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General Provisions

§55.01 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Main - Any pipe that is used for the purpose of carrying gas to and dispersing the same in the city.

Single Premises-No more than one customer procuring gas from a main.

(Ord. 1687, passed 8-12-99)

Service Line - Any pipe tapped into a main by the utility and extending from there to the customers point of service terminating at a meter.

Point of Service - The closest part of the structure to utility facilities where the metering system is installed and utility responsibility for commodity consumed ends.

§55.02 Ownership

The Board of Public Works or its designated agent shall have the direct management and control of the City Gas Department and shall faithfully carry out the duties of the office. The Board of Public Works shall have authority to adopt rules and regulations for the safe and efficient management of the Gas Department.

(Ord. 1687, passed 8-12-99; Am. Ord. 1815, passed 10-24-02)

§55.03 Connections

(A) It shall be unlawful for any plumber to do any work upon any of the pipes or appurtenances of the gas distribution system, or to make any connection with or extension of the service line of any consumer taking gas from the said system until such plumber or pipe fitter shall have first procured a permit from the city.

(B) All service line installations shall be done by the Board of Public Works or its Agent.

§55.04 Liability

The licensed plumber who connects with the city gas distribution system shall be held responsible for any damage he or she may cause to the gas line or the public ways and property. He or she shall restore to the complete satisfaction of the city Street Department all streets that he or she has excavated and make good any settlement of the ground or pavement caused by his or her excavations.

(Ord. 1687, passed 8-12-99; Am. Ord. 1815, passed 10-24-02)

§55.05 Restricted Use

The city gas system does not guarantee the delivery of natural gas over the mains of the distribution system except when it has sufficient gas, equipment, and machinery to do so. The Board of Public Works or its Designated Agent has the power and authority to disconnect or discontinue such services for any good and sufficient reason without liability. The city shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the city has no control. The city expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice.

(Ord. 1687, passed 8-12-99; Am. Ord. 1815, passed 10-24-02)

§55.06 Inspections

The Board of Public Works, or its designated agents, shall be permitted access between the hours of 7:00 a.m. and 5:00 p.m., provided that in the event of any emergency, such inspections may take place at any time, to all parts of each premise and building to, or in which gas is delivered for the purpose of examining the pipes, flues, appliances, and other portions of the system to ascertain whether there is any disrepair or unsafe conditions. It shall be the duty of every customer of the gas system to answer all questions asked by the Board of Public Works or its agent relative to the use and consumption of gas.

(Ord. 1687, passed 8-12-99; Am. Ord. 1815, passed 10-24-02)

§55.07 Installation Procedure

In making excavations in streets, alleys, or sidewalks for the purpose of installing gas pipe or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After the gas pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the Board of Public Works shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed by said Board of Public Works.

(Ord. 1687, passed 8-12-99; Am. Ord. 1815, passed 10-24-02) Penalty, see § 10.99

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The cost of concrete removal and replacement is not included in the Tap or Impact Fees. Any concrete expense is the customer's expense.

§55.08 Occupation Tax

The utility gas system shall pay to the General Fund of the city an occupation tax of 3% of its receipts. This occupation tax shall be determined and paid monthly for the prior monthly period. Such funds shall go to general expenditures of the city. The funds shall be charged to all customers except those which may be designated by the City Council of the city as city government customers.

(Ord. 1687, passed 8-12-99)

§55.09 Operation and Funding

The city owns and operates the City Gas Department through the Board of Public Works. The Board of Public Works or its designated agent shall have the direct management and control of the Gas Department and shall faithfully carry out the duties of the office. The Board of Public Works shall have the authority to adopt rules and regulations for the safe and efficient management of the Gas Department.

Regulations

§55.26 Meter Examination

No person except an authorized agent of the city shall set meters or make connections to the gas system of the city. The owner or tenant of a premise where a meter is located shall provide ready and convenient access to the meter so that it may easily be examined and read by the authorized agent of the city. The Board of Public Works or its designated agent may have any meter tested to determine if it is registering the true amount of gas at any time at the city's expense. Any consumer of gas from the gas system may request to have his or her gas meter tested by the city which test shall be conducted within 20 days. The initial cost of the test of the meter shall be borne by the city, but if the test of the meter discloses that the meter is registering less than 2% above actual usage, the consumer shall be billed the reasonable expense of making the test.

(Ord. 1687, passed 8-12-99; Am. Ord. 1815, passed 10-24-02) Penalty, see § 10.99

§55.27 Gas Furnaces and Gas Boilers; Permit Required

No person shall install a gas furnace and/or a gas boiler within the city or its environs where supplied with gas from the City Gas Department without first having

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procured a permit therefore from the Building Inspector, or to use the gas furnace and/or gas boiler during the period that a permit may be revoked. The application for the permit shall be made in writing.

