

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-351

AN ORDINANCE AMENDING CHAPTER 40, ARTICLE III, SECTIONS 40-121, 40-122, AND 40-123 RELATING TO ELECTRIC RATE SCHEDULES, CUSTOMER SERVICE CHARGES, AND ELECTRIC ENERGY CHARGES

WHEREAS, the Incorporated County of Los Alamos (“County”) is an incorporated county of the State of New Mexico as provided in Section 5, Article 10 of the New Mexico Constitution; and pursuant to Section 5, Article 10 of the State Constitution, is also granted all powers of a municipality; and

WHEREAS, pursuant to Article V of the County Charter, there is a Department of Public Utilities (“Department”) charged with the duty to operate a County owned electric, gas, water and sewer systems; and

WHEREAS, Section 504 of the County Charter requires the Department be operated on a compensatory basis, with rates being just, reasonable, and comparable to those in neighboring communities; and

WHEREAS, the Department and Utility Manager have identified the need to increase natural gas and water rates to meet the projected revenue requirements of the Department; and

WHEREAS, pursuant to Section 203.1.d. of the County Charter, any change in County utility rates must be done via ordinance; and

WHEREAS, pursuant to Section 4.6.a. of the *Board of Public Utilities Procedural Rules* (ed 7/20/22), the Utilities Manager is responsible for preparing and presenting proposed utility rate ordinances to the Board of Public Utilities; and

WHEREAS, pursuant to Section 504 of the County Charter, the rates to be paid for utility services shall then be proposed by the Board of Public Utilities to the County Council and shall become effective on the date of adoption by Council; and

WHEREAS, pursuant to Section 4.6.a. of the *Board of Public Utilities Procedural Rules*, the proposed rates must be presented at least one month prior to the Board of Public Utilities public hearing on a final proposed utility rate ordinance; and

WHEREAS, the Utilities Manager shall introduce the draft ordinance to the board of Public Utilities and present the budget and operational reasons for the proposed rate ordinance; and

WHEREAS, the Utilities Manager presented the proposed rate increases for natural gas to the Board of Public Utilities on July 19, 2023; and

WHEREAS, the Utilities Manager, after receiving comments from the Board of Public Utilities, presented the final rate ordinance on August 16, 2023; and

WHEREAS, the Board of Public Utilities [accepted and recommended/accepted and modified, etc.] the final rate ordinance and recommended forwarding it to Council for adoption; and

WHEREAS, on September 5, 2023 the County Council, pursuant to Section 203.2.1 of the County Charter introduced the proposed rate ordinance; and

WHEREAS, on September 26, 2023, the County Council, pursuant to Section 203.2.2 of the County Charter held a public hearing on the proposed rate ordinance.

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

Section 1. Sections 40-121, 40-122 and 40-123 of the Los Alamos County Code of Ordinances are amended to read as follows:

Sec. 40-121. Schedules.

(a) Residential rate service schedule 6-A is applicable only for normal domestic light and power use in individual residences, dwelling units, and individual apartments, where each unit is separately metered. All service shall be delivered through a single set of service wires at a single service location and measured by one meter.

(b) Small commercial (less than 50 kilowatts per month) rate service schedule 6-G is applicable for commercial lighting, small power and other commercial, business, professional and small industrial loads. All service shall be delivered through a single set of service wires at a single service location and measured by one meter. The customer's monthly demand shall be less than 50 kilowatts (kW), but excludes customers to whom service is applicable under another rate service schedule. When a customer under this schedule establishes a demand of 50 kilowatts or greater for two consecutive months, the large commercial (50 kilowatts per month or greater) rate schedule 6-K will be charged for the current billing month plus a minimum of 11 succeeding billing months.

(c) Large commercial (50 kilowatts per month or greater) rate service schedule 6-K is applicable to all customers with a demand over 50 kilowatts per month or greater. All service shall be delivered through a single set of service wires at a single service location and measured by one meter, but excludes those customers to whom service is applicable under another rate schedule.

(d) Small county (less than 50 kilowatts per month), schedule 6-L, and small public schools (less than 50 kilowatts per month), schedule 6-N, are applicable, respectively, to power used by the incorporated county and the public schools. All service shall be provided by single set of service wires at a single service location at one point of delivery, measured by one meter. The customer's demand for the month shall be less than 50 kilowatts, but excludes those customers to whom service is applicable under another rate schedule. When a customer under this schedule establishes a demand of 50 kilowatts or greater for two consecutive months, the large county (50 kilowatts per months or greater) schedule 6-M, or the large public schools (50 kilowatts per month or greater) schedule 6-R, rate schedule will be charged for the current billing month plus a minimum of 11 succeeding billing months.

