inch.....	\$75,167.00

Upon approval of Utilities, payment of the WDC for a new non-potable point of service is not required if there will be an offsetting reduction in potable water consumption from an existing potable water service. Requests for new or additional water demands will be required to pay the nonpotable WDC.

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5. Additional WDC Due

An additional WDC charge is applicable to:

- a. any increase in size of an existing meter, or
- b. any increased consumption that results in damage to Utilities' facilities or exceeds the capacity of the meter. The Customer shall pay the cost to upgrade the service and replace the meter and applicable water development charge, or
- c. any increased water consumption that occurs because of changes in operations, the remodeling or moving of existing buildings or structures, or the construction of additional buildings or structures.

The additional WDC charge will be assessed for any such increase in meter size in an amount representing the difference between the charge which would be imposed for the existing meter size and the charge which would be imposed for the size of the proposed meter. Payment for the additional WDC charge will be collected prior to issuance of a building or nonpotable permit or as provided in Section VIII.A.11. or when the increased water consumption begins. Any request for a change in water service shall be administered as a new application for service and subject to all requirements of the City Code and tariffs. If the change in use does not result in an increase in meter size, no additional WDC is due.

6. Non-waiver of the WDC

The applicable WDC will not be waived for any governmental, quasi-governmental or nonprofit organization or any other entity requesting connection to Utilities' supply system.

7. WDC Deferral for Community Gardens

A Community Garden established on a Premise within the Exclusive Water Service Territory may be eligible for deferral of the WDC.

A non-profit entity may submit an application to Utilities for WDC deferral for the purposes of a Community Garden. The WDC may be deferred for qualifying

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Community Gardens until such time as use of the service line is no longer solely for a Community Garden or is not for non-profit use. Upon a change of use from a Community Garden, if the Premise requires a permanent water service connection, the WDC shall be due in accordance with the then current Tariffs for a new connection.

8. Credit for Prior WDC Payment

Credit for the WDC paid for a prior development may be given for reuse of existing connections or for new connections to a land parcel where the WDC charge was paid. Credit for Multi-Family Residential dwelling units and nonresidential service must be determined by inspection by Utilities before any remodeling, moving or demolition of the structure occurs. No refund for excess credits will be given.

Credit for the WDC may only be transferred between Premises if all of the conditions listed below are met to Utilities' satisfaction. Any sale of credit for the WDC is expressly prohibited. Credit for a WDC can only be transferred one time. Any paid recovery agreement charges shall remain with the donor Premises and are not eligible to be transferred. No refund of excess credits, if any, will be given.

Conditions:

- a. There must be common ownership of the donor Premises and recipient Premises; the party requesting the transfer of credit for the WDC must provide Utilities with proof of common ownership, which may include, but is not limited to evidence of common ownership at a parent company level;
- b. Both the donor Premises and the recipient Premises must be Nonresidential, Multi-Family or Mixed Use;
- c. The donor Premises must be a vacant parcel without structure(s);
- d. The recipient Premises must meet and comply with all then current infill descriptions and/or criteria established by City of Colorado Springs;
- e. The recipient Premises must have an approved development plan, in accordance with applicable laws and regulations, prior to Utilities' approval of a transfer of the WDC credit;
- f. If the donor Premises will be left without any remaining WDC credits, the Owner shall remove the water service line to the donor Premises in accordance with City Code and Utilities' *Water Line Extension and Service Standards*;

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- g. All service line ordinances, regulations, and policies shall apply to transferred WDC credit and any applicable charges and/or fees shall be paid; and
- h. The party requesting the credits transfer shall pay to Utilities a fee of \$100.00 and shall commit to be responsible for all costs associated with the transfer, including but not limited to, title commitment, processing, and recording fees.

Upon the completion of a transfer of credit for the WDC, the transfer will be effectuated by recording a notice to the El Paso County Clerk and Recorder for both the donor Premises and the recipient Premises, which recording fees shall be paid by the owner of the donor and recipient Premises. The notice shall include the credits transferred and remaining, and applicable service dates associated with each Premises.

9. Request for WDC Refund

Requests for a refund of the WDC for connections not constructed must be made in writing to Utilities within two years of payment of the WDC. No refunds of any such charges will be made unless a request is received by Utilities within two years of payment and no service has been connected. Any charges which are not refunded are retained by Utilities as a contribution-in-aid of construction. Payment for WDC may be applied within 19 years as a credit towards the payment of the WDC for connection of the same land parcel, which may become due thereafter.

In any event, no credit will be given after 19 years or more from the date of discontinuance of use of the existing connection or payment of the unused WDC.

10. Inactive Water Service

In the event that a service line was classified as abandoned and/or inactive through prior Utilities' Rules and Regulations standards and/or City Code provisions (prior to March 1, 2016), the property Owner(s) may request to reestablish utility service from Utilities and Utilities shall reestablish the service upon payment of applicable fees and compliance with applicable rules and regulations.

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UTILITIES RULES AND REGULATIONS

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11. Timing of Payment of the WDC and related Connection Charges

Payment for a new connection or increased service level as provided in Section VIII.A.5.:

- a. Shall be due in full in cash or check prior to the issuance of a building permit, or
- b. The WDC may be deferred until the time prior to the installation of a meter to serve a Premise. The deferred WDC, Recovery Agreement Charges or any other fees – shall be paid at the then current rates plus an additional charge equal to a five percent annual interest rate, calculated per day, of the deferred amount and shall be paid in full in cash or check prior to the installation of meters and prior to the provision of service. The payment of all Water Service Permit Fees and all other related charges as determined by Utilities shall be paid prior to the issuance of the building permit.

12. WDC Deferral for Primary Employers

A Primary Employer enlarging its facilities or building new facilities within the City limits may be eligible for deferral of the WDC.

If the commercial or nonresidential operation meets the Primary Employer criteria, it may submit an application for development charge deferral to Utilities. Upon approval of the application by the Greater Colorado Springs Economic Development Corporation and the City of Colorado Springs Office of Economic Development, the company is qualified to pay the WDC on a five-year payment schedule. Payments can be made either on a monthly or yearly basis at a preset date as agreed in the contract for service. Interest charges on WDC not paid will be calculated in accordance with the published ten-year U.S. Treasury Note rate (Interest Rate).

13. WDC Deferral for Affordable Housing

There are two defined Affordable Housing Programs for WDC deferral based on the targeted income level for the affordable housing project. Projects, which are a mix of affordable and traditional units, are eligible to receive a deferral only for that portion of the project which is affordable and qualifies under this program.

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Single-family residences or Multi-Family Residential Premises construction that meet:

- a. The affordable housing criteria as defined by the City of Colorado Springs Housing and Community Development Office, and
- b. The energy and water conservation standards defined in Utilities' Affordable Housing Program are eligible for a deferral of the WDC.

Deferral of the WDC is on a first-come, first-served basis and will not, in aggregate, exceed five percent of Utilities' previous year's total WDC revenues. Therefore, regardless of the number of applications reviewed and preliminarily approved, deferrals will be issued on an annual basis up to, but not exceeding, the financial guidelines. All projects obtaining a service contract during a given year after this limitation has been met will not receive deferrals, nor will the WDC be eligible for refund in subsequent calendar years.

The amounts to be repaid under any of the Affordable Housing Programs will be based on the WDC in effect at the time the first repayment is made, but will not exceed the deferred amount plus interest charges. Interest charges used to determine the "not-to-exceed" amount will be calculated from the date of deferral to the date of first repayment in accordance with the Interest Rate in effect on the date of deferral, compounded annually.

The two Affordable Housing Programs are as follows:

PROGRAM A – Affordable Housing project targeting individuals whose income is greater than 50%, but not exceeding 80% of the area median income.

A1 - Owner Occupied:

- 25% of total WDC is due at time of application for utilities.
- 75% of total WDC plus any applicable interest is due at first subsequent sale of property or payable at any time prior to that date, at the Owner's option in five annual payments as follows:
 - 6th year – 20%
 - 7th year – 20%
 - 8th year – 20%
 - 9th year – 20%
 - 10th year – 20% Final Payment

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A2 – All others including ownership by corporations, partnerships, etc.:

- 25% of total WDC is due at time of application for utilities.
- 75% of total WDC plus any applicable interest is due beginning in the sixth year after deferral (or payable at any time prior to that date at Owner's option) and for four years thereafter. Repayment of the 75% deferral is collected annually as follows:

6th year – 20%

7th year – 20%

8th year – 20%

9th year – 20%

10th year – 20% Final Payment

The deferred fee will constitute a lien on the property in the form of a Deed of Trust executed by the property Owner until such time that it is paid in full.