(Ord. 1687, passed 8-12-99; Am. Ord. 1815, passed 10-24-02) Penalty, see § 10.99

§55.28 Poisonous and Flammable Gases

Any person, firm or corporation desiring to store or keep in the residential zoned districts of the city, other than for a temporary period of time of less than 30 days, or unless the same is located within an approved tank of an operable motor vehicle, any form of poisonous, flammable gas, liquefied petroleum gas, diesel fuel or any other liquefied petroleum, paint, oils, varnishes or similar flammable or explosive mixtures in excess of 50 gallons total, or 100 pounds, hereinafter call agent, whether one more, must obtain permission from the Board of Public Works, or the appropriate department of the city. The Board of Public Works, or the appropriate department of the city, shall require the name of the agent to be stored, the place of storage and the amount to be stored. It shall be the duty of the Board of Public Works, pursuant to applicable codes adopted by the Board of Public Works, and the appropriate department, pursuant to said adopted codes, to enforce this section. *(Ord. 1797, passed 4-11-02)*

Rates; Charges; Fees

§55.40 Installation Expense

The expense of providing service from the main to the point of delivery shall be paid by the consumer. For small volume customers located adjacent to a main, the customer shall pay a tap fee of \$500 (plus developer fee) which shall compensate the city for the expense of installing the meter and regulator, tapping the main, and installing a service line. For large volume customers adjacent to a main, the customer shall pay a fee of 50% of the cost to the city for the expense of installing the meter and regulator, tapping the main, and installing a service line.

Additionally, customers requiring service on property not adjacent to a main shall pay the entire cost of installing a service line, and/or extension of the main. The city shall own all meters and regulators, mains, and service lines. Approval of the Board of Public Works or its designated agent shall be required as to location and installation of meters and regulators.

(Ord. 1687, passed 8-12-99; Am. Ord. 1815, passed 10-24-02)

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§55.41 Rates, Fees, and Charges

The rates, fees, and charges for the use of natural gas from the city gas distribution system shall be and hereby are those figures and terms as set out in the following sections, said sections to be on file in the office of the Utilities, for public inspection during the normal business hours. All rates as hereinafter set forth are subject to amendment by future resolutions duly enacted by the Board of Public Works and ordinance enacted by the City Council.

(Am. Ord. 1697, passed 10-14-99)

§55.42 General Service Gas Rate

(A) Availability and priority of service-Natural gas shall be furnished, subject to availability, to all residential customers on the city's existing gas distribution facilities supplied at one point of delivery for which no other specific schedule is provided. This service shall have the highest priority regarding availability. Natural gas shall be furnished, subject to availability, to all nonresidential customers on the city's existing gas distribution facilities supplied at one point of delivery whose maximum monthly requirement has not exceeded 3,000 DTH during the most recent 12-month period. This service shall have the second highest priority regarding availability.

(B) Character of service - Natural gas will be supplied at the standard pressures and quality. *(Am. Ord. 1697, passed 10-14-99)*

Commercial service pressure is 8" WC or 2# as determined by utility

Residential service pressure shall be 8" WC

§55.43 Large General Service and Industrial Natural Gas Rate

(A) Availability and priority of service - Natural gas may be furnished, subject to availability, to all large general service or industrial customers located at points on the city's existing gas distribution system upon election and acceptance by the Board of Public Works where the customer's natural gas consumption exceeds 3,000 DTH in a minimum of one service month annually. This section shall not be applicable to resale, supplemental, auxiliary, or shared service. This service shall have the lowest priority as among those general services mentioned herein.

(B) Rate schedule

Customer Charge	Negotiable
Base Rate	Negotiable
Purchased Gas Adjustment	Negotiable

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Demand Charge See below

(C) Minimum bill-The minimum bill shall be the customer charge.

(D) Demand charge - All customers receiving service under this section shall be required to specify a level of maximum daily requirements (hereinafter referred to as the “contract demand level”) to be satisfied with purchases the city makes from its natural gas suppliers. Gas purchase requirements in excess of the contract demand level will be supplied strictly on an as available basis in accordance with the contract. During the term of the contract, the contract demand service and as available service shall be subject to charges as specified in Northern Natural Gas Company’s Federal Energy Regulatory Commission (FERC) tariff as of the effective date of this chapter or to such replacement charges as may be found appropriate by the FERC. During periods of curtailment or other specified periods, the city may assess the daily demand charge based on deliveries made to the customer each day during the billing period.

(E) Demand charge credit. If the city fails or is unable to deliver during any one or more days the quantity of natural gas which the customer desires to purchase, up to the contract demand level, then the demand charges, as determined herein, shall be reduced by an amount equal to the daily demand charge multiplied by the difference between the volume of natural gas actually delivered on the days involved and the volume of natural gas, up to the contract demand level, which the customer in good faith demanded to receive on such days.

