



RESOLUTION NO. U-11632

1 A RESOLUTION relating to the Department of Public Utilities, amending
2 Chapter 12.01 of the Tacoma Municipal Code to adjust certain fees with
a proposed effective date of April 1, 2027.

3 WHEREAS Department of Public Utilities, through its Customer
4 Experience and External Affairs Division ("CXEA") is requesting revision of
5 Chapter 12.01 "Utility Charges" of the Tacoma Municipal Code ("TMC"), and
6

7 WHEREAS the proposed amendments would update certain CXEA fees
8 to better reflect current service delivery costs and make related administrative
9 revisions, proposed to become effective April 1, 2027, and
10

11 WHEREAS TMC 12.01 covers various customer charges such as
12 reconnection, late-payments, AMI opt-out, and other field-service fees, and

13 WHEREAS several of these fees have not been adjusted for many years
14 and no longer reflect the labor, administrative, vehicle, and after-hours
15 response costs associated with providing the services, and
16

17 WHEREAS the proposed revisions support the cost-causation principle
18 by assigning service-specific costs to the customers who use or generate those
19 services, and

20 WHEREAS without these updates, a larger share of the costs would
21 continue to be borne by the broader retail customer base, and
22

23 WHEREAS the proposed administrative amendments include revising
24 the service hours and requirements for after-hours reconnections; updating
25 terminology and administrative provisions for clarity and consistency; and
26



removing or revising outdated language to reflect current operating practices,
and

WHEREAS CXEA is proposing this update to certain fees set forth in
Chapter 12.01 of the TMC to include recent increases in operating and labor
costs and will supersede the fees approved in 2024, and

WHEREAS the proposed changes reflect increases in the labor and
operating costs associated with providing these services since the fees were
last approved, Now, therefore,

BE IT RESOLVED BY THE PUBLIC UTILITY BOARD OF THE CITY OF TACOMA:

That the Public Utility Board approves the requested revisions to Chapter
12.01 of the Tacoma Municipal Code in the form on file with the Clerk of the
Board and the Tacoma City Council is requested to pass an ordinance
amending Chapter 12.01 of the Tacoma Municipal Code to incorporate the
approved revisions effective as of April 1, 2027, with the final form to be
approved by the City Attorney's Office.

Approved as to form:

/s/

Chief Deputy City Attorney

Clerk

Chair

Secretary

Adopted _____



Board Action Memorandum

TO: Jackie Flowers, Director of Utilities
COPY: Charleen Jacobs, Director and Board Offices
FROM: Shana Williams, Customer Services Division Manager
LaTasha Wortham, Utilities Deputy Director, Customer Experience and External Affairs
MEETING DATE: 10/28/2026
DATE: 10/14/2026

GUIDING PRINCIPLE ALIGNMENT (select as many that apply):

Please indicate which of the Public Utility Board's Guiding Principle(s) is supported by this action.

- ☒ Customer and Community
- ☒ Resource Sustainability and Stewardship
- ☐ Employees and Culture

SUMMARY:

This request asks the Public Utility Board to consider a resolution revising Tacoma Municipal Code Chapter 12.01 Utility Charges. The proposed amendments would update certain Customer Experience and External Affairs fees to better reflect current service-delivery costs and make related administrative revisions. The proposed effective date is April 1, 2027.

BACKGROUND:

TMC 12.01 covers various customer such as reconnection, late-payment, AMI opt-out, and other field-service fees. Several of these fees have not been adjusted for many years and no longer reflect the labor, administrative, vehicle, and after-hours response costs associated with providing the services.

The proposed revisions support the cost-causation principle by assigning service-specific costs to the customers who use or generate those services. Without these updates, a larger share of the costs would continue to be borne by the broader retail customer base.

Proposed Administrative amendments include:

- Revising the service hours and requirements for after-hours reconnections.
- Updating terminology and administrative provisions for clarity and consistency.
- Removing or revising outdated language to reflect current operating practices.

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? No

IF THE EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW IT IS TO BE COVERED.

Not applicable. The proposed fee updates do not create an unbudgeted expense. They are intended to improve the recovery of existing labor, administrative, vehicle, and after-hours response costs associated with providing these services.