PROGRAM B – Affordable Housing projects targeting individuals whose income is equal to or less than 50% of the area median income.

B1 - Owner Occupied:

- Zero percent of total WDC is due at time of application for utilities.
- 100% of total WDC plus any applicable interest is due at first subsequent sale of property, or payable at any time prior to that date, at Owner's option, in five annual payments as follows:

6th year – 20%

7th year – 20%

8th year – 20%

9th year – 20%

10th year – 20% Final Payment

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B2 - All others, including ownership by corporations, partnerships, etc.

- Zero percent of total WDC is due at time of application for utilities.
- 100% of total WDC plus any applicable interest is due beginning in the sixth year after deferral (or at any time prior to that date at Owner's option) and for four years thereafter. Repayment of the 100% of WDC deferral is collected annually as follows:
 - 6th year – 20%
 - 7th year – 20%
 - 8th year – 20%
 - 9th year – 20%
 - 10th year – 20% Final Payment

The deferred WDC fee will constitute a lien on the property in the form of a Deed of Trust executed by the property Owner until such time that it is paid in full.

If the property Owner(s) elects to repay the outstanding balance in five annual payments, then interest will be charged on the outstanding balance during such repayment period based on the Interest Rate, compounded annually. A calculation will be made by Utilities at the time of first repayment such that the five annual payments are equal.

In the event there is a subsequent sale of an Owner-occupied unit after selection of the five-year repayment option, all remaining unpaid amounts related to that unit are due and payable at the time of the subsequent sale.

Failure to make payments in accordance with the above programs will be subject to applicable Utilities' Tariffs, policies and procedures.

The property Owner has the right to prepay the principal amount, plus any applicable interest, outstanding under the program, in whole or in part, at any time without penalty.

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B. Water Extension Policy

A property Owner or developer is responsible for the cost of engineering, construction, and materials for all water system infrastructure and related appurtenances necessary to serve the Premises or development. Utilities will approve the plans and specifications of such facilities and appurtenances and inspect and approve the actual construction prior to connection of such facilities. The property Owner or developer is also responsible for any required pumping facilities (including pressure relief valves, pressure reducing valves and flow control valves) and vaults, and all fire hydrants that are necessary to serve the Premises or development.

1. Pipelines

Except in designated enclave areas which are platted and which contain occupied dwellings, a property Owner or developer is responsible for the cost of engineering, construction and materials of all Water Distribution Mains necessary to serve the proposed development.

Utilities may require that a property Owner or developer construct a Water Distribution Main larger than that required for the property Owner's or developer's needs for the service of lands beyond the Premises or development. In the event Utilities determines that construction of such Water Distribution Main over 12 inches in diameter is necessary for the efficient expansion of the system, the property Owner or developer served is responsible for the costs of engineering, materials and installation of such main. In such case Utilities is responsible for the difference in cost of materials above a 12-inch main, or above that capacity which is required to serve the proposed development if a Water Distribution Main larger than 12 inches in diameter is required for such development. Utilities, at its sole discretion, will determine whether the property Owner or developer will receive reimbursement for the cost of materials and/or be allowed to initiate a Recovery Agreement as specified in the Recovery Agreement charge section. Utilities will approve the design and inspect the actual construction prior to connection of such facilities to the distribution system.

When a property Owner or developer finds it necessary to construct supply and distribution facilities through or adjacent to unserved or undeveloped lands, the property Owner or developer will pay the entire cost of such facilities. Utilities may establish a Recovery Agreement with such property Owner or developer, to assist in the collection of a pro rata share of the eligible cost of such facilities and interest from the Owner(s) of such unserved or undeveloped lands prior to connection to the facilities.

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Owners of property in designated enclave areas which are platted and which contain occupied dwellings are responsible for the cost of engineering, construction and materials of all Water Distribution Mains and appurtenances necessary to serve the proposed property. The extension will extend from the nearest public water distribution source to the furthest property line of the Owner. The Owner is eligible to recover a pro rata share of such facilities. Utilities may participate in the cost of such extension to the extent Utilities determines, in its sole discretion, that installation of water distribution facilities will sufficiently reduce operational expenses to justify the extension and that the extension is required for efficient and safe operation of the system.

All costs incidental to or resulting from the procurement by Utilities of any required easement or right-of way, whether obtained by dedication, contract, condemnation or otherwise is borne by the property Owner(s) or developer and may be includable in a Recovery Agreement.

All costs advanced by Utilities for construction of extensions may be recovered through Recovery Agreement charges for connection to the mains extended by Utilities prior to such connections.

If Utilities determines that extension of Water Distribution Mains are in Utilities' best interest to protect water service to existing Customers, allow for the continued development within the service area, and provide benefit to the entire service area, Utilities may, at its sole discretion, design and construct the Water Distribution Mains located outside the boundaries of the unserved or undeveloped land. Utilities will recover the cost to construct such facilities, with interest, through a Recovery Agreement charge from the Owner(s) or developer of unserved or undeveloped lands prior to connection to such facilities. Utilities may implement a Recovery Agreement charge to collect the cost of the facilities in advance of its construction. Advance Recovery Agreements are based on estimated costs and are limited to Utilities' designated projects to the extent Utilities determines, in its sole discretion.

2. Service Lines

All cost and expenses incidental to the installation and connection of a Water Service Line to a Premises will be borne by the Owner(s) of the Premises. The Owner(s) will indemnify Utilities for any loss or damage to Utilities that may directly or indirectly be occasioned by installation of such Water Service Line.

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3. Pumping Facilities

In the event that pumping facilities are required, the cost of such facilities, land, and all appurtenances, is the responsibility of the property Owner or developer for the Premises served; provided however, that Utilities provides the necessary engineering at no expense to the property Owner or developer. Where it appears that more area or lands may be served by the pumping capacity than necessary to serve the initial development, Utilities may require a greater pumping capacity. Where greater capacity is required, Utilities will establish a Recovery Agreement with the property Owner or developer to assist in the collection of a pro rata share of the actual cost of such facilities from the Owner(s) of the Premises served by such facilities at the time of connection to the system and will refund such share of the cost to the property Owner or developer.

4. Water Distribution Storage

In the event that water distribution storage facilities are required (hydropneumatic and above-ground storage), Utilities will be responsible for the costs of land, design and construction.

5. Interim Facilities

Interim facilities are those not in conformance with Utilities' long-range system master plan. If interim or temporary facilities are necessary to serve a proposed development, the property Owner or developer will be responsible for the full cost of the interim and permanent facilities on a non-refundable basis. The nature and timing of necessary interim or permanent facilities is at the sole discretion of Utilities. When interim facilities are being utilized, Utilities may approve an Advance Recovery Agreement based on its estimate of the total recoverable cost for the permanent facilities.

C. Water Recovery Agreement Charge

1. Recovery Agreement Charges

A Recovery Agreement charge may be assessed for each connection to a Water Distribution Main or other facility, where such line or facility is planned or constructed by Utilities or is the subject of a Recovery Agreement between Utilities and the property Owner(s) or developer who constructed such line or facility. Consistent with such agreements, the charge will be in an amount which represents a pro rata share of the cost of construction of the line or facility. Property Owner(s)

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or developer-initiated Recovery Agreements will be collected prior to issuance of a building permit. Utilities-initiated Recovery Agreements will be collected prior to issuance of building permit, or at the time of final plat or as provided for in the Recovery Agreement. No credits or refunds will be made for these changes.

Except as otherwise provided within these Rules and Regulations, the property Owner(s) or developer is responsible for the costs and construction of all facilities and related appurtenances in and through the Premises or development upon approval of the plans and specifications by Utilities as provided in the City Code. Utilities will inspect and approve the actual construction prior to connection of structures.

2. Recovery for Oversizing

Utilities may require the property Owner(s) or developer to construct a line or other facility larger than that required for their needs for the service of lands adjacent to the Premises or development. A property Owner(s) or developer may also find it necessary to construct facilities through or adjacent to unserved or undeveloped lands. In either case, the property Owner(s) or developer will pay the entire cost of such facilities. Utilities may enter into a Recovery Agreement with the property Owner(s) or developer to collect a pro rata share of the costs of such construction from the Owner(s) of the adjacent lands at the time of their connection. Utilities will pay such collected Recovery Agreement charges to the Recovery Agreement contract holder.

