Rate Filing Summary

Colorado Springs Utilities (Utilities) is submitting a 2020 Mid-Year Rate Case filing that includes proposed changes to the Utilities’ Rules and Regulations (URR).

The URR is a part of the collective Tariffs that 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 also provides service specific terms and conditions. Utilities proposes the following URR changes in this filing:

Water and Wastewater Extension Policy for Oversize Reimbursement *(URR Section VIII.B.1., Sheet No. 91 and Section IX.C.1., Sheet No. 112)*

A developer is responsible for all water and/or wastewater system infrastructure costs to serve a development. Utilities approves the plans and specification of such developments. In some instances, Utilities requires an oversized main to accommodate future demand outside the planned build area. The current effective URR requires a developer to pay 100% of the construction cost and Utilities reimburses the difference in material cost for water infrastructure. Utilities has no current oversize policy for wastewater infrastructure. As a result, the constructing developer pays a large percentage of the cost without factoring in capacity requirements, while future developers benefit from the constructing developer’s payment and acquire capacity at a reduced cost.

Utilities’ proposed modifications to the URR change the way oversize reimbursements for water and wastewater mains are allocated, funded, and recovered. Utilities will calculate the allocation of costs based on oversize capacity made available by the larger main and the area to be served. The constructing developer may recover oversize capacity costs from future developers who will benefit from the oversize capacity through Utilities’ existing recovery agreement process. This approach applies the construction costs of larger mains more equitably between the constructing and subsequent developers.

The cost impact to Utilities is neutral. Utilities will continue to manage Recovery Agreements.
RESOLUTION NO. ______

A RESOLUTION REGARDING CERTAIN CHANGES TO
THE UTILITIES RULES AND REGULATIONS OF
COLORADO SPRINGS UTILITIES

WHEREAS, Colorado Springs Utilities (Utilities) proposed modifications to the Utilities Rules and Regulations section of its tariff; and

WHEREAS, Utilities proposed modifications to address the Water and Wastewater Extension Policies for Oversize Reimbursement; and

WHEREAS, the City Council finds Utilities’ proposed modifications prudent; and

WHEREAS, the details of the changes noted above, and all changes noted in the following clauses, are reflected in the tariff sheets attached to this resolution and are provided in redline format within Utilities’ 2020 Mid-Year Rate Case; and

WHEREAS, Utilities provided public notice of the proposed changes and complied with the requirements of the City Code for changing its Utilities Rules and Regulations; and

WHEREAS, Utilities proposed to make the tariff changes effective August 1, 2020; and

WHEREAS, City Council waived the requirement of a Decision and Order for the requested changes and such changes shall be approved with the approval of this resolution; and

WHEREAS, specific policy changes, and changes to any terms and conditions of service are set out in the attached tariffs for adoption.

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, Utilities Rules and Regulations shall be revised as follows:

Effective August 1, 2020

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<tr>
<th>Sheet No.</th>
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<tr>
<td>First Revised Sheet No. 91</td>
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<td>Original Sheet No. 91.1</td>
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<td>First Revised Sheet No. 112</td>
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Section 2: The attached Tariff Sheets and other related matters are hereby approved and adopted.

Dated at Colorado Springs, Colorado, this 14th day of July 2020.

___________________________________________
City Council President
ATTEST:

___________________________
Sarah B. Johnson, City Clerk
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 water distribution facilities through or adjacent to unserved or undeveloped lands. In that circumstance, 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 or developer to assist in the collection of a pro rata share of the eligible cost of such facilities and interest as provided within Section VIII.C., Water Recovery Agreement Charge, of these Rules and Regulations from the property Owner or developer of such unserved or undeveloped lands at the time of connection to the facilities and refund such cost as provided in the Recovery Agreement.

Utilities may require that a property Owner or developer construct a Water Distribution Main of a larger diameter than that required for the property Owner’s or developer’s needs to provide for the service of lands beyond the Premises or development. In the event Utilities determines that construction of such an oversized 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.
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.
In that circumstance, the property Owner or developer may recover the cost of capacity associated with the oversizing requirement. Pipe capacity will be based on the capacity required to serve the proposed development as calculated by Utilities for the smaller water main diameter (12-inch minimum diameter, or greater as determined by Utilities to serve the proposed development) and the larger diameter (oversized pipe) required by Utilities. Indirect costs incurred by the property Owner or developer, including but not limited to, easement acquisition and access road costs, are not reimbursable.

Utilities may agree in a Recovery Agreement with such property Owner or developer to assist in the collection of the oversize capacity cost allocation from benefiting future developments (i.e., an “Oversize Recovery”). Considering the potential magnitude of an Oversize Recovery as compared to a standard main extension Recovery Agreement it is reasonable to structure Oversize Recoveries in a different fashion. For Oversize Recoveries only, recovery charges will be collected at the time of connection of a branch main to the oversized pipe. Utilities will collect Oversize Recovery charges based on capacity of the branch main. There is no limit on the total time period for an Oversize Recovery. Escalation of Oversize Recovery charges follow the process as provided within Section VIII.C., Water Recovery Agreement Charge, of these Rules and Regulations.