(e) Large county (50 kilowatts per month or greater), schedule 6-M, and large public schools (50 kilowatts per month or greater) schedule 6-R, are applicable, respectively, to the incorporated county of Los Alamos and the public schools. All service shall be provided by a single set of service wires at a single service location supplied at one point of delivery, measured by one meter, and the customer's demand for the month shall be 50 kilowatts or greater, but excludes those customers to whom service is applicable under another rate schedule.

(f) Municipal street and traffic light service rate schedule 6-P is applicable to electric service provided to the incorporated county for street and traffic lights.

(g) Area lighting service schedule 6-Q is applicable to all customers for private area lighting service.

(h) Special electric service schedule 6-S is applicable to large power users with an annual load factor less than 20 percent and a connected load greater than 50 kilowatts. Annual load factor is calculated as average demand divided by peak demand to be calculated in January for the prior 12 months.

(i) Municipal water production system rate schedule 6-W is applicable to metered electric service provided to the incorporated county for bulk water pumping.

(j) Rate schedules 6-T, 6-U, 6-V and 6-Y are reserved.

~~(j) Commercial time-of-use rate schedule 6-T is applicable to each commercial customer otherwise subject to rate service schedules 6-G or 6-K who has given at least 15 days' notice to the utilities department that it wishes to obtain electric service under this rate service schedule. Any customer requesting service under this schedule shall be required to remain on this schedule for no less than 12 consecutive months before notice is given to return to rate service schedule 6-G or 6-K.~~

~~(k) Residential time-of-use rate schedule 6-U is applicable to each residential customer otherwise subject to rate service schedules 6-A who has given at least 15 days' notice to the utilities department that it wishes to obtain electric service under this rate service schedule. Any customer requesting service under this schedule shall be required to remain on this schedule for no less than 12 consecutive months before notice is given to return to rate service schedule 6-A.~~

~~(l) County time-of-use rate schedule 6-V is applicable to each county customer otherwise subject to rate service schedules 6-L or 6-M; public schools time-of-use rate schedule 6-Y is applicable to each public school customer otherwise subject to rate service schedules 6-N or 6-R, who has given at least 15 days' notice to the utilities department that it wishes to obtain electric service under this rate service schedule. Any customer requesting service under schedule 6-V or 6-Y shall be required to remain on this schedule for no less than 12 consecutive months before notice is given to return to rate service schedule 6-L, 6-M, 6-N, 6-R.~~

Sec. 40-122. Electric customer service charges.

Customer service charges are to be applied as follows:

- (1) To each customer billed under rate service schedule 6-A, \$12.00 per month per meter through June 30, 2024 and \$12.60 per month per meter beginning July 1, 2024.
- (2) To each customer billed under rate service schedules 6-G, 6-K, 6-L, 6-M, 6-N and 6-R, \$22.00 per month per meter through June 30, 2024 and \$23.10 per month per meter beginning July 1, 2024.
- (3) To each customer billed under rate service schedule 6-S, \$65.00 per month per meter through June 30, 2024 and \$68.25 per month per meter beginning July 1, 2024.
- (4) To each customer billed under rate service schedule 6-W, \$217.75 per month through June 30, 2024 plus charges for energy and demand and \$228.64 beginning July 1, 2024 plus charges for energy and demand.
- ~~(5) To each customer billed under rate service schedule 6-T, \$32.00; service schedule 6-U, \$17.00; service schedules 6-V and 6-Y, \$32.00 per month per meter.~~
- ~~(6)~~ (5) To each customer billed under rate service schedule 6-P, \$19.18 per month per meter through June 30, 2024 and \$20.14 per month per meter beginning July 1, 2024.

Sec. 40-123. Electric energy charges.

In addition to applicable customer service charges, electric energy charges and demand charges are to be applied as follows:

- (1) *Schedule 6-A.* Each customer billed under rate service schedule 6-A shall be charged \$0.1152 \$0.1282 per kilowatt hour through June 30, 2024 and \$0.1413 per kilowatt hour beginning July 1, 2024. ~~In addition to the charge authorized by this subsection, the following optional charges are authorized subject to rules promulgated by the department necessary to carry out its provisions:~~
 - ~~a. *Fixed option.* Customers billed under rate service schedule 6-A may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of the subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.~~
 - ~~b. *Variable option.* Customers billed under rate service schedule 6-A may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~
- (2) *Schedule 6-G.* Each customer billed under rate service schedule 6-G shall be charged \$0.1444 \$0.1229 per kilowatt hour through June 30, 2024 and \$0.1351 per kilowatt hour beginning July 1, 2024. ~~In addition to the charge authorized by this subsection, the following optional charges are authorized subject to rules promulgated by the department necessary to carry out its provisions:~~