3. Unit Recovery Charge Calculation

If the property Owner(s) or developer desires to enter into a Recovery Agreement with Utilities, they must submit a Notice of Intent in writing prior to the start of construction, pay the specified fee, and provide a complete detailed summary of all construction costs and support documentation as determined by Utilities within 365 days after the date of final acceptance notice by Utilities. The agreement holder and Utilities will jointly determine the service area of the facilities constructed and determine a Unit Recovery Charge (URC) for the service area. In the event that the agreement holder and Utilities fail to agree, the determination of Utilities is final. For facilities constructed by Utilities, Utilities will solely determine the service area of the facilities constructed.

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The amount of the URC per lot, per acre or per single family equivalent is computed by the following:

$$\text{URC} = \frac{a * (1 + (b + .03) * 5)}{c}$$

where a = total construction cost less the cost of service lines.

where b = Federal Reserve Daily Bank Prime Loan interest rate prevailing at the time the computation of the URC is made, expressed as a decimal.

where c = the number of equal or nearly equal units upon which the URC is based.

The method for establishing a URC for Advance Recovery Agreements will be determined by Utilities, at its sole discretion.

4. Recovery Agreement Reimbursement

Utilities or agreement holder’s rights to reimbursement under the provisions of the Recovery Agreement will not exceed the construction costs plus the interest factor for a period of 20 years from execution of the agreement, unless Utilities approves a contract period exceeding that time. Utilities or agreement holder’s right to reimbursement expires two years after expiration of the Recovery Agreement. No requests for reimbursement by the agreement holder made more than two years after the expiration date will be considered by Utilities.

To receive reimbursements under a Recovery Agreement, the agreement holder will advise Utilities in writing of any changes of address and any assignments of such Recovery Agreement. No later than 90 days following the expiration of the Recovery Agreement, Utilities will notify the agreement holder entitled to reimbursement of all amounts eligible for reimbursement and the date after which reimbursements will not be made. The notice will be made to the agreement holders last known address as reflected in Utilities’ records.

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D. Augmentation Water Service Extension

Customers contracting with Utilities for Augmentation Water Service will be responsible for all facility costs, including well, pond or diversion development costs, materials and construction costs, and operational and maintenance costs including electrical pumping and meter costs. Facilities will be designed and constructed in accordance with the applicable *Line Extension and Service Standards* for Water. Service will only be available upon approval by Utilities of the plans and specifications of such facilities and appurtenances. Utilities will inspect and approve the actual construction prior to initiation of service.

E. Nonpotable Water Service Extension

At its option, Utilities may fund the extension of the nonpotable distribution system to facilitate the development of economically feasible alternative sources of nonpotable water supply.

F. Water Service Permit Fees

1. Water service permits are required for: 1) each connection of a Service Line to the Water Distribution Main, (tap), 2) each repair or alteration to a Service Line (only when a Wastewater Permit is not required), or 3) each disconnection of a Service Line from the Water Distribution Main, or 4) for Temporary Service-Hydrant Use. Water Permit fees are due upon receipt of invoice or prior to issuance of Water Permit.
2. Any connection of a Service Line to the Water Distribution Main, any repair or alteration to a Service Line, or any disconnection of a Service line from the Water Distribution Main, may only be performed by private contractors as provided within the Utilities' *Line Extension and Service Standards* for Water.
3. Connection, repair, alteration, or disconnection of Service Lines.
 - a. New, developer-installed Water Distribution Mains.
 - i. For residential and nonresidential Customers with new construction and with Service Lines of two inches or less in diameter that are tapping into new, developer-installed Water Distribution Mains.

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- a. All construction will be performed by the Customer's, the Owner's or the developer's private contractor. The private contractor must comply with all contractor requirements of the Utilities' *Line Extension and Service Standards* for Water. All construction by the private contractor must strictly conform to the Utilities' *Line Extension and Service Standards* for Water.
- b. Utilities must inspect and must approve all such construction. If the construction does not comply with the Utilities' *Line Extension and Service Standards* for Water, then Utilities must re-inspect the construction until it may be approved. For fees, please see Section I.B. Fee Table.
- c. The Customer, the Owner and the developer warrants to Utilities all materials and labor related to the Service Line construction from (and including) the Service Line's point of connection to the Utilities system to the Premises for a period of two years from the date of its inspection and approval.

In the event of a defect in the Service Line construction during the two-year warranty period, then the Customer, the Owner and the developer immediately shall repair or replace the construction at no cost to Utilities. The Customer, the Owner and the developer acknowledge that this warranty continues to be the obligation of the Customer, the Owner and the developer even if that Customer, Owner, or developer ceases to be the Customer of record at the Premises, the Owner of the Premises, or the developer of the Premises.

The Customer, the Owner, and the developer agree to indemnify and to hold Utilities harmless from any damages, loss, cost, or liability (including, but not limited to, any death, injury, legal fees and the cost of enforcing this indemnity) arising out of, or resulting from the use of, the construction during the two-year period of the warranty.

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- ii. For all taps into new, developer-installed Water Distribution Mains that are larger than two inches in diameter, all construction will be performed by Utilities (see Section I.B. Fee Table).
 - b. All Utilities-owned and maintained Water Distribution Mains.
 - i. For residential and nonresidential Customers for Service Lines of two inches or less that are tapping into Utilities-owned and maintained Water Distribution Mains, Utilities will perform all construction.
 - ii. For all taps into Utilities-owned and maintained Water Distribution Mains that are larger than two inches in diameter, all construction will be performed by Utilities (see Section I.B. Fee Table).
 - c. Emergency and After-Hours

All fees listed in Section VIII.F.3.a. and Section VIII.F.3.b. are for non-emergency and normal business hour inspections and tapping construction. All emergency and after-hours inspections or tapping construction will be billed on a time-and-material basis in addition to the listed fee.
- 4. Temporary Service-Hydrant Use
 - a. A Temporary Water Service Permit for the use of a Fire Hydrant will be valid for a maximum period of 12 months. The applicable Water Service Permit Fees must be paid prior to the issuance of a Water Service Permit. Applicant must adhere to the terms and conditions set forth in the Temporary Water Service Permit and comply with Fire Hydrant use requirements as specified in the Utilities *Line Extension and Service Standards* for Water.
- 5. Non-compliance with Tariff or the Utilities' *Line Extension and Service Standards* for Water.
 - a. Non-compliance with this Tariff section of the Utilities Rules and Regulations or the provisions of the Utilities' *Line Extension and Service Standards* for Water that are referred to in this Tariff section, including but

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not limited to failure to obtain a Water Service Permit, including a Temporary Water Service Permit for Fire Hydrant Use, and to obtain applicable inspections, may result in fines (see Section I.B. Fee Table).

- b. All costs to remove non-complying construction or to otherwise remedy such non-compliance may be assessed as provided in the Utilities' *Line Extension and Service Standards* for Water.

6. Prohibited Construction

- a. Only Utilities may tap into a Utilities-owned and maintained Water Distribution Main.
- b. Only Utilities may install taps for Service Lines larger than two inches in diameter.

7. Pipe Cuts

Utilities performed pipe cuts are available on a Time and Material basis.

8. Hydrant Laterals

As specified in the Utilities' *Line Extension and Service Standards* for Water, taps are not permitted on hydrant laterals of the Water System.

G. Utilities' Liability – Water

Utilities is not liable for failure to maintain water pressures sufficient for any proposed use of water. This section is in addition to, and does not limit, Utilities Rules and Regulations – General.

H. Applicability of City Code – Water

Water service outside City limits and outside the Exclusive Water Service Territory defined in these Tariffs is subject to the requirements of the City Code (including without limitation Part 2 of Article 6 of Chapter 7 pertaining to Annexations) as the City Code is now in effect and as it may be amended from time to time hereafter by City Council.

