

RESOLUTION NO. 7-09

**A RESOLUTION REVISING THE REQUIREMENTS AND POLICY FOR UNDERGROUND SERVICE LATERALS SERVING EXISTING, AND NEW RESIDENTIAL CUSTOMERS, FOR THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA; RESCINDING ALL RESOLUTIONS, OR PORTIONS THEREOF, IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Utilities Commission, City of New Smyrna Beach, Florida, has the full and exclusive authority over the management, operations and control of all the City's utilities and the authority to prescribe rules and regulations governing the use of such facilities, wherever such are provided by the Utilities Commission and to make such changes from time to time in the Rules and Regulations as it deems necessary; and

**WHEREAS**, the Utilities Commission, City of New Smyrna Beach, Florida, has deemed it necessary to revise the requirements and policy for underground service laterals serving existing and new residential customers in order to recover costs of service; and

**WHEREAS**, the Utilities Commission presented said proposed service fees to the customers of the Utilities Commission, and to other parties of interest, at two public hearings which were duly noticed and advertised; preliminary public hearing held on June 15, 2009, and final public hearing held July 20, 2009.

**NOW, THEREFORE, BE IT RESOLVED BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1:** That the following requirements, policy, and rate schedule has been revised as shown on the tariff sheet attached hereto and made a part of this resolution as follows: First Revised Sheet No. 4.5.1 - Requirements and Policy for Residential Underground Service Laterals.

**SECTION 2:** Definitions: The following definitions are provided to aid the reader in interpretation of this resolution only.

A. **Underground Service Lateral:** The entire length of underground service conductors between the distribution source, including any risers at a pole or other structure or from transformers, from which only one point of service will result, and the first point of connection to the service entrance conductors in a terminal or meter box outside the building wall.

B. **Service Entrance:** Wire or enclosures, connecting the customer's service equipment to the Utilities Commission's underground service lateral.

**SECTION 3:** General:

A. Ownership: The Utilities Commission will install, own and maintain the service lateral up to the designated point of delivery except as otherwise noted. Any payment made by the customer under provisions of this resolution, will not convey to the customer any rights of ownership.

B. Customer Requirements: The customer shall furnish and install conduit as specified by the Utilities Commission. This includes excavating trench and backfill.

**SECTION 4:** Application:

A. New Underground Service Laterals: When requested by the customer, the Utilities Commission will install, own and maintain one underground service lateral to all newly constructed residential buildings containing less than five separate dwelling units. All units in one building must be gang metered at a single designated location.

B. Contribution by Customer: The customer shall pay the Utilities Commission the following differential cost between an overhead service and an underground service lateral as follows:

Three Phase Service:	\$300*
Single Phase Service:	\$275*

\*These costs are for the average base electric service of 2/0 URD and 50' service lateral installed. Additional costs will be added and specific costs estimates provided for larger electric services, additional lengths of lateral, and if the work is performed at the request of the customer on a Saturday or Sunday/Holiday.

C. Customer requests for relocation and/or upgrading of existing Overhead or Underground Service Laterals shall be the same as Section 3-B shown above plus all costs for labor, equipment, and material.

D. Existing direct buried services that fail will be temporarily repaired until customer installs conduit, same as Section 3-B shown above. Once conduit is installed a new service will be installed at no cost to customer.

**SECTION 5:** Written Agreements: All agreements between applicants or customers under this resolution and the Utilities Commission shall be in writing, shall identify the parties to the agreement, shall specify the location of such service, and shall specify the total price for such project.

**SECTION 6:** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7:** All Resolutions, or portions thereof, in conflict herewith are hereby rescinded and superseded.

**SECTION 8:** After adoption by the Utilities Commission, this Resolution shall take effect on August 1, 2009.

THE ABOVE AND FOREGOING RESOLUTION was introduced at a regular meeting of the Utilities Commission, City of New Smyrna Beach, Florida, held on July 20, 2009, by Commissioner Diesen, who moved its adoption, which motion was seconded by Commissioner Zeller, and upon roll call vote of the Commission was as follows:

CHAIRMAN	<u>Math Allen III</u>	<u>yes</u>
VICE CHAIRMAN	<u>William E Hall</u>	<u>yes</u>
SECY.-TREAS.	<u>Quinn H Reynolds</u>	<u>yes</u>
ASST. SECY.-TREAS.	<u>Scott Zeller</u>	<u>yes</u>
COMMISSIONER	<u>James K. Olson</u>	<u>yes</u>

APPROVED:  
Math Allen III  
CHAIRMAN

ATTEST:  
Quinn H Reynolds  
SECRETARY-TREASURER

S E A L

APPROVED AS TO FORM AND CORRECTNESS:  
Will V. C.  
Utilities Commission Attorney

REQUIREMENTS AND POLICY  
FOR  
RESIDENTIAL UNDERGROUND SERVICE LATERALS

UNDERGROUND SERVICE LATERAL:

The entire length of underground service conductors between the distribution source, including any risers at a pole or other structure or from transformers, from which only one point of service will result, and the first point of connection to the service entrance conductors in a terminal or meter box outside the building wall.

UTILITIES COMMISSION:

The Utilities Commission will own and maintain service laterals up to the designated point of delivery except as otherwise noted. The Utilities Commission will install one underground service lateral to all newly constructed residential buildings containing less than five separate dwelling units. All units in one building must be gang metered at a single designated location.

CUSTOMER:

The customer shall furnish and install conduit as specified by the Utilities Commission. This includes excavating trench and backfill. The customer shall pay the Utilities Commission the following differential cost between an overhead service and an underground service lateral as follows:

Three Phase Service:	\$300*
Single Phase Service:	\$275*

\*These costs are for the average base electric service of 2/0 URD and 50' service lateral installed. Additional costs will be added and specific costs estimates provided for larger electric services, additional lengths of lateral, and if the work is performed at the request of the customer on a Saturday or Sunday/Holiday.

The relocation and/or upgrading of existing overhead and underground residential service laterals shall be the same as specified above plus all costs for labor, equipment, and material.

Existing direct buried service laterals that fail will be temporarily repaired until customer installs conduit, same requirements as specified above. Once conduit is installed a new service will be installed at no cost to customer.

ISSUED BY: Robert J. Rudi  
GENERAL MANAGER/CEO

EFFECTIVE: August 1, 2009