Board Action Memorandum

IF THE ACTION REQUESTED IS APPROVAL OF A CONTRACT, INCLUDE LANGUAGE IN RESOLUTION AUTHORIZING \$200,000 INCREASE IN ADMINISTRATIVE AUTHORITY TO DIRECTOR? No

ATTACHMENTS: Proposed Amendments to Chapter 12.01 Utility Charges 2027

CONTACT:

Primary Contact: Shana Williams, Customer Services Division Manager, 253.720.8208

Supervisor's Name: LaTasha Wortham, Utilities Deputy Director, Customer Experience and External Affairs



TO: Hyun Kim, City Manager
FROM: Jackie Flowers, Director of Utilities, Tacoma Public Utilities
COPY: City Council and City Clerk
SUBJECT: Proposed Ordinance – revise TMC Chapter 12.01 Utility Charges regarding Customer Experience and External Affairs fees; November 10, 2026
DATE: October 14, 2026

SUMMARY AND PURPOSE:

Tacoma Public Utilities requests approval by the City Council to revise Tacoma Municipal Code (TMC) Chapter 12.01 Utility Charges to update certain Customer Experience and External Affairs fees to better reflect current service-delivery costs and make related administrative revisions, effective April 1, 2027.

BACKGROUND:

TMC Chapter 12.01 establishes utility charges and fees. Customer Experience and External Affairs proposes updates to reconnection, late-payment, AMI opt-out, bankruptcy preparation, service establishment, and other field-service fees. Several of these fees have not been adjusted for many years and no longer reflect the labor, administrative, vehicle, and after-hours response costs associated with providing the services.

The proposed fee schedule includes an increase in the monthly AMI opt-out fee from \$15 to \$40, or \$75 for Ketron Island; bankruptcy preparation from \$10 to \$25; a revised service-establishment fee of \$15 for Power, \$15 for Water, and \$5 per Environmental Services utility, with a \$45 maximum; field charges from \$10 to \$40; a new \$20 Power AMI reconnect fee; daytime reconnect from \$12 to \$40; after-hours reconnect from \$60 to \$200; failure-to-appear, meter-reading-verification, and lockout/no-access fees to \$40; skip tracing from \$5 to \$25; and the late fee from \$3 or 1 percent to the greater of \$5 or 1 percent.

The proposed revisions support the cost-causation principle by assigning service-specific costs to the customers who use or generate those services. Without these updates, a larger share of the costs would continue to be borne by the broader retail customer base.

The proposed administrative amendments would revise service hours and requirements for after-hours reconnections, update terminology and administrative provisions for clarity and consistency, and remove or revise outdated language to reflect current operating practices.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

Tacoma Public Utilities presented the proposed fee updates to the Government Performance and Finance Committee on October 6, 2026, and will present the proposal to the Public Utility Board for consideration on October 28, 2026.

**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Continue the current fee schedule.	No changes to current customer charges.	Service-specific costs would remain under-recovered, with a larger share borne by the broader retail customer base.

EVALUATION AND FOLLOW UP:

Customer Experience and External Affairs will evaluate the cost of providing these services every other year and recommend future adjustments as needed to maintain appropriate cost recovery.

STAFF/SPONSOR RECOMMENDATION:

Tacoma Public Utilities requests approval by the City Council to revise Tacoma Municipal Code Chapter 12.01 Utility Charges to update certain Customer Experience and External Affairs fees and related administrative provisions, effective April 1, 2027.

FISCAL IMPACT:

These fees are triggered by customer behavior and use of specific services, the resulting revenue is not reliably predictable; an approximate estimate of annual revenues is provided below.

Fund Number & Name	COST OBJECT (CC/WBS/ORDER)	Cost Element	Total Amount
4700 Tacoma Power	Various	Various	Estimated \$1.3M
TOTAL			Estimated \$1.3M

What Funding is being used to support the expense? **NA**

Are the expenditures and revenues planned and budgeted in this biennium's current budget? **YES**

The proposed changes do not create an unbudgeted expense. Revenue will vary based on customer behavior and use of the affected services.

Are there financial costs or other impacts of not implementing the legislation? **YES**

Not implementing the legislation would continue the under-recovery of labor, administrative, vehicle, and after-hours response costs associated with these services, with a larger share of those costs borne by the broader retail customer base.

Will the legislation have an ongoing/recurring fiscal impact? **YES**

The updated fees will provide ongoing service-specific revenue when customers use or generate the applicable services. Revenue will vary based on customer behavior.

Will the legislation change the City's FTE/personnel counts? **No**

ATTACHMENTS: Proposed Amendments to Chapter 12.01 Utility Charges 2027

EXHIBIT "A"

CHAPTER 12.01 UTILITY CHARGES

§ 12.01.010. Utility services establishment.