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I. Exclusive Water Service Territory

In addition to all areas within the municipal limits of the City of Colorado Springs, the following areas have been designated as being within Utilities Exclusive Water Service Territory:

- (1) The Fort Carson cantonment area: That portion of Township 15 South, Range 66 West and of Section 36, Township 15 South, Range 67 West, of the 6th P.M., El Paso County, Colorado more particularly described as follows:

BEGINNING at the Northwest corner of Section 10, Township 15 South, Range 66 West; thence southeasterly on the easterly line of Tract No. 1 as described in Decree on Declaration of Taking, recorded in Book 985 at Page 346 of the records of said county about 4480 feet to the northerly line of Parcel No. A-1-A as described in Decree on Declaration of Taking No. 2, recorded in Book 985 at Page 405 of said records; thence easterly on said northerly line about 990 feet to the westerly right-of-way line of Interstate Highway 25; thence southerly on said westerly right-of-way line about 0.5 mile to the West line of the East half of the Northeast quarter of the Northeast quarter of Section 15, Township 15 South, Range 66 West; thence southerly on said West line about 600 feet; thence easterly on the South line of said East half of the Northeast quarter of the Northeast quarter of Section 15 about 485 feet to said westerly right-of-way line of Interstate Highway 25; thence southerly on said westerly right-of-way line about 4.4 miles to the South line of Section 36, Township 15 South, Range 66 West; thence westerly on the South lines of Sections 36, 35, 34, 33, 32 and 31, Township 15 South, Range 66 West and on the South line of Section 36, Township 15 South, Range 67 West about 6.1 miles to the easterly right-of-way line of Colorado State Highway 115; thence northerly on said easterly right-of-way line about 5.6 miles to the North line of Section 9, Township 15 South, Range 66 West; thence easterly on the North lines of Sections 9 and 10, Township 15 South, Range 66 West about 2.0 miles to the Point of Beginning.

- (2) The United States Air Force Academy: That portion of Township 12 South, Range 67 West and of Sections 6, 7, 18, 19, 20, 29, 30, 31, and 32, Township 12 South, Range 66 West and of Sections 5 and 6, Township 13 South, Range 66 West and of Section 1, Township 13 South, Range 67 West of the 6th P.M., El Paso County, Colorado more particularly described as follows:

BEGINNING at the Southwest corner of Section 5, Township 13 South, Range 66 West and with all bearings herein being relative to the Colorado coordinate system of 1927 central zone; thence N01°01'41"W on the West line of said section, 295.44 feet to a point on the northeasterly right-of-way line of the Atchison, Topeka and Santa Fe Railroad; thence S38°22'56"E on said northeasterly right-of-way line, 161.96 feet; thence N31°51'43"E, 751.80 feet; thence N55°05'43"E, 150.80 feet; thence N02°47'17"W, 543.00 feet; thence N01°16'00"E, 1216.51 feet; thence N50°50'42"E, 4249.41 feet to the Southeast corner of the West half of the East half of

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Section 32, Township 12 South, Range 66 West; thence northerly on the East line of said West half of the East half of Section 32 and on the East line of the West half of the Southeast quarter of Section 29 to the North line of said Southeast quarter of Section 29; thence S89°44'53"W on said North line, 706.63 feet; thence S67°01'23"W, 802.60 feet; thence S89°43'28"W, 600.00 feet; thence N22°58'08"W, 1176.83 feet; thence S89°47'17"W, 100.00 feet; thence N00°25'53"W, 225.00 feet; thence S89°47'17"W, 50.00 feet; thence N00°12'22"W, 408.41 feet; thence N19°07'55"W, 1303.37 feet to a point on the South line of Section 20; thence continue N19°07'55"W, 2796.94 feet to the Southeast corner of the Northeast quarter of Section 19; thence N00°15'03"W on the East line of said Northeast quarter, 2021.39 feet to a point on the southwesterly line of that parcel described in Book 5762 at Page 619 of said records; thence N36°37'02"W on said southwesterly line, 775.91 feet to a point on the South line of Section 18 and on the northeasterly line of that parcel described in Book 5762 at Page 622 of said records; thence continue N36°37'02"W on said northeasterly line, 992.27 feet; thence N59°45'15"W, 392.17 feet; thence N00°25'15"W, 620.00 feet; thence N87°59'45"E, 73.20 feet; thence on the arc of a curve to the left whose chord bears N23°36'28"W, having a central angle of 03°33'53", a radius of 6330.00 feet and an arc length of 393.83 feet; thence N25°23'25"W, 3673.36 feet to a point on the South line of Section 7; thence continue N25°23'25"W, 4957.46 feet; thence N06°00'35"E, 653.50 feet; thence N40°08'05"E, 236.62 feet to a point on the South line of Section 6; thence continue N40°08'05"E, 33.08 feet; thence N25°11'25"W, 120.00 feet; thence N56°36'25"W, 500.47 feet to a point on the East line of Section 1, Township 12 South, Range 67 West; thence N56°38'25"W, 630.29 feet; thence N25°23'25"W, 5014.33 feet to a point on the North line of the Northeast quarter of said Section 1; thence S89°35'52"W on said North line, 7.22 feet to the Northeast corner of the Northwest quarter of said Section 1; thence westerly on the North lines of Sections 1, 2, 3, and 4 to the Northeast corner of Section 5; thence S88°54'09"W on the North line of said section, 985.50 feet; thence S03°00'59"E, 659.99 feet; thence S88°54'09"W, 330.00 feet to the West line of the East half of the East half of said Section 5; thence southerly on said West line to the South line of said Section 5; thence easterly on said South line to the Northwest corner of Section 9; thence southerly on the West lines of Sections 9 and 16 to the South line of said Section 16; thence easterly on the South line of Section 16 to the West line of the Northeast quarter of Section 21; thence southerly on said West line to the North line of the Southwest quarter of said Section 21; thence westerly on said North line to the West line of said Section 21; thence southerly on said West line to the South line of said Section 21; thence easterly on said South line to the West line of the East half of Section 28; thence southerly on said West line and on the West line of the East half of Section 33 to the South line of said Section 33; thence easterly on the South lines of Sections 33, 34, 35, and 36 to a point on the North line of Section 1, Township 13 South, Range 67 West from which point the Northeast corner of said Section 1 bears N89°34'26"E, 1320.00 feet; thence S63°50'35"E, 1474.87 feet to a point on the West line of Section 6, Township 13 South, Range 66 West from which point the Northwest corner of said

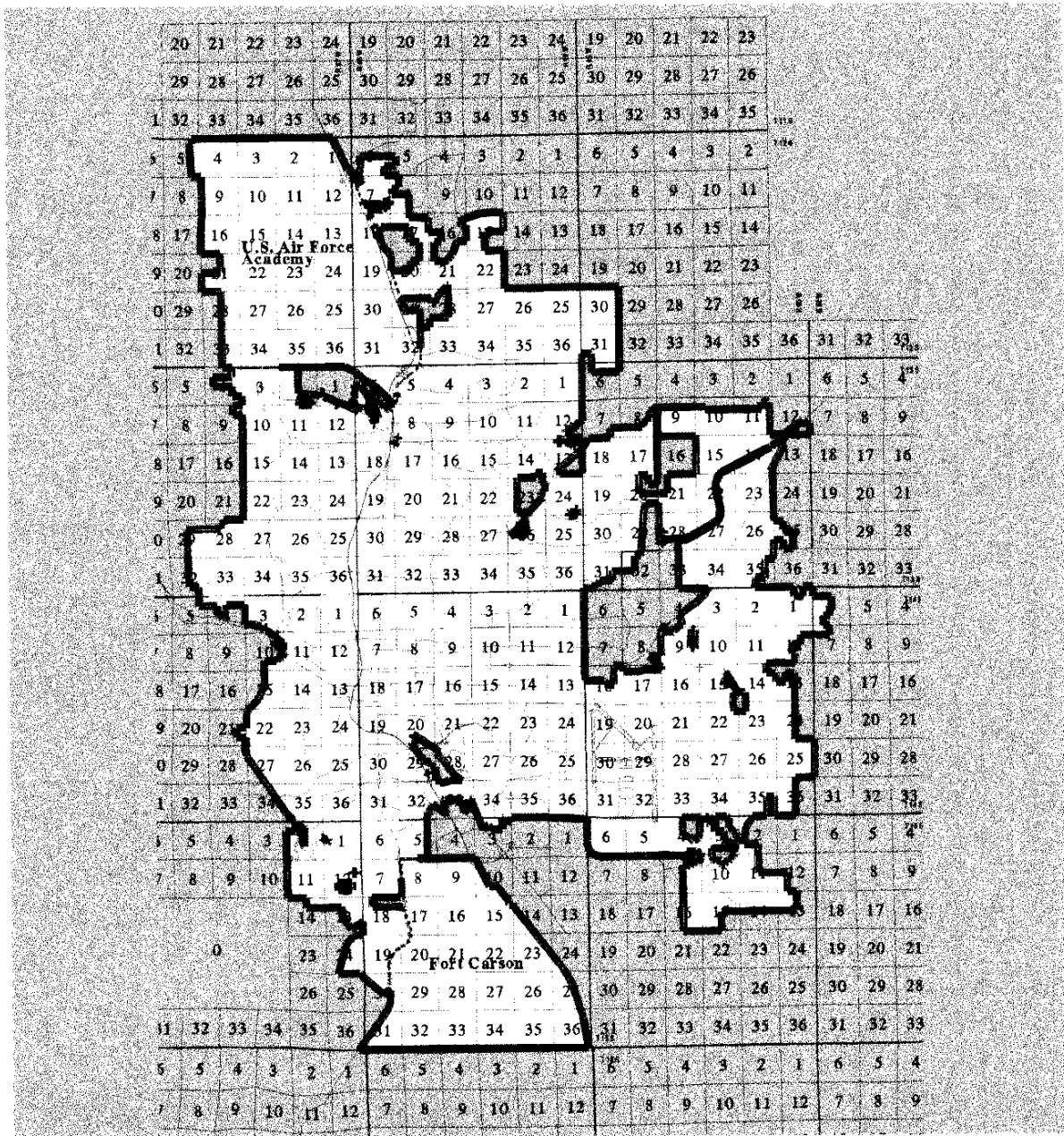
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Section 6 bears N00°20'10"W, 660.00 feet; thence S49°23'10"E, 1819.33 feet; thence S59°59'00"E, 1530.86 feet; thence S46°49'58"E, 1826.71 feet; thence S44°22'35"E, 1921.83 feet to the Point of Beginning.



