

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-268

**AN ORDINANCE AMENDING CHAPTER 40, ARTICLE III,
SECTIONS 40-151, 40-152 AND 40-154 OF THE CODE OF ORDINANCES
OF THE INCORPORATED COUNTY OF LOS ALAMOS RELATING TO GAS RATES**

WHEREAS, the Incorporated County of Los Alamos operates a utilities system for the benefit of its citizens; and

WHEREAS, the utilities system includes the provision of natural gas to those consumers who wish to attach to that part of the utilities system; and

WHEREAS, it is necessary to adjust the rates to consumers for natural gas in order for that portion of the utilities system to remain self-sustaining; and

WHEREAS, the Board of Public Utilities has recommended the provisions of this ordinance to the County Council.

BE IT THEREFORE ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS as follows:

Section 1. Section 40-151 of the Code of the Incorporated County of Los Alamos is amended to read as follows:

Sec. 40-151. Gas rate schedules 7A and 7E.

(a) Residential service schedule 7A. The residential rate applies to customers in a single dwelling or in a single dwelling unit of a multiple dwelling or apartment for domestic purposes only.

(b) General commercial and industrial service schedule 7E. The commercial and industrial rate applies to customers for use in or in connection with any commercial, business or industrial activities, including multiple dwelling units where service for more than one unit is taken through a master meter, and to other customers not otherwise specifically falling within another class.

(c) Service charge.

(1) Per meter rated 250 CFH or less: \$9.50 per month;

(2) Per meter rated more than 250 CFH: \$28.50 per month.

(d) Gas consumption charge.

(1) The gas consumption charge for Schedules 7A and 7E shall be made up of two components: fixed cost recovery and a variable cost of gas component. The fixed cost recovery shall be ~~\$0.29~~\$0.23 per therm (one therm is equal to 100,000 British Thermal Units (BTU)). The variable cost of gas rate shall be calculated each month based on the projected cost of gas for the billing month plus an adjustment for any prior over or under collection for gas purchases and/or gas transportation costs.

(2) The projected cost of gas shall be at the rate as stated on the San Juan Index or any recognized index that may replace the San Juan Index.

(3) Should the variable cost of gas exceed \$0.99 per therm, the billed rate to consumers shall not reflect the cost of gas over that amount until the rate is approved by an Ordinance of the Council.

Section 2. Section 40-152 of the Code of the Incorporated County of Los Alamos is amended to read as follows:

Sec. 40-152. Gas rate schedules 7L and 7N.

- (a) Applicability.
 - (1) Schedule 7L: Interdepartmental service--Incorporated County of Los Alamos.
 - (2) Schedule 7N: Schools service--Los Alamos public schools.
- (b) Service charge.
 - (1) Per meter rated 250 CFH or less: \$9.50 per month;
 - (2) Per meter rated more than 250 CFH: \$28.50 per month.
- (c) Gas consumption charge.
 - (1) The gas consumption charge for Schedules 7L and 7N shall be made up of two components: fixed cost recovery and a variable cost of gas component. The fixed cost recovery shall be ~~\$0.25~~\$0.20 per therm (one therm is equal to 100,000 British Thermal Units (BTU)). The variable cost of gas rate shall be calculated each month based on the projected cost of gas for the billing month plus an adjustment for any prior over or under collection for gas purchases and/or gas transportation costs.
 - (2) The projected cost of gas shall be at the rate as stated on the San Juan Index or any recognized index that may replace the San Juan Index.
 - (3) Should the variable cost of gas exceed \$0.99 per therm the billed rate to consumers shall not reflect the cost of gas over that amount until the rate is approved by an Ordinance of the Council.

Section 3. The Los Alamos County Code of Ordinances is amended by deleting Section 40-154, in its entirety, as follows:

~~Sec. 40-154. Reporting and Sunset.~~

- ~~(a) The department shall make an annual report to the county council detailing the fluctuation in rates and income during the preceding year.~~
- ~~(b) The provisions of sections 40-151(d) and 40-152(c) shall expire on September 30, 2016 unless reenacted through an ordinance approved by the county council.~~

Section 4. Effective Date. This ordinance shall become effective upon adoption with the amended gas rates being applied at the next billing following the effective date of the ordinance.

Section 5. Severability. Should any section, paragraph, clause or provisions of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provisions shall not affect any of the remaining provisions of this ordinance.

Section 6. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 27th day of September, 2016.

**COUNCIL OF THE INCORPORATED COUNTY
OF LOS ALAMOS**

**Rick Reiss
Council Chair**

ATTEST: (Seal)

**Sharon Stover
Los Alamos County Clerk**