A utility service establishment charge shall be imposed for each ~~utility service customer's service order for all utilities~~ provided by the City of Tacoma as set forth below:

- A. ~~A utility service establishment charge shall be assessed to each utility customer upon establishment of utility service. A utility service establishment charge shall be paid by each utility customer at the time of the service request. The charge includes turn-on and turn-off services if required. The establishment charge shall be as indicated in the table below for each service:~~

Power (metered)	~~\$10.50~~ <u>\$15.00</u>
Water (metered)	~~\$6.40~~ <u>\$15.00</u>
Solid Waste	~~\$3.00~~ <u>\$5.00</u>
Wastewater	~~\$1.00~~ <u>\$5.00</u>
Surface Water	~~\$1.00~~ <u>\$5.00</u>

Such utility service establishment charge(s) will be allocated to, and recorded as revenue for City tax purposes by each utility providing service.

- B. Adjustments/Fees. A service charge shall be paid by each utility customer ~~if a field call when action is required to verify, modify, adjust service to a new or different type of service or rate, or for turn-off or turn-on of service. For purposes of this chapter, normal City business "staffed operating hours" hours means Monday through Friday, 8:00 a.m. to 4:30 p.m., Monday through Friday, except City recognized holidays.~~

~~Reconnect requests must be received by 3:00 p.m. to ensure completion within staffed operating hours.~~

~~Reconnect requests received after 3:00 p.m. or outside staffed operating hours shall be deferred to the next business day and processed accordingly.~~

The service charge shall be the sum of the following applicable fees:

1. ~~\$140.00 for collection or disconnection for nonpayment (field visit).~~
2. ~~\$1240.00 for service connection during normal City business staffed operating hours (field visit). Requests for service connection must be received by 3:00 p.m. to be eligible for same-day reconnection. Requests received after 3:00 p.m. shall be processed for connection on the next regular City business day.~~
3. ~~\$60200.00 for service connection outside staffed operating hours (field visit) for turn-on or turn-off during all other hours.~~
4. ~~\$20.00 automated meter remote connection~~
5. ~~Plus an additional \$194.50 for a pole or underground reconnection during normal City business hours and \$264.00 for a pole or underground reconnection during all other hours.~~
6. ~~\$6.00~~ \$40.00 for failure to appear for utility turn-on (field visit).
7. ~~\$137.50 for self cut-in investigation (field visit).~~

87. ~~\$540.00 for verification of meter reading at the customer's request, assessed after one free meter reading verification per meter, within a 12-consecutive-month period, second reading within 12 consecutive months (field visit).~~

98. ~~\$405.00 for lock-out during a reasonable attempt to read a meter (field visit).~~

109. ~~\$25.00 for service provided to prepare information for collection on accounts closed over 30 days.~~

114. ~~\$425.00 for service provided to prepare information for bankruptcy administration.~~

Effective January 1, ~~2024~~ 2027, a ~~\$40~~ \$5.00 recurring billing cycle fee shall be charged for service provided for Opt Out of Advanced Metering Infrastructure. ~~For customers located in the Ketron Island service territory, where additional travel and ferry costs are incurred, the recurring billing cycle fee shall be \$75.00.~~ The low-income senior and/or disabled discount rate percentage, as specified in Section 12.06.165C, shall be applied to the Opt-Out fee for qualified eligible customers as determined by Section 12.06.165.

~~There will not be a disconnection or connection fee charged if the action may ordinarily be performed remotely. Such adjustment charges will be allocated to and recorded as revenue for City tax purposes by each utility providing service.~~

- C. Reconnection fees resulting from delinquency cut-offs shall be as follows:

1. ~~For meters that can be remotely reconnected:~~

~~\$20.00 for each reconnection.~~

2. ~~For meters that cannot be remotely reconnected: \$12.00~~ \$40.00 ~~for reconnections during normal City business staffed operating hours and \$60200.00 during all other hours. Requests for service reconnection must be received by 3:00 p.m. to be eligible for same-day reconnection. Requests received after 3:00 p.m. shall be processed for reconnection on the next regular City business day.~~

3. ~~\$194.50 for a pole or underground reconnection during normal City business hours and \$264.00 for a pole or underground reconnection during all other hours.~~

~~There will not be a reconnection fee charged if the action may ordinarily be performed remotely. Such reconnection fees will be allocated to and recorded as revenue for City tax purposes by each utility providing service.~~

The disconnection, reconnection, or collection fees set forth in Sections 12.01.010B.1 and 12.01.010B.2, Section 12.01.010C.1, and Section 12.01.020 will not be charged if the fees are due to non-payment between March 17, 2020, and May 31, 2024, and the non-payment is connected to an extended payment arrangement for balances incurred by the utility customer prior to March 31, 2022.

The outside of ~~normal business staffed operating~~ hours disconnection or reconnection fees set forth in Sections 12.01.010B.3 and 12.01.010C.1 will be waived one time per customer if the fees are due to non-payment between March 17, 2020, and May 31, 2024, and the non-payment is connected to an extended payment arrangement for balances incurred by the utility customer prior to March 31, 2022.