(F) Transportation provisions

(1) Delivery points. The customer will provide for the delivery of volumes of natural gas to be transported to a mutually agreeable location on city’s natural gas system which serves the customer’s premises, and the city shall deliver said volumes of gas, less any retainages as may be set forth by contract, to the outlet side of the city’s meters at customer’s premises. In cases where the customer is served from a pipeline “line tap” or the city’s natural gas transmission system, the outlet of the city’s meter and the delivery point to customer may be one and the same. Gas transported hereunder will be delivered to city in the state in which it will ultimately be consumed.

(2) Quantity

(a) The city’s obligation to transport the customer’s gas shall be as follows:

1. If the city’s system capacity is inadequate to meet all of its other demands for sales and transportation service, the services supplied

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under this section will be curtailed in accordance with the priority of service as stated in § 52.43 through 52.45 of this chapter.

2. If a supply deficiency occurs in the volumes being delivered to the city on behalf of the customer, and sales gas of the same priority is available, the customer may continue to be served sales volumes in lieu of transportation volumes.

3. If a supply deficiency occurs in the volume of gas available to the city for resale, and the customer's supply delivered to city for transportation continues to be available, then the customer may continue to receive full transportation service even though sales of gas of the same priority is being curtailed. The determination of system capacity limitations shall be in the sole discretion of the city reasonably exercised. If capacity limitations restrict the volume of gas which the customer desires to be transported, the customer may request the city to make reasonable enlargements in its existing facilities, which requests the city shall not unreasonably refuse, provided that the actual cost (including indirect costs) of such system enlargements are borne by the customer. Title to such expanded facilities shall be and remain in the city free and clear of any lien or equity by customer. Nothing herein contained shall be construed as obligating the city to construct any extensions of its facilities.

(b) Should both transported volumes and sales volumes be delivered in a given month, transported volumes shall be considered the first volumes delivered and all other volumes shall be sold to the customer under the applicable rate schedule.

(c) When in a given month, transportation volumes delivered to the city for customer's account (including any amount carried over from previous month) equals or exceeds the amount taken by the customer, all deliveries shall be considered transported deliveries, and the excess, if any, shall be carried forward to the customer's account for the subsequent month. The customer will make every effort to assure that transported volumes delivered equal transported volumes taken. The city is not required to transport any excess volume to the customer in the subsequent month should the city's supply or capacity be inadequate; however, such gas will be delivered to customer at a later date. The city may in its discretion refuse to accept additional deliveries of gas until the customer has received all excess transportation volumes delivered in prior periods.

(3) Quality and pressure of gas delivered for transportation.

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(a) The gas delivered by a producer or supplier to the city for transportation to the customer shall at all times be merchantable gas of a quality otherwise required for the system of the city to which gas is being delivered as specified by contract and shall be free from any foreign materials such as dirt, dust, gums, iron particles, water, entrained liquids, and other impurities which might render it unmerchantable or interfere with the proper operation of pipelines, meters, regulators or other facilities through which it flows or is used.

(b) The city shall have the right to refuse to accept for transportation any gas not meeting its requirements for gas quality herein described and as more fully described in the contract.

(c) If the customer contracts for the purchase of gas from a producer or pipeline who is not now delivering gas to the city and such gas is to be delivered directly into the city facilities, the customer will bear all expense connected with the determination of the quality of gas being delivered.

(d) The BTU content of the gas delivered to customer by the city shall be the BTU content available in its system at the particular point of delivery at the time of delivery. It is recognized that the BTU content at the various delivery points will vary from point to point and from time to time and nothing herein contained shall be construed as obligating the city to alter the usual operation of its facilities to achieve deliveries of a prescribed heating value at any point or points.

(e) Customers receiving sales service hereunder may elect to amend their contract demand level effective on each November 1, beginning in 2000, on a least 180 days prior written notice to the city by executing and transmitting the city's standard form for such purpose to the city. The customer's contract demand level may be decreased by any amount on each November 1. Such reduction shall relieve the city of the obligation to serve the customer's needs in excess of the contract demand level. Increases in the contract demand level may be made only with approval of the city which shall not be withheld if the net change by all customers eligible to specify contract demand levels results in a decreased requirement for such gas large enough to accommodate the requested increase or if the net change results in an increased requirement and the city is able to secure a sufficient supply of gas to meet such increased requirements. If the city is unable to secure a sufficient gas supply for this purpose, the added supply, if any, will be allocated among the customers requesting an increase in their contract demand level based on the proportion each customer's requested increase bears to the total increase requested by all

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customers. The balance of the customer's daily requirements in excess of the sum of the contract demand level and the transportation volumes owned by the customer and delivered to the city on the customer's behalf will be met by the city from other sources strictly on an as available basis.