- ~~a. *Fixed option.* Customers billed under rate service schedule 6-G, may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of the subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.~~
- ~~b. *Variable option.* Customers billed under rate service schedule 6-G may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~
- (3) ~~*Schedule 6-L.* Each customer billed under rate service schedule 6-L shall be charged \$0.1442 \$0.1263 per kilowatt hour through June 30, 2024 and \$0.1388 per kilowatt hour beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-L are authorized subject to rules promulgated by the department necessary to carry out its provisions:~~
- ~~a. *Fixed option.* Customers billed under rate service schedule 6L may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.~~
- ~~b. *Variable option.* Customers billed under rate service schedule 6L may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~
- (4) ~~*Schedule 6-N.* Each customer billed under rate service schedule 6-N shall be charged \$0.1089 \$0.1205 per kilowatt hour through June 30, 2024 and \$0.1326 per kilowatt hour beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-N are authorized subject to rules promulgated by the department necessary to carry out its provisions:~~
- ~~a. *Fixed option.* Customers billed under rate service schedule 6-N may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.~~
- ~~b. *Variable option.* Customers billed under rate service schedule 6-N may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~
- (5) ~~*Schedule 6-P.* Each customer billed under rate service schedule 6-P shall be charged \$0.1034 \$0.1146 per kilowatt hour through June 30, 2024 and \$0.1264 per kilowatt hour beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-P are authorized subject to rules promulgated by the department necessary to carry out its provisions:~~

- a. ~~Fixed option.~~ Customers billed under rate service schedule 6-P may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.
- b. ~~Variable option.~~ Customers billed under rate service schedule 6-P may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.
- (6) ~~Schedule 6-K.~~ Each customer under rate service schedule 6-K shall be charged ~~\$11.00~~ \$12.05 per kW of peak demand ~~through June 30, 2024~~ and \$13.20 per kW of peak demand beginning July 1, 2024, plus ~~\$0.0824~~ \$0.0899 per kilowatt hour ~~through June 30, 2024~~ and \$0.0985 per kilowatt hour beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges are authorized subject to rules promulgated by the department necessary to carry out its provisions:
- ~~Customers billed under rate service schedule 6-K may choose to subscribe to green power for one percent, two percent, three percent, five percent, ten percent, 50 percent or 90 percent of their monthly energy electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~
- (7) ~~Schedule 6-M.~~ Each customer under rate service schedule 6-M shall be charged ~~\$10.50~~ \$11.50 per kW of peak demand ~~through June 30, 2024~~ and \$12.60 per kW of peak demand beginning July 1, 2024, plus ~~\$0.0834~~ \$0.0914 per kilowatt hour ~~through June 30, 2024~~ and \$0.1001 beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-M are authorized subject to rules promulgated by the department necessary to carry out its provisions:
- ~~Customers billed under rate service schedule 6-M may choose to subscribe to green power for one percent, two percent, three percent, five percent, ten percent, 50 percent or 90 percent of their monthly energy electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~
- (8) ~~Schedule 6-R.~~ Each customer under rate service schedule 6-R shall be charged ~~\$10.50~~ \$11.51 per kW of peak demand ~~through June 30, 2024~~ and \$12.60 per kW of peak demand beginning July 1, 2024, plus ~~\$0.0763~~ \$0.0836 per kilowatt hour ~~through June 30, 2024~~ and \$0.0916 per kilowatt hour beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-R are authorized subject to rules promulgated by the department necessary to carry out its provisions:
- ~~Customers billed under rate service schedule 6-R may choose to subscribe to green power for one percent, two percent, three percent, five percent, ten percent, 50 percent or 90 percent of their monthly energy electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~

(9) *Schedule 6-Q.*

- a. All metered customers under rate service schedule 6-Q shall be billed ~~\$1.20~~ \$1.31 per light per month through June 30, 2024 and \$1.43 per light per month beginning July 1, 2024, in addition to ~~\$0.128~~ \$0.140 per kilowatt hour through June 30, 2024 and \$0.1526 per kilowatt hour beginning July 1, 2024.
- b. Unmetered customers under rate service schedule 6-Q shall be billed:
 1. For each 70-watt high pressure sodium lamp which is privately owned and maintained, ~~\$3.44~~ \$3.77 per month through June 30, 2024 and \$4.13 per month beginning July 1, 2024.
 2. For each 70-watt high pressure sodium lamp for county or public school use, ~~\$4.46~~ \$4.88 per month through June 30, 2024 and \$5.34 per month beginning July 1, 2024.
 3. For each 70-watt high pressure sodium lamp for residential or commercial use, ~~\$4.50~~ \$4.93 per month through June 30, 2024 and \$5.40 per month beginning July 1, 2024.
 4. For each 100-watt high pressure sodium lamp which is privately owned and maintained, ~~\$4.84~~ \$5.30 per month through June 30, 2024 and \$5.80 per month beginning July 1, 2024.
 5. For each 100-watt high pressure sodium lamp for county or public school use, ~~\$5.80~~ \$6.35 per month through June 30, 2024 and \$6.95 per month beginning July 1, 2024.
 6. For each 100-watt high pressure sodium lamp for residential or commercial use, ~~\$6.06~~ \$6.64 per month through June 30, 2024 and \$7.27 per month beginning July 1, 2024.
 7. For each 175-watt mercury vapor lamp which is privately owned and maintained, ~~\$8.10~~ \$8.87 per month through June 30, 2024 and \$9.71 per month beginning July 1, 2024.
 8. For each 175-watt mercury vapor lamp for county or public school use, ~~\$8.86~~ \$9.70 per month through June 30, 2024 and \$10.62 per month beginning July 1, 2024.
 9. For each 175-watt mercury vapor lamp for residential or commercial use, ~~\$9.30~~ \$10.18 per month through June 30, 2024 and \$11.15 per month beginning July 1, 2024.
 10. For each 400-watt mercury vapor lamp which is privately owned and maintained, ~~\$17.14~~ \$18.77 per month through June 30, 2024 and \$20.55 per month beginning July 1, 2024.