§ 12.01.020. Utility field collection call.

A charge of ~~\$140.00~~ shall be imposed on the customer when a field call ~~is necessary to collect or~~ results from a delinquent utility bill, not-sufficient fund check, deposit, dishonored credit card, debit card, or Automated Clearing House (ACH) payment request and/or a delinquent residential energy conservation loan payment. The utility field collection call charge will be allocated to, and recorded as revenue for City tax purposes by, each utility providing service in the same ratio as Department credit and collection costs.

§ 12.01.030. Invoicing and late payment fee.

- A. Invoices for City utility services may be issued by mail and/or electronic means. Any invoice shall be deemed issued on the date it is deposited in the United States Post Office with postage paid and/or electronically made available by Customer Services for customer review, and such methods of issuance shall be evidence of receipt of the invoice by a customer.
- B. A late payment fee will be assessed for delinquent utility account invoices(s) for City residential utility customers, the late payment fee will be assessed on each invoice that is not paid in full within 30 days from the date issued. For all other City utility customers the late payment fee will be assessed on each invoice that is not paid in full within 24 days from the date the invoice is issued. The late payment fee shall be as follows:

Utility Amount Balance	Late Payment Fee
\$0 - \$9.99	\$0
\$10.00 and over	greater of \$5.00 or 1% of balance+%-of-balance-with-a-\$3.00-minimum

After the initial delinquency and failure to pay, the late payment fee shall compound on a monthly basis at the above-stated rate or 1 percent per month, whichever is more. The fee will be assessed on the past due balance, and each utility will receive the portion assessed for its past due balance.

The late payment fee will be allocated to, and recorded as revenue for City tax purposes by each utility providing service.

- C. Notwithstanding TMC § 1.06.226, and except as otherwise provided in this Code or applicable state law, utility service charges or fees due and owing the City may be waived or adjusted by the Director of Utilities, or by the Director of Environmental Services Department as the case may be, or their respective designees by express delegation. Such waiver or adjustment authority may only be exercised under the following circumstances:
1. Amounts billed to an eligible residential utility customer, pursuant to TMC §§ 12.06.165, 12.08.360, 12.09.090 and/or 12.10.400 who (1) qualifies as low income, (2) receives supplemental security income, or (3) is disabled and receives federal or state funds;
 2. Late payment fees billed to a customer that is a public agency or Indian Tribe and that, due to governmental or similar processing delays, has substantial difficulty in paying accounts within 30 days;
 3. Amounts billed in error or in cases where written evidence has been presented demonstrating such irregularity that waiver or reasonable adjustment is necessary to avoid substantial injustice to the Customer; or
 4. Pursuant to written procedures promulgated by the Director of Finance and approved by the Director of Utility and the Director of Environmental Services Department.
- D. Notwithstanding TMC § 1.06.226, and except as otherwise provided in this Code or applicable state law, the Director of Utilities, with regard to power, water and rail services, and the Director of Environmental Services Department, with regard to wastewater, stormwater and solid waste services, and their designees, are authorized to approve a credit or refund to any utility customer for amounts paid and received and determined by the Director, or designee, to have been billed in error by the City and that are in excess of the true amount due and owing. The Directors are further authorized to establish policies and procedures governing the approval of any such refund or credit.

§ 12.01.040. Residential conservation loan program charges – Light Division.

- A. Late payment charge. A customer who fails to make full payment of any scheduled payment due for his or her Light Division (d.b.a. Tacoma Power) residential weatherization loan within 48 hours of

delivery of a Disconnect Notice shall be assessed a late payment charge of \$25.00 for each such late payment. This late payment charge shall be in addition to and not mutually exclusive of any other City loan collection remedies including, but not limited to, termination of utility service and/or acceleration of the entire outstanding loan balance.

For City tax purposes, the late payment charge will be allocated to and recorded as revenue of the Department of Public Utilities, Light Division.