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IX. WASTEWATER

A. Wastewater Permit Fee

Wastewater Permit fees are due upon receipt of invoice or prior to issuance of a Wastewater Permit. A Wastewater Permit fee will be assessed for:

1. new connection to Utilities' wastewater treatment system;
2. repair or alteration of each existing wastewater service line; and/or
3. disconnection from Utilities' wastewater treatment system.

All construction must strictly conform to the Utilities' *Line Extension and Service Standards* for Wastewater.

4. New Connection

For fees, see Section I.B. Fee Table.

5. Additional Installation, Repair or Alteration

For fees, see Section I.B. Fee Table.

6. Emergency and After-Hours Inspections

All fees listed above in subsections 1 and 2 are for non-emergency inspections conducted during Utilities' normal business hours. Emergency and after-hours inspections will be billed on a time and materials basis.

7. Reinspection Fee

In some instances, the service installation itself may not comply with Utilities' *Line Extension and Service Standards* for Wastewater when it is inspected. The Wastewater Permit fee covers the initial inspection and one return trip to the Premise.

For fees, see Section I.B. Fee Table.

8. Non-compliance with Tariff or the Utilities' *Line Extension and Service Standards* for Wastewater.

Non-compliance with this Tariff section of the Utilities' Rules and Regulations or the provisions of the Utilities' *Line Extension and Service Standards* for Wastewater that are referred to in this Tariff section, including but not limited to failure to obtain a Wastewater Permit and to obtain inspections, may result in fines.

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All costs to remove non-complying construction or to otherwise remedy such non-compliance may be assessed as provided in the Utilities' *Line Extension and Service Standards* for Wastewater.

B. Wastewater Development Charge

A Wastewater Development Charge (WWDC) is assessed for each new connection to Utilities' wastewater treatment system. The charge is based on type of building, facility or unusual wastewater characteristics of the new connection and assists the ratepayer by partially defraying the costs of capital improvements of the system. The applicable WWDC is shown below.

1. For each Single Family Residential connection – with a ¾ inch water meter.

Inside City Limits

Wastewater Service Area.....\$1,868.00

Outside City Limits

Wastewater Service Area.....\$2,802.00

2. For each Multi-Family Premise connection for each dwelling unit within a Multi-Family Residential Premise with individual ¾ inch water meters.

Inside City Limits

Wastewater Service Area.....\$1,213.00

Outside City Limits

Wastewater Service Area\$1,820.00

Individually metered Multi-Family Premise connections shall pay the rate in Section IX.B.2. multiplied by the number of dwelling units, while Master Meter Multi-Family Premise connections shall pay the WWDC per meter size in Section IX.B.3.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

3. For each Nonresidential, Single-Family Residential (1" or larger water meter), Multi-Family or Mixed-Use connection based on meter size:

Inside City Limits

Wastewater Service Area based on water meter size:

3/4 inch or less (excludes Single-Family Residential).....	\$2,604.00
1 inch.....	\$4,349.00
1-1/2 inch	\$8,671.00
2 inch.....	\$13,879.00
3 inch.....	\$26,040.00
4 inch.....	\$43,409.00
6 inch.....	\$138,871.00
8 inch.....	\$243,031.00
10 inch.....	\$364,560.00
12 inch.....	\$460,049.00

Outside City Limits

Wastewater Service Area, based on water meter size:

3/4 inch or less (excludes Single-Family Residential).....	\$3,906.00
1 inch.....	\$6,524.00
1-1/2 inch	\$13,007.00
2 inch.....	\$20,819.00
3 inch.....	\$39,060.00
4 inch.....	\$65,114.00
6 inch.....	\$208,307.00
8 inch.....	\$364,547.00
10 inch.....	\$546,840.00
12 inch.....	\$690,074.00

Mixed-Use Premises shall pay the rate per water meter under Section IX.B.3. when one water meter is requested. If more than one water meter is requested, the nonresidential use shall pay the rate per water meter under Section IX.B.3. and the Multi-Family use shall pay the rate per water meter under Section IX.B.2. multiplied by the number of dwelling units for individually metered connections provided the metering configuration is approved by Utilities.

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WASTEWATER

Wastewater – cont'd

4. Additional WWDC for Services

An additional WWDC may be assessed for large nonresidential service for the incremental increase in Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). In the event of collection system or treatment system capacity constraints, Utilities reserves the right to limit the availability of service or require recycling of wastewater if individual circumstances warrant such restrictions.

An additional WWDC may also be assessed as follows:

- a. any increase in size of an existing water meter;
- b. when wastewater service conditions change as a result of changes in Customer operations;
- c. the remodeling or moving of existing Customer buildings or structures; or
- d. the construction of additional Customer buildings or structures.

The WWDC will be assessed for any such increase in the size of an existing meter in an amount equal to the difference between the WWDC which would be imposed for the existing service conditions and the WWDC imposed for the proposed service conditions. Payment of the WWDC is due in full in cash or check, prior to the issuance of a building permit or as provided in Section IX.B.8. Any request for a change in wastewater service shall be administered as a new application for service and subject to all requirements of the City Code and these Tariffs. If the service does not result in an increase in water meter size, no additional WWDC is due.

5. Non-waiver of WWDC

The applicable WWDC will not be waived for any governmental, quasi-governmental or nonprofit organization or any other entity requesting connection to Utilities' wastewater system.

6. Credit for Prior WWDC Payment

Credit for the WWDC paid for a prior development may be given for reuse of existing connections, or for new connections to a land parcel where the WWDC charge was paid. Credit for Multi-Family Residential dwelling units and nonresidential service must be determined by inspection by Utilities before any remodeling, moving or demolition of the structure occurs. No refund for excess credit will be given.

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WASTEWATER

Wastewater – cont'd

Credit for the WWDC may only be transferred between Premises if all of the conditions listed below are met to Utilities' satisfaction. Any sale of credit for the WWDC is expressly prohibited. Credit for a WWDC can only be transferred one time. Any paid recovery agreement charges shall remain with the donor Premises and are not eligible to be transferred. No refund of excess credits, if any, will be given.

Conditions:

- a. There must be common ownership of the donor Premises and recipient Premises; the party requesting the transfer of credit for the WWDC must provide Utilities with proof of common ownership, which may include, but is not limited to evidence of common ownership at a parent company level;
- b. Both the donor Premises and the recipient Premises must be Nonresidential, Multi-Family or Mixed Use;
- c. The donor Premises must be a vacant parcel without structure(s);
- d. The recipient Premises must meet and comply with all then current infill descriptions and/or criteria established by City of Colorado Springs;
- e. The recipient Premises must have an approved development plan, in accordance with applicable laws and regulations, prior to Utilities' approval of a transfer of the WWDC credit;
- f. All service line ordinances, regulations, and policies shall apply to transferred WWDC credits and any applicable charges and/or fees shall be paid; and
- g. The party requesting the credit transfer shall pay to Utilities a fee of \$100.00 and shall commit to be responsible for all costs associated with the transfer, including but not limited to, title commitment, processing, and recording fees.