If Utilities determines that extension of a water distribution system is in the best interest of Utilities to protect water service to existing Customers, to allow for the continued development within the service area, and/or to provide benefit to the entire service area, Utilities may, at its sole discretion, design and construct the water distribution 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 or developer of unserved or undeveloped lands prior to connection to such facilities. Utilities may implement an Advance 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.
Wastewater – cont’d

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

Utilities may require that when a property Owner or developer finds it necessary to construct wastewater collection facilities through or adjacent to unserved or undeveloped lands, In that circumstance, 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 Section IX.D., Wastewater Recovery Agreement Charge, of 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.

Utilities may require that a property Owner or developer construct a Wastewater Collection Main of a larger diameter than that required for the property Owner’s or developer’s needs to provide for the service of lands beyond the Premises or development. In the event Utilities determines that construction of such an oversized Wastewater Collection Main 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 that circumstance, the property Owner or developer may recover the cost of capacity associated with the oversizing requirement. Pipe capacity will be based on the capacity required to serve the proposed development as calculated by Utilities for the smaller wastewater main diameter (12-inch minimum diameter, or greater as determined by Utilities to serve the proposed development) and the larger diameter –(oversized pipe) required by Utilities. Indirect costs incurred by the property Owner or developer, including but not limited to, easement acquisition and access road costs, are not reimbursable.

Approval Date: November 12, 2019
Effective Date: January 1, 2020
Resolution No. 123-19
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.
Wastewater – cont’d

Utilities may agree in a Recovery Agreement with such property Owner or developer to assist in the collection of oversize capacity cost allocation from benefiting future developments (i.e., an “Oversize Recovery”). Considering the potential magnitude of an Oversize Recovery as compared to a standard main extension Recovery Agreement it is reasonable to structure Oversize Recoveries in a different fashion. For Oversize Recoveries only, recovery charges will be collected at the time of connection of a branch main to the oversized pipe. Utilities will collect Oversize Recovery charges based on capacity of the branch main. There is no limit on the total time period for an Oversize Recovery. Escalation of Oversize Recovery charges follow the process as provided within Section IX.D., Wastewater Recovery Agreement Charge, of these Rules and Regulations.

If Utilities determines that extension of a wastewater collection system is in the best interest of Utilities to protect wastewater service to existing Customers, to allow for the continued development within the service area, and/or to 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 or developer of unserved or undeveloped lands prior to connection to such facilities. Utilities may implement an Advance 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.
Utilities Rules and Regulations
(URR)

Final Tariff Sheets
WATER

Water – cont’d

B. Water Extension Policy

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Utilities may require that a property Owner or developer construct a Water Distribution Main of a larger diameter than that required for the property Owner’s or developer’s needs to provide for the service of lands beyond the Premises or development. In the event Utilities determines that construction of such an oversized Water Distribution Main 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.

Approval Date: July 14, 2020
Effective Date: August 1, 2020
Resolution No. 5
In that circumstance, the property Owner or developer may recover the cost of capacity associated with the oversizing requirement. Pipe capacity will be based on the capacity required to serve the proposed development as calculated by Utilities for the smaller water main diameter (12-inch minimum diameter, or greater as determined by Utilities to serve the proposed development) and the larger diameter (oversized pipe) required by Utilities. Indirect costs incurred by the property Owner or developer, including but not limited to, easement acquisition and access road costs, are not reimbursable.

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Wastewater – cont’d

C. Wastewater Extension Policy

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Wastewater – cont’d

Utilities may agree in a Recovery Agreement with such property Owner or developer to assist in the collection of oversize capacity cost allocation from benefiting future developments (i.e., an “Oversize Recovery”). Considering the potential magnitude of an Oversize Recovery as compared to a standard main extension Recovery Agreement it is reasonable to structure Oversize Recoveries in a different fashion. For Oversize Recoveries only, recovery charges will be collected at the time of connection of a branch main to the oversized pipe. Utilities will collect Oversize Recovery charges based on capacity of the branch main. There is no limit on the total time period for an Oversize Recovery. Escalation of Oversize Recovery charges follow the process as provided within Section IX.D., Wastewater Recovery Agreement Charge, of these Rules and Regulations.

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Approval Date: July 14, 2020
Effective Date: August 1, 2020
Resolution No. 543666
APPENDICES
Hearing Procedures
CITY OF COLORADO SPRINGS

RULES AND PROCEDURES OF CITY COUNCIL

Adopted by Resolution No. 42-13, effective April 16, 2013
Amended by Resolution No. 8-14, effective February 12, 2014
Amended by Resolution No. 83-16, effective August 23, 2016

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)