- B. Document recording charge. City Light Division residential weatherization loans shall be secured by a lien against the real estate benefited, and a charge shall be imposed for the costs of recording said lien and/or for recording formal releases of such liens, which charge shall be included in the total repayment amount for the loan. These recording charges shall be equal to the amount established in RCW 36.18.010 currently in effect on the date of loan approval or payoff, as appropriate.
- C. Subordination agreements. In the event the City is requested to subordinate a previously recorded real estate lien securing a customer's Light Division residential weatherization loan, the following prepayments shall be required as consideration for approval of such request(s):
1. For a customer's first subordination request, and provided the City's lien position remains the same, a prepayment amount of \$250.00 shall be collected and accounted toward the outstanding balance of such customer's weatherization loan balance at the time of subordination. If the City's lien position is adversely affected by such subordination, an additional prepayment of \$100.00 shall be required;
 2. For a customer's second or further request for lien subordination, a prepayment of \$250.00 or 25 percent of the outstanding balance of such customer's residential weatherization loan balance shall be collected at the time of subordination, whichever amount is greater, regardless of a change in the City's lien position. This amount shall be credited toward the customer's weatherization loan balance.
- In the event that a customer's residential weatherization loan or electric utility bill payment history is marginal or poor, as determined by the Light Division Superintendent or his or her designee, the City may deny any lien subordination request in its sole discretion and nothing herein shall be construed to mandate approval of such subordination request(s).

§ 12.01.050. Waiver of utility connection and inspection charges during declared emergency.

Pursuant to Washington State Constitution Article VIII, section 7, and RCW 35.92.380, upon request, the Director of Utilities is authorized to waive all electric and water connection and inspection fees for cities (including the City of Tacoma) within Tacoma Power and Tacoma Water service territories that are providing facilities for sheltering low-income and/or infirm persons. Such authority is contingent upon the city passing an ordinance declaring a state of public health emergency. This section shall sunset pursuant to the requirements of Ordinance No. 28637, passed by the City Council on November 17, 2019.

**CHAPTER 12.04
COLLECTION OF CHARGES BY AGENTS**

§ 12.04.010. Designation of agents.

The City Treasurer, with the approval of the City Manager, be and is hereby authorized and empowered to designate and employ the owners or operators of such number of business establishments as he shall deem necessary and desirable, located at convenient points within the City, as agents for the collection at said establishments of the current bills of the various utilities of the City for services due the City on account of light, water, garbage and sewer charges.

§ 12.04.020. Duties of agents – Bond.

The conditions for the employment of any person, firm or corporation designated and employed by the City Treasurer for the purpose set forth in Section 12.04.010 hereof are as follows: coverage shall be required in an amount satisfactory to the City Treasurer as an employee under the blanket fidelity bond which the City now has or may hereafter procure covering other employees of the City and such employees shall pay to the City the actual cost for such individual coverage. All moneys collected or received shall be forwarded with receipted stubs to the Treasurer in sufficient time to insure that the same will be in the Treasurer's Office prior to 9:00 a.m. of the next business day following collection. The agency shall mark each receipt "paid" on the reverse side of the bill, with the date of payment indicated. Any corrections or changes shall not be made except when the customer presents the previous billing showing payment thereof and when so made shall be so indicated on the bill in red pencil marks. Where payments on account are received, the same shall be clearly shown on the billing with definite indication of the service or services to be credited. The agency agrees to indemnify and save harmless the City Treasurer and the City of Tacoma against any loss or damage to the Treasurer or the City resulting from or arising on account of such agency, whether the same shall result from the acts of the agent or from any of the agents or employees thereof.

§ 12.04.030. Compensation for making collections.

There shall be paid by the City Treasurer to any person, firm or corporation appointed in the manner and for the purpose hereabove specified, the sum of \$0.30 for each separate billing collected. The City Treasurer shall charge and collect from the various utilities the cost of making such payments on a pro rata basis, based upon the number of items collected for each utility.

**CHAPTER 12.05
ELECTRIC ENERGY – OTHER UTILITIES**

§ 12.05.010. Operation for other utilities or consumers authorized.

The Superintendent, Light Division, Department of Public Utilities, with the approval of the Director of Utilities, is hereby authorized to operate the steam electric plants of the City of Tacoma for other utilities or consumers from time to time as he may determine, provided that such operation for other utilities or consumers does not interfere with the continued effective operation of the electrical system of the City of Tacoma, and providing further, that the charges herein prescribed shall not in any way affect the terms and conditions of the interchange contract with the City of Seattle so long as it is in effect.

§ 12.05.020. Definitions.

"Active status" means the period which is started by actively engaging the plant in producing fuel generated power for the user.

"Fuel cost" is the actual quoted replacement cost to the City of fuel at the time the fuel was used.

"Inactive status" means the period in which the plant is not in operation for producing fuel generated power, but is still being retained by the user.

"kW load" is the power scheduled and delivered to the user. This is the amount of load as requested by the user and will be the amount of load used in the billing.

"Month" shall mean a calendar month. For computing and prorating monthly charges each month shall be considered as having 30 days.

§ 12.05.030. Fixed charges.