Upon the completion of a transfer of credit for the WWDC, the transfer will be effectuated by recording a notice to the El Paso County Clerk and Recorder for both the donor Premises and the recipient Premises, which recording fees shall be paid by the owner of the donor and recipient Premises. The notice shall include the credits transferred and remaining, and applicable service dates associated with each Premises.

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WASTEWATER

Wastewater – cont'd

7. Request for WWDC Refund

Requests for a refund of the WWDC for connections not constructed must be made in writing to Utilities within two years of payment of the WWDC. No refunds of any such charges will be made unless a request is received by Utilities within two years of payment and no service has been connected. Any charges which are not refunded are retained by Utilities as a contribution-in-aid of construction. Payments for WWDC may be applied within 20 years as a credit towards the payment of the WWDC for connection of the same land parcel, which may become due thereafter.

In any event, no credit will be given after 20 years or more from the date of discontinuance of use of the existing connection or payment of the unused WWDC.

8. Inactive Wastewater Service

In the event that a service line was classified as abandoned and/or inactive through prior Utilities' Rules and Regulations standards and/or City Code provisions (prior to March 1, 2016), the property Owner(s) may request to reestablish utility service from Utilities and Utilities shall reestablish the service upon payment of applicable fees and compliance with applicable rules and regulations.

9. Timing of Payment of the WWDC and Related Connection Charges

Payment for a new connection or increased service level as provided in Section IX.B.4.:

- a. Shall be due in full in cash or check prior to the issuance of a building permit, or the WWDC may be deferred until the time prior to the installation of a meter to serve a Premise. The deferred WWDC, Recovery Agreement Charges or any other fees shall be paid at the then current rates plus an additional charge equal to a five percent annual interest rate of the deferred amount, calculated per day, and shall be paid in full in cash or check prior to the installation of meters and prior to the provision of service. The payment of all Wastewater Permit Fees and all other related charges, as determined by Utilities, shall be paid prior to the issuance of the building permit.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

10. WWDC Deferral for Primary Employers

A Primary Employer enlarging its facilities or building new facilities within the City limits may be eligible for deferral of the WWDC.

If the commercial or industrial operation meets the Primary Employer criteria, it may submit an application for development charge deferral to Utilities. Upon approval of the application by Utilities, the company is qualified to pay the WWDC on a five-year payment schedule. Payments can be made either on a monthly or yearly basis at a preset date as agreed to in the contract for service. Interest charges on WWDC not paid will be calculated in accordance with the published 10-year U.S. Treasury Note rate (Interest Rate).

11. WWDC Deferral for Affordable Housing

There are two defined Affordable Housing Programs for WWDC deferral based on the targeted income level for the affordable housing project. Projects, which are a mix of affordable and traditional units, are eligible to receive a deferral only for that portion of the project which is affordable and qualifies under this program.

Single-family residences or Multi-Family Residential Premises construction that meet:

- a. the affordable housing criteria as defined by the City of Colorado Springs Housing and Community Development Office, and
- b. the energy and water conservation standards defined in Utilities' Affordable Housing Program are eligible for a deferral of the WWDC.

Deferral of the WWDC is on a first-come, first-served basis and will not, in aggregate, exceed five percent of Utilities' previous year's total WWDC revenues. Therefore, regardless of the number of applications reviewed and preliminarily approved, deferrals will be issued on an annual basis up to, but not exceeding, the financial guidelines. All projects obtaining a service contract during a given year after this limitation has been met will not receive deferrals, nor will the WWDC be eligible for refund in subsequent calendar years.

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WASTEWATER

Wastewater – cont'd

The amounts to be repaid under any of the Affordable Housing Programs will be based on the WWDC in effect at the time the first repayment is made, but will not exceed the deferred amount plus interest charges. Interest charges used to determine the “not-to-exceed” amount will be calculated from the date of deferral to the date of first repayment in accordance with the Interest Rate in effect on the date of deferral, compounded annually.

The two Affordable Housing Programs are as follows:

PROGRAM A – Affordable Housing projects targeting individuals whose income is greater than 50%, but not exceeding 80% of the area median income.

A1 - Owner Occupied:

- 25% of total WWDC is due at time of application for utilities.
- 75% of total WWDC plus any applicable interest is due at first subsequent sale of property or payable at any time prior to that date at the Owner’s option, in five annual payments as follows:
 - 6th year – 20%
 - 7th year – 20%
 - 8th year – 20%
 - 9th year – 20%
 - 10th year – 20% Final Payment

A2 – All others including ownership by corporation, partnerships, etc.:

- 25% of total WWDC is due at time of application for utilities.
- 75% of total WWDC plus any applicable interest is due beginning the sixth year after deferral (or payable at any time prior to that date at Owner’s option), and for four years thereafter. Repayment of the 75% deferral is collected annually as follows:
 - 6th year – 20%
 - 7th year – 20%
 - 8th year – 20%
 - 9th year – 20%
 - 10th year – 20% Final Payment

The deferred WWDC will constitute a lien on the property in the form of a Deed of Trust executed by the property Owner until such time that it is paid in full.

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WASTEWATER

Wastewater – cont'd

PROGRAM B – Affordable Housing projects targeting individuals whose income is equal to or less than 50% of the area median income.

B1 - Owner Occupied:

- Zero percent of total WWDC is due at time of application for utilities.
- 100% of total WWDC plus any applicable interest is due at first subsequent sale of property, or payable at any time prior to that date, at Owner's option in five annual payments as follows:
 - 6th year – 20%
 - 7th year – 20%
 - 8th year – 20%
 - 9th year – 20%
 - 10th year – 20% Final Payment

B2 – All others, including ownership by corporations, partnerships, etc.:

- Zero percent of total WWDC is due at time of application for utilities.
- 100% of total WWDC plus any applicable interest is due beginning in the sixth year after deferral (or at any time prior to that date at Owner's option) and for four years thereafter. Repayment of the 100% of WWDC deferral is collected annually as follows:
 - 6th year – 20%
 - 7th year – 20%
 - 8th year – 20%
 - 9th year – 20%
 - 10th year – 20% Final Payment

The deferred WWDC will constitute a lien on the property in the form of a Deed of Trust executed by the property Owner until such time that it is paid in full.

If the property Owner(s) elects to repay the outstanding balance in five annual payments, then interest will be charged on the outstanding balance during such repayment period based on the Interest Rate, compounded annually. A calculation will be made by Utilities at the time of first repayment such that the five annual payments are equal.

In the event there is a subsequent sale of an Owner-occupied unit after selection of the five-year repayment option, all remaining unpaid amounts related to that unit are due and payable at the time of the subsequent sale.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

Failure to make payments in accordance with the above programs will be subject to applicable Utilities' Tariffs, policies and procedures.

The property Owner has the right to prepay the principal amount, plus any applicable interest, outstanding under the program, in whole or in part, at any time without penalty.

C. Wastewater Extension Policy

A property Owner or developer is responsible for the cost of engineering, construction and materials for all wastewater collection system infrastructure and related appurtenances necessary to serve the Premises or development. Utilities will approve the plans and specifications of such facilities and appurtenances and inspect and approve the actual construction prior to connection of such facilities.

1. Pipelines

When a property Owner or developer finds it necessary to construct wastewater collection facilities through or adjacent to unserved or undeveloped lands, the property Owner or developer will pay the entire cost of such facilities. However, Utilities may agree in a Recovery Agreement with such property Owner(s) or developer to assist in the collection of a pro rata share of the eligible cost of such facilities and interest as provided within these Rules and Regulations from the property Owner(s) or developer of such unserved or undeveloped lands at the time of connection to the facilities or wastewater plan approval and refund such cost as provided in the Recovery Agreement.

If Utilities determines that extension of a wastewater collection system is in the best interest of Utilities to protect wastewater service to existing Customers, allow for the continued development within the service area and provide benefit to the entire service area, Utilities may, at its sole discretion, design and construct the wastewater collection system located outside the boundaries of the unserved or undeveloped land. Utilities will recover the cost to design and construct such facilities, with interest, through a Recovery Agreement charge from the property Owner(s) or developer of unserved or undeveloped lands prior to connection to such facilities. Utilities may implement a Recovery Agreement charge to collect the cost of the facilities in advance of its construction. Advance Recovery Agreements are limited to Utilities' designated projects to the extent Utilities determines, at its sole discretion.

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WASTEWATER

Wastewater – cont'd

All costs incidental to or resulting from the procurement by Utilities of any required easement or right-of-way, whether obtained by dedication, contract, condemnation or otherwise, is borne by the property Owner or developer and may be included in a Recovery Agreement.