11. For each 400-watt mercury vapor lamp for county or public school use, ~~\$17.45~~ \$19.11 per month through June 30, 2024 and \$20.93 per month beginning July 1, 2024.
12. For each 400-watt mercury vapor lamp for residential or commercial use, ~~\$18.34~~ \$20.08 per month through June 30, 2024 and \$21.99 per month beginning July 1, 2024.

(10) *Schedule 6-W.* Customers under rate service schedule 6-W shall be billed:

- a. A monthly energy charge equal to the sum of the actual LAC/DOE electric resource pool unit cost for the applicable month plus ~~\$0.016~~ \$0.018 per kilowatt hour through June 30, 2024 and \$0.020 per kilowatt hour beginning July 1, 2024 for the water production system; and
- b. A monthly demand charge equal to the actual LAC/DOE electric resource pool demand cost per kW times the water production system kW demand coincident with the LAC/DOE electric resource pool demand for the applicable month.

~~(11) *Schedule 6-T and 6-U.*~~

~~a. Customers under rate service schedule 6-T and 6-U shall be billed:~~

- ~~1. During the winter season beginning at 12:00 midnight on October 1 through 11:59 p.m. on April 30 of each year at an on-peak rate of \$0.1269 per kWh and an off-peak rate of \$0.0891 per kWh; and~~
- ~~2. During the summer season beginning at 12:00 midnight on May 1 through 11:59 p.m. on September 30 of each year at an on-peak rate of \$0.1232 per kWh and an off-peak rate of \$0.0808 per kWh.~~

~~b. For purposes of this rate service schedule 6-T and 6-U, on-peak hours are defined for the winter season as beginning at 9:00 a.m. and ending at 10:00 p.m. each weekday. On-peak hours are defined for the summer season as beginning at 9:00 a.m. and ending at 8:00 p.m. each weekday. Off-peak hours for winter and summer seasons are defined as any hours not otherwise defined as on-peak.~~

~~(12) *Schedule 6-V and 6-Y.*~~

~~a. Customers under rate service schedule 6-V and 6-Y shall be billed:~~

- ~~1. During the winter season beginning at 12:00 midnight on October 1 through 11:59 p.m. on April 30 of each year at an on-peak rate of \$0.1209 per kWh and an off-peak rate of \$0.0849 per kWh; and~~
- ~~2. During the summer season beginning at 12:00 midnight on May 1 through 11:59 p.m. on September 30 of each year at an on-peak rate of \$0.1174 per kWh and an off-peak rate of \$0.0770 per kWh.~~

b. ~~For purposes of this rate service schedule 6-V and 6-Y, on-peak hours are defined for the winter season as beginning at 9:00 a.m. and ending at 10:00 p.m. each weekday. On-peak hours are defined for the summer season as beginning at 9:00 a.m. and ending at 8:00 p.m. each weekday. Off-peak hours for winter and summer seasons are defined as any hours not otherwise defined as on-peak.~~

~~(13)~~ (12) Schedule 6-S. Each customer under rate service schedule 6-S shall be charged \$11.00 \$12.17 per kW of peak demand through June 30, 2024 and \$13.38 per kW of peak demand beginning July 1, 2024, plus \$0.0824 \$0.0908 per kilowatt through June 30, 2024 and \$0.0999 per kilowatt beginning July 1, 2024.

Section 3. Effective Date. This ordinance shall become effective upon adoption by the county Council and shall be implemented as soon as practical thereafter.

Section 4. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 5. 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 XX day of September, 2023.

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

**Denise Derkacs
Council Chair**

ATTEST: (SEAL)

**Naomi D. Maestas
Los Alamos County Clerk**