A. Inactive Status.

Tacoma Plant No. 1 \$1,500.00 per month

Tacoma Plant No. 2 \$3,000.00 per month

B. Active Status.

Tacoma Plant No. 1 (for all kW loads up to but not more than 9,000 kW).

\$2,500.00 per month or \$1.00 per kilowatt per month, whichever is greater.

Tacoma Plant No. 2 (for all kW loads up to but not more than 52,000 kW),

\$20,000.00 per month or \$1.00 per kilowatt per month, whichever is greater.

§ 12.05.040. Variable charges.

A. Direct charges. The user will pay all costs of labor and materials including fuel cost and water for (1) placing the plant in operation from an inactive status, (2) in connection with the operation and ordinary maintenance of the plant, and (3) returning the plant to inactive status after the period of operation. Extraordinary or deferred maintenance, such as replacing refractory material, bearings, reblading or turbines, generator rewinds, or other items that normally would be expected to last more than a year under normal operation will be borne by the owner of the plant. Labor expense will include the cost of industrial insurance, pensions, etc.

B. Indirect charges. To each item of expense under direct charges, excluding fuel and water, there will be added 15 percent for administration, such as superintendence, engineering, accounting, etc.

§ 12.05.050. Application of charges.

A. Inactive status.

1. Upon reservation of the plant, the Inactive Status fixed charge will be charged on a prorated portion for the calendar month.
2. If during any calendar month the plant goes to Active Status, the Inactive Status fixed charge will be prorated for the calendar month.
3. After Active Status and without termination, the Inactive Status charge will only be applied after the end of the particular calendar month and provided the plant does not return to Active Status for one calendar month following thereafter.

B. Active Status.

1. Upon Active Status, the Active Status fixed charge will apply on a prorated basis for the calendar month for the initial demand or any increase thereof for the remainder of the calendar month.
 2. Upon return to Inactive Status, the previously established Active Status charge will continue to apply beyond the end of the calendar month in which it was established and through the following calendar month unless the plant remains in an inactive status for that calendar month.
 3. During Active Status, the Variable Charges shall be applied in addition to the fixed charges.
- C. Scheduled outages.** When scheduled or emergency outages or reductions in capacity effect a reduction in capacity available to the user, the monthly billing for active status, subsection B above, will be prorated for the month of capacity available.

§ 12.05.060. Billing.

Monthly bills will be forwarded as soon as the costs may be determined. Payment shall be made within a reasonable time.

§ 12.05.070. Termination.

- A.** The City of Tacoma may terminate or reduce the output of the plant or plants for the benefit of the user at any time, with or without advance notice, that the needs of the City's electrical system or obligations to utilities or consumers other than the user may require.
- B.** The minimum time that the user may reserve or use a plant or plants is one calendar month.

CHAPTER 12.06

ELECTRIC ENERGY – REGULATIONS AND RATES

§ 12.06.010. General application.

All persons receiving electric service from the Department shall be billed and pay for such service in accordance with the applicable published rate schedules hereinafter set forth in this chapter, or as the same may hereafter be amended by ordinance.

§ 12.06.020. Definitions.

“City.” Where the word “City” is used reference is made to the City of Tacoma. “Customer service policies” refers to the latest revision of the Customer Service Policies.

“Customer.” Where the word “customer” is used reference is made to persons obtaining electric service from Tacoma Power.

“Department.” Where the word “Department” is used reference is made to the Light Division of the Department of Public Utilities of the City of Tacoma (doing business as “Tacoma Power”).

“Director.” Where the word “Director” is used reference is made to the Director of Public Utilities of the City of Tacoma or person with delegated authority.

“Inspector.” Where the word “inspector” is used reference is made to the Chief Electrical Inspector for the City or person with delegated authority.

“Month.” Where the word “month” is used the period between monthly meter readings is referred to, not a calendar month.

“Person.” The word “person” wherever used shall be held to mean and include persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.

“Regular work hours.” Unless otherwise specified, the term “regular work hours” when applied to service cut-ins, regular and delinquent, shall mean 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

“Tacoma power.” Where the words “Tacoma Power” is used reference is made to the Light Division of the Department of Public Utilities of the City of Tacoma.

§ 12.06.030. Available voltages.

- A.** Electric service shall be alternating current at 60 hertz; available at such suitable phase, voltage and metering as may be prescribed by the Department. The frequency and all voltages referred to in the Customer Service Policies are nominal. The normal operating tolerances in frequency and service voltage will be in accordance with the latest applicable industry standards.
- B.** The Department, at the option of the Director may from time to time establish additional service voltages as may be deemed advisable.

§ 12.06.040. Application for service and contract.