When residents in designated enclave areas, which are platted and which contain occupied dwellings, request extension of the wastewater collection system, Utilities may participate in the cost of such extension to the extent Utilities determines, at its sole discretion, that installation of wastewater collection facilities will sufficiently reduce operational expenses to justify the extension and that the extension is required for efficient and safe operation of the system. At its sole discretion, Utilities may participate in the cost of extensions to serve designated enclave or unsewered areas. All costs advanced by Utilities for participation in such extensions will be recoverable as Recovery Agreement charges for connection to the collection system extended by Utilities at the time such connections are made or as stipulated in the Recovery Agreement.

A property Owner or developer will be responsible for the cost of construction of relief systems and necessary appurtenances when proposed flow demand exceeds existing system capacity. These relief facilities may be constructed on the property of the property Owner or developer or off-site at other locations within the collection system. At the discretion of Utilities, Utilities may enter into a cost-sharing agreement with the property Owner or developer to pay a pro rata share of the construction cost of relief systems based on the determination of benefit to Utilities. Benefit to Utilities may be derived from, but not limited to, the following:

- a. relief of pipelines operating in excess of design capacity;
- b. replacement of structurally deficient pipelines;
- c. replacement of pipelines subject to flooding or other hazards;
- d. replacement of pipelines with inadequate operations and maintenance access;
- e. replacement of pipelines subject to excessive inflow/infiltration; and
- f. pipelines that provide for the elimination of pump stations and force mains.

The property Owner(s) or developers and Utilities will have the right to reimbursement under the provisions of the Recovery Agreement for construction of relief facilities, as determined by Utilities.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

2. Service Lines

The Owner(s) of the Premise will be responsible for all costs and expenses incidental to the installation and connection of a service line to a Premise. The Owner(s) will indemnify Utilities for any loss or damage that may directly or indirectly be occasioned by installation of such service line.

3. Pump Stations and Force Mains

In the event that pump station facilities and associated force mains are required, the necessary land and cost of such facilities is the responsibility of the property Owner or developer for the property served. Where it appears that more area or lands may be served by the pump station capacity than necessary to service the initial development, Utilities may require a greater pumping capacity than necessary to service the initial development. Where greater capacity is required, Utilities may establish a Recovery Agreement with the property Owner or developer to assist in the collection of a pro rata share of the actual cost of such facilities from the property Owner or developer of the Premise served by such facilities at the time of connection to the system and will refund such share of the cost to the property Owner or developer.

The system will be designed, where possible, so as to permit an eventual connection into a gravity system with a minimum of expense. Where practicable, easements will be provided, and lines constructed to tie into the gravity system. Utilities may require deposits from the property Owner or developer requiring said force system, where deemed necessary, to pay for the eventual construction of gravity lines.

4. Interim Facilities

Interim facilities are those not in conformance with Utilities' long-range system master plan. If interim or temporary facilities are necessary to serve a proposed development, the property Owner or developer will be responsible for the full cost of the interim and permanent facilities on a non-refundable basis. The nature and timing of necessary interim or permanent facilities is at the sole discretion of Utilities. When interim facilities are being utilized, Utilities may approve an Advance Recovery Agreement based on its estimate of the total recoverable cost for the permanent facilities.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

D. Wastewater Recovery Agreement Charge

1. Recovery Agreement Charge

A Recovery Agreement Charge may be assessed for each connection to a collection line or use of a pumping station and force mains, where such line or facility is planned or constructed by Utilities or is the subject of a Recovery Agreement between Utilities and the property Owner or developer who constructed such line or facility. Consistent with such agreements, the charge will be in an amount which represents a pro rata share of the cost of construction of the line or facility. Property Owner or developer initiated Recovery Agreements will be collected prior to issuance of a building permit. Utilities initiated Recovery Agreements will be collected prior to issuance of a building permit, or at the time of final plat or as provided for in the Recovery Agreement. No credits or refunds will be made for these charges.

Except as otherwise provided within these Rules and Regulations, the property Owner or developer is responsible for the costs and construction of all facilities and the appurtenances thereto in and through the Premises or development upon approval of the plans and specifications by Utilities as provided in the City Code. Utilities will inspect and approve the actual construction prior to connection of structures.

2. Collection Line Recovery

Utilities may require the property Owner or developer to construct a collection line larger than that required for their needs for the service of lands adjacent to the Premise or development. In that case, Utilities may enter into a Recovery Agreement with the property Owner or developer to collect a pro rata share of the costs of such construction from the Owner of the adjacent lands at the time of their connection and refund such costs to the property Owner or developer. When a property Owner or developer finds it necessary to construct facilities through or adjacent to unserved or undeveloped lands, the property Owner or developer will pay the entire cost of such facilities. However, Utilities may agree in writing with the property Owner or developer to collect a pro rata share of the costs from the Owner of property served by such facilities at the time of connection to the system and will refund such monies to the property Owner or developer.

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UTILITIES RULES AND REGULATIONS

WASTEWATER

Wastewater – cont'd

3. Pump Station and Force Main Recovery

If required, the cost of constructing pump stations and/or force mains is the responsibility of the Owner of the Premise served by these facilities. Where it appears that more area or land may be served by the pump station/force mains, Utilities may require a larger capacity than necessary to serve the initial development. Where such larger capacity is required, Utilities may enter into a Recovery Agreement similar in fashion to that of collection lines.

4. Establishing a Recovery Agreement

If a property Owner or developer desires to enter into a Recovery Agreement with Utilities, they must submit a written Notice of Intent prior to the start of construction, pay the specified fee and provide a written complete detailed summary of all construction costs to Utilities within 365 days after the date of final acceptance notice by Utilities.

5. Unit Recovery Charge Calculation

The agreement holder and Utilities will jointly determine the service area of the facilities constructed and determine a Unit Recovery Charge (URC) for the service area. In the event that the agreement holder and Utilities fail to agree, the determination of Utilities is final, subject to review by the City Council. The amount of the URC per lot, per acre or per single family equivalent is computed by the following:

$$\text{URC} = \frac{a * (1 + (b + .03) * 5)}{c}$$

where a = total construction cost less the cost of service lines.

where b = Federal Reserve Daily Bank Prime Loan interest rate prevailing at the time the computation of the URC is made, expressed as a decimal.

where c = the number of equal or nearly equal units upon which the URC is based.

The method for establishing a URC for Advance Recovery Agreements will be determined by Utilities, at its sole discretion.

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WASTEWATER

Wastewater – cont'd

6. Recovery Agreement Reimbursement

The agreement holder's rights to reimbursement under the provisions of the Recovery Agreement will not exceed the construction costs plus the interest factor for a period of 20 years from execution of the agreement, unless Utilities approves a contract period exceeding that time. The agreement holder's rights to reimbursement expires two years after expiration of the Recovery Agreement. No requests for reimbursement by the agreement holder made more than two years after the expiration date will be considered by Utilities.

E. Discharge Permit Fee

1. A Discharge Permit Fee of \$1,132.00 will be assessed to all significant industrial users proposing to connect to, and discharge into, any part of the wastewater treatment system and collected at the time of application. This fee is non-refundable and will not be assessed on a pro rata basis.
2. An annual renewal Discharge Permit Fee of \$1,132.00 will be assessed to existing Discharge Permit holders in accordance with the City Code. This fee is non-refundable and will not be assessed on a pro rata basis.

F. Zero Discharge Permit Fee

A Zero Discharge Permit Fee charge of \$50.00 will be assessed to all significant industrial users proposing to connect to any part of the wastewater treatment system and collected at the time of application or any subsequent renewal. This fee is non-refundable and will not be assessed on a pro rata basis.

G. Applicability of City Code – Wastewater

Wastewater service outside City limits is subject to the requirements of the City Code (including without limitation Part 2 of Article 6 of Chapter 7 pertaining to Annexations and Part 3 of Article 5 of Chapter 12 pertaining to Wastewater Service) as the City Code is now in effect and as it may be amended from time to time hereafter by City Council.

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Hearing Procedures

CITY OF COLORADO SPRINGS
RULES AND PROCEDURES OF CITY COUNCIL¹

Adopted by Resolution No. 42-13

Effective April 16, 2013

¹ Rules of Council are adopted by § 3-50 of the Charter of the City of Colorado Springs.