(f) Whenever the customer expects its daily requirements will be greater by 10% or more than the sum of its contract demand level (as may be reduced by curtailment orders of the city) and the amount of transportation gas scheduled to be delivered daily to the city for the customer's account, the customer shall notify the city not less than 24 hours in advance of that fact and provide an estimate of its daily requirements to the city. Use of gas in excess of the sum of transportation volumes and the customer's contract demand level without prior approval of the city shall subject the customer to interruption of service and/or overrun penalties in the amounts specified herein.

(g) Deliveries of as available natural gas will be curtailed before any other category of service on the city's system and may be curtailed by the city when it determines that it has insufficient volumes of such gas to provide for the requirements of all its customers for whom such supplies were acquired or if the city, in its sole discretion, determines the continued purchase and delivery of such gas to be uneconomical. In such event, the city may require the customer to curtail its use of as available natural gas. The city shall use its best efforts to provide advance notice of such curtailment to the customer. In the event the customer, after such notice, fails to conform its usage to the level specified by the city, it shall be liable for any demand charge, standby charge, reservation charge, overrun penalty or any other charge or penalty attributable to such failure to curtail gas usage in the amounts specified herein as may be billed to the city by its gas supplier(s) and/or transporter(s).

(h) The city shall be bound only to sell natural gas to satisfy the customer's contract demand level to the extent a supply of natural gas is available in quantities sufficient to provide such gas without jeopardizing service to higher priority customers according to the city's ordinances and shall not be liable for loss or damage to the customer in the event of curtailment of gas supply. In such event the city may require the customer to curtail its usage below its contract demand level. In the event that the customer, after such notice, fails to conform its usage to the level specified by the city, it shall be liable for any demand charge, standby charge, reservation charge, overrun penalty or any other charge or penalty attributable to such failure to curtail gas usage in the amounts specified herein and as may be billed to the city by its gas supplier(s) and/or transporter(s).

The customer shall be responsible for establishing and maintaining alternate fuel burning facilities adequate, in the customer's sole judgment, to prevent loss or damage to the customer in the event of curtailment of gas supply.

(4) Installation charge - The customer shall pay the city an installation fee for installing metering equipment in excess of size capacity, said fee to be equal to the cost of metering equipment less the estimated cost of metering equipment with a capacity of 11,000 CFH. The city shall own and maintain the metering equipment thereafter.

(Am. Ord. 1697, passed 10-14-99; Am. Ord. 1815, passed 10-24-02)

§55.44 Terms and Conditions of Gas Sales

The following general terms and conditions apply to all gas sales by the city:

(A) Purchased Gas Adjustment (PGA)-This rate and the bill for service rendered there under may be adjusted from month to month to reflect the base commodity cost of "purchased gas" charged to the city by its natural gas suppliers. The purpose of the PGA is to allow the city to recoup the cost on a monthly basis for gas purchased whenever the average monthly commodity gas cost to the city exceeds the base cost for purchased gas.

(B) Tax clause. This rate may be increased by the amount of any new or increased governmental tax imposed and levied on the transmission, distribution, production or sale of natural gas, including any occupation tax imposed by the city.

(C) Special terms and conditions.

(1) Special service requirements, if available, will be negotiated on an actual cost basis with the Utilities Department of the city.

(2) The city shall supply one natural gas connection to a property at one point of delivery designated by the city. For installation of additional natural gas connections to a property, the customer or owner shall pay the city an installation fee equal to the total cost of installing the service equipment except for the meter and regulator supplied by the city. Distribution from the point of delivery to points of use on the customer's premises shall be the responsibility of the property owner.

(3) When natural gas consumption is measured through more than one meter, the consumption registered on each meter will be billed separately. Meter readings will not be combined for billing purposes.

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(4) (a) When a portion of a residential dwelling is used for commercial purposes, the residential general service natural gas rate shall apply provided:

1. The service is all taken through one meter;
2. The residential load exceeds the commercial load;

(b) In all other cases the residential and commercial consumption of natural gas will be separately metered and billed under the applicable rate.

(5) Two or more flats, apartments, or dwelling units in the same building will be served through one meter and the appropriate general service rate shall apply. At the city's option, each individual unit may be separately metered and billed under the residential general service natural gas rate where the property owner provides facilities designed to serve each unit individually.

(D) Supervision. The Board of Public Works or its designated representative shall have the duty to supervise the day-to-day operations of the city gas distribution system of the city.

(Am. Ord. 1697, passed 10-14-99; Am. Ord. 1815, passed 10-24-02)

§55.45 Fees and Collections

The City Council has the power and authority to fix the consumption rates to be paid by the gas consumers for the use of gas from the Gas Department. All such rates shall be on file for public inspection at the office of the Utilities. No gas shall be furnished to any customer at a rate other than that provided by ordinance. The City Council may, in its discretion, set a different uniform rate for nonresidents if it deems it advisable.

(Neb. RS 19-1404) (Ord. 1687, passed 9-12-99)