- A.** Any person desiring to purchase electric energy from Tacoma Power shall make such request of the Department. Such request shall contain a description of the premises where such electric energy is desired and shall state whether the electric energy is to be used for lighting, cooking, heating, or power and shall constitute a consent to accept this electric supply subject to the general provisions and service policies of Tacoma Power, in force or thereafter adopted. The purchase and connection of electric energy shall be subject to the residential building and/or commercial building (that is

proposed to be connected) complying with the energy efficiency standards as referenced in subsection D below. The connection of the applicant's premises by Tacoma Power to its electrical distribution system shall constitute acceptance of the request for service and shall be regarded as establishing the contractual obligations between the applicant and Tacoma Power.

- B. The rate designation for the service applied for shall be made by the Department and such classification shall be governed by the provisions of this chapter. Where optional schedules are available for the service to be rendered, the customer shall designate in writing the desired available option. A change to a different method of billing shall not be made effective until the next regular billing day after notice has been received by the Department. The Department shall have the right to restrict service to the premises to only one single-phase service and one three-phase service.
- C. The requirements for electrical service equipment and the supply of electric power for service to large industrial users and the distributors of wholesale power to the ultimate consumer are such that special consideration must be given when the load is to be increased or a new demand for large use is in prospect. These services are offered at compatible rates under the terms of a written contract.
- D. The furnishing of electric energy for: (1) new residential buildings, proposed to use electrical space heating; (2) new commercial buildings that are proposed to use electric space conditioning and/or electric lighting; and (3) conversions of residential or commercial buildings to electric space heating or electric space conditioning and/or electric lighting, respectively, is contingent upon and subject to said residential and/or commercial building satisfying the energy efficiency standards established by the Washington State Energy Code WAC 51-11, as adopted and amended in Chapter 2.10 of the Tacoma Municipal Code as the Official Energy Code for the City of Tacoma, except for application to existing buildings undergoing conversion to provide for electric space heating or conditioning, the 1983 Northwest Conservation and Electrical Power Plan, Appendix L. Copies of said Plan and Code are on file with the City Clerk and are incorporated herein by this reference. Existing exterior building and area lighting and existing exterior sign lighting shall be required to meet the lighting control requirements of the Tacoma Energy Code within six months of notification by the City of Tacoma.

§ 12.06.050. Inspection.

- A. Before connecting any premises with Tacoma Power's circuits or furnishing electric current therefrom the City shall cause the wiring and devices to be carefully inspected. Until such wiring and devices are installed according to City standards and City Code and all appropriate connection fees paid, Tacoma Power shall decline to connect or reconnect the service wires with Tacoma Power's circuit.
- B. The Tacoma Power shall have free and safe access at reasonable times, to any and all premises furnished with electric service by Tacoma Power for the purpose of inspecting any wires or electrical devices on said premises, reading or installing meters, and removing or repairing any property of Tacoma Power or for any other reasonable purpose connected with the operation of the electrical system.
- C. The Tacoma Power shall have the right to disconnect or refuse to furnish electric energy to machinery, premises or apparatus that, in the opinion of the Director, is detrimental to the safety of Tacoma Power employees, the general public, or to the rendering of good and satisfactory service to its other customers. The Department, Tacoma Power, or the City is authorized to disconnect the service from any premises at any time where the wiring, devices, appliances, or fixture have become, or are found to be defective or dangerous, and shall not reconnect service until such defects are corrected in accordance with the rules and regulations of the City or Tacoma Power.
- D. The City shall not be liable for any damages by fire or other cause resulting from defective wiring or appliances installed by the owner or other persons on the premises supplied with such electric current; and the fact that the agents of the City may have inspected the wiring and appliances shall

not be regarded as a basis for recovery in any case of damage to persons or property.

- E. It shall be unlawful for any person to add any device of 2,000 watts or larger, or to wire for, or rewire for, any lights or other devices without first filing written notice with the Department and obtaining a permit therefor, and in addition to incurring the penalty hereinafter provided, such person shall be liable to the City for all damages, arising from interrupted service, or from increased load on meters, transformers or appliances, or occurring in any manner as a result of such addition or additions.

§ 12.06.060. Equipment and wires.