PART 4 - UTILITIES PRICING AND TARIFF HEARING PROCEDURE

The following rules shall govern Council hearings concerning the adoption of resolutions which change the pricing or tariff for any regulated utility service of Colorado Springs Utilities (Utilities):

4-1. HEARING PROCESS

A. Pre-Hearing Procedures

- (1) The process to change pricing or tariffs for any regulated utility service shall commence with the filing by Utilities of a resolution identifying the proposed changes, accompanied by the proposed tariffs, at a regular or special meeting of Council. Council shall establish a date for a public hearing at that meeting, which hearing shall be no less than thirty (30) calendar days nor more than sixty (60) calendar days from the date of the notice to customers of the proposed resolution.
- (2) Utilities shall be responsible for notifying customers of proposed changes in pricing or tariffs for any regulated utility service as required by the City Code and Colorado law. Utilities shall place one copy of the Utilities filing and any written documents provided to Council to explain the proposed resolution on file in the office of the City Clerk. These documents shall be available for public inspection.
- (3) Before or during any public hearing, Council may be assisted by legal, technical or other professional personnel as it deems necessary. If Council retains a professional consultant or advisor, the consultant or advisor shall provide a written report to Council, Utilities and any customer who has filed a notice of intent under subsection A.8 below at least ten (10) working days prior

to the public hearing. A copy shall also be filed with the City Clerk and shall be available for public inspection.

- (4) If the change in pricing is supported by a cost of service study, Utilities shall provide a draft copy of the proposal and cost of service study to the City Auditor at least thirty (30) calendar days prior to the filing. If the proposed changes do not require a supporting cost of service study, Utilities shall provide a draft of the proposal to the City Auditor seven (7) calendar days prior to the filing of the proposed resolution. If the City Auditor chooses to file a report on the proposal, such report shall be filed with the City Clerk and Utilities at least five (5) calendar days prior to the public hearing.
- (5) Drafts of the proposed resolution and tariff sheets will be provided to the City Attorney seven (7) calendar days prior to filing with Council.
- (6) Subsequent to the Utilities filing and before the public hearing, Utilities may make the following changes to its filed proposal provided that copies of any changes are filed with the City Clerk and sent to customers who have notified the City Clerk of their intention to present witnesses: a) minor corrections or administrative clarifications to the Utilities' filing; b) supplements containing additional information necessary or appropriate to substantiate the filing; c) modifications which reduce the amount of the change requested.
- (7) Prior to the public hearing, no increase in the prices as noticed may be proposed without notification to all customers who notified the City Clerk of their intention to present witnesses at the hearing and without publication of such changes at least once in a newspaper of general circulation within the City. Material supporting any proposal to increase the prices as previously noticed must be filed with the City Clerk and held open for public inspection.

- (8) The representative or attorney of a customer who wishes to present testimony by witnesses other than the customer must file a notice of intent with the City Clerk disclosing the names of witnesses, a short summary of testimony and a copy of all exhibits and other documentation to be presented to Council no less than seven (7) working days prior to the public hearing. A copy of all such material must be filed at the same time with the Utilities' Pricing Department Manager.
- (9) There is no formal right to discovery, but parties are urged to share information in order to expedite the proceeding. Parties are also encouraged to meet in advance of the hearing to narrow or resolve the disputed issues between them. Nothing shall prohibit the Utilities from meeting with customers outside of the hearing process to discuss proposed changes in pricing or tariffs and to solicit their input. (2011)

B. Hearing Procedures

- (1) Council shall hear the matter in its legislative capacity. The Colorado Court Rules of Civil Procedure and the Rules of the Public Utilities Commission of the State of Colorado shall not apply to the proceedings. Council is not bound by the rules of evidence. Council may take notice of general, technical or scientific facts, or of laws, regulations or court decisions without the necessity of presentation of evidence.
- (2) At the public hearing Utilities shall make a presentation to explain the filing and the need for changes in pricing or tariffs. Any customer shall be allowed to present testimony and/or exhibits relevant to the proposed changes during that portion of the public hearing when public comment is allowed.

- (3) At the public hearing, Council may question witnesses and may allow such questioning, rebuttal or argument by Utilities, and by customers, their attorneys or representatives, as Council deems appropriate. Council may limit the time for presentation by Utilities, customers and their attorneys or representatives, as it deems appropriate. Testimony must be relevant to the issues being heard and shall not be repetitious. If the testimony or exhibits are repetitious, Council may require all similarly interested customers to designate a spokesperson or may appoint one for them.
- (4) No party shall have a right to present written briefs during or at the conclusion of the public hearing, unless requested by Council.
- (5) Pursuant to the legal requirement that pricing and tariff decisions must be based on information contained "on the record", once the proposed resolution has been filed if Councilmembers have communications about matters subject to decision outside of the public hearing such communications are considered to be "*ex parte* communications". When an *ex parte* communication occurs, the pertinent details of the communication should be noted during the public hearing. In recognition of the fact that Councilmembers also serve on the Utilities Board, and that Councilmembers/Board members and members of Utilities staff frequently communicate on a number of issues, if an *ex parte* communication occurs between a Councilmember and a staff member of Utilities, the staff member will reduce the pertinent elements of the communication to writing. The writing will be distributed to all Councilmembers and customers who have filed notices of intent, and shall be placed on file with the City Clerk as part of the record of the proceeding.

C. Post-Hearing Procedures

- (1) At the conclusion of the public hearing, Council shall identify issues for deliberation and decision. Council may adjourn to another time to complete its

deliberation and make a decision on the issues. Council may revise any proposed pricing or tariff as a result of the information presented at the public hearing. All decisions made by Council shall be based on the record.

- (2) After its deliberations, Council shall instruct the City Attorney to draft a proposed Decision and Order. The Decision and Order shall incorporate a description of the history of the proceeding, the issues identified by Council for deliberation, and Council's findings on the issues.
- (3) The written Decision and Order of Council shall be incorporated in a Resolution of Council revising pricing or tariffs. The Decision and Order shall be adopted in open public session and shall be placed on file with the City Clerk. It shall identify the date on which changes in pricing or tariffs were approved and the date on which they shall become effective.
- (4) All prices, as established by Council in these proceedings, shall meet the requirements of the City Code. All prices shall be designated in tariff sheets and shall remain on file in the City Clerk's Office and the Utilities Pricing Department.
- (5) No party shall have the right to request rehearing, reargument or reconsideration of the decision of Council.
- (6) The Utilities filing and supporting documentation, all subsequent documents submitted to Council or the City Clerk by Utilities, customers or their representatives, the report of the City Auditor, the presentations to Council by any party, all Council deliberations, its Decision and Order, and the Resolution adopted, shall constitute the record of these proceedings.

4-2. EXPEDITED HEARING PROCESS FOR INSTANCES OF GOOD CAUSE

A. Instances for Which Good Cause Exists (2011)

- (1) Certain pricing and tariff changes may be made, or refunds authorized, without meeting the notice and public hearing requirements imposed by Section I of this Part 4, provided that good cause exists. In the following instances, good cause exists:
 - a. Changes to the gas cost adjustment to reflect increased or decreased gas costs.
 - b. Changes to the electric cost adjustment to reflect increased or decreased costs of the fuel used for electric generation or purchased power costs.
 - c. Refunds to customers.
 - d. Changes to other fees, rates or charges that are not within the control or discretion of the City or the Utilities.
 - e. Changes to the pricing of water necessary to avoid a water shortage.
 - f. Tariff changes which have no adverse impact on customers.
- (2) Council may find that good cause exists in other instances, and must state the nature and circumstances of the good cause in the resolution resulting from its action.

B. Process for Expedited Hearing

- (1) Proceedings for consideration of matters for which good cause exists shall be conducted in a legislative manner as a Council item.

- (2) When Utilities proposes changes to the gas cost adjustment or the electric cost adjustment, drafts of the proposal including the proposed resolution and tariffs will be provided to the City Auditor and the City Attorney seven (7) calendar days prior to filing the proposal with Council. If the City Auditor finds that the proposed adjustment is adequately supported and conforms to the requirements of the cost adjustment tariffs, the City Auditor will provide such findings in a letter to the Council that will be included in the filing by Utilities. If the proposed changes to the gas cost adjustment or the electric cost adjustment are supported by a letter from the City Auditor, the resolution effecting the change will be placed on the Council's Consent Calendar. (2011)
- (3) The resolution adopting changes shall be considered an Order of Council, shall specify the changes to be made and shall state: a) the circumstances which establish good cause and necessitate the change being made under these procedures, b) the effective date of the changes, and c) the manner in which the changes shall be published. (2000, 2004; 2011)