- A. When a person's request for service has been accepted, and the service connection fee has been paid, Tacoma Power shall connect the electrical service to the premises. Tacoma Power shall furnish meters and instrument transformers used for metering electric service taken by the customer. The customer shall furnish and install facilities for termination of the service drop to the customer's premises in accordance with standards and specifications of Tacoma Power. Tacoma Power shall have the right to require the customer to furnish vaults with necessary primary conduit, secondary conduit, conductors, transformer foundation, fence and such other protection as may be necessary.
- B. When a request for service necessitates extending existing distribution facilities to serve persons or premises not now served by Tacoma Power, the Director shall determine the reasonableness and feasibility of serving the applicant and the amount of prepaid cost, if any, to be paid by the applicant in advance of construction. The location of the service drop or connection must be approved by the inspector. Tacoma Power will furnish service to the first point of contact on the customer's premises or a designated point. Said point of contact shall be as determined by Tacoma Power. The customer shall furnish and maintain space for transformers, transformer foundations, secondary services boxes, fence, and such other protection as may be necessary when requested to do so by Tacoma Power.
- C. In areas supplied through overhead service facilities where the customer has made the request for an underground service connection, it may be granted under the terms of existing Customer Service Policies or by special arrangement.
- D. All meters, transformers, lines, service entrances, switches, and equipment supplied by Tacoma Power shall be and remain the property of Tacoma Power and may be removed whenever the Director may so elect.

§ 12.06.070. Rearranging lines or equipment.

Whenever it becomes necessary for the benefit of any person to move, remove, change, rearrange and/or disconnect any wires, poles or apparatus belonging to the City, the cost of labor and material plus applicable administrative and general expense shall be charged to the person desiring the work to be done.

§ 12.06.080. Metering.

- A. Tacoma Power shall have the right to require the installation of such metering facilities as it may deem necessary or any and all measurements of electric energy on a customer's service. These requirements will be specified by Tacoma Power provided, however, that temporary service, or service to isolated relatively small fixed demands, may be rendered without metering when in the judgment of the Director the installation of metering facilities is deemed to be impractical. The Director shall determine for billing purposes hereunder the service requirements and the charges to be rendered under the rate schedule and/or ordinances applicable to the class of service furnished.
- B. For billing purposes the demand shall be figured to the nearest kilowatt.

- C. When a demand meter is used, it shall record the highest 30-minute average demand occurring within the billing period.
- D. Persons requiring temporary service shall pay for electricity at the regular rates applicable to the class of service furnished and such additional charges as may otherwise by ordinance be provided.

§ 12.06.090. Connected load.

When connected load is used in connection with any rate schedule, the estimated connected load as shown on customer's application shall be used for billing purposes until such time as the Department shall have made a load check. The Department may recheck a customer's connected load at any time it may deem desirable. A check of connected load will be made at the request of the customer providing six months have elapsed since the previous request for check was made. A change in billing demand, when a change is made in connected load will be made only after load check or inspection shall have been made of customer's equipment.

§ 12.06.100. Deposits and connection charges.

- A. A service account establishment charge shall be made for each customer service order as set forth in Chapter 12.01 of the Tacoma Municipal Code.
- B. The applicant may be required to make a cash deposit with the City Treasurer in an amount specified in customer policies adopted by the Public Utility Board. The City Treasurer may accept satisfactory securities or surety bond in lieu of cash deposit. Such deposit or security may be applied upon delinquent bills owing Tacoma Power and shall be applied to that portion first incurred. A change in the amount of the deposit or security may be required of any customer who changes status of service. The acceptance of a cash deposit or security by Tacoma Power shall not constitute a waiver of, or be a bar to the enforcement of, Tacoma Power's lien rights granted by existing laws of the state of Washington or any amendment thereto or any law hereinafter enacted.

§ 12.06.110. Billing – Payment of bills and delinquency.

- A. The Director shall cause a bill, or statement, to be rendered to each customer for electric energy consumed and/or services rendered during the preceding period. The utility bill shall become due and payable at the office of the City Treasurer or such other places designated by the Director within 15 days from the date an invoice is issued per TMC § 12.01.030 and shall become delinquent thereafter. PrePay customers will not receive invoices, but will receive statements that itemize PrePay service activity during the previous period. PrePay customers will receive an invoice for any services not enrolled in PrePay. The Power Division shall compute any bill due under TMC Chapter 12.06 by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.
- B. If said bills are not paid when due, they shall become delinquent and the Director shall, if the same is necessary to enforce payment of said bills, cause a discontinuance of the service from the premises affected by such delinquency and service shall remain off until arrangement satisfactory to the Director has been made covering payment of the delinquent bill. In addition, any invoice that becomes delinquent shall be subject to a late payment fee as set forth in TMC § 12.01.030.
- C. All charges for electric energy or service shall be the personal obligation of the customer applying for or signing for and/or receiving such service, and in addition thereto, the City shall have all the lien rights granted by state laws against the premises where such service is furnished. The Director shall have the absolute authority, except as limited by said state laws, to refuse to furnish service to, to discontinue service to, or to refuse to resume service to any applicant or customer on account of the failure to pay delinquent bills owing Tacoma Power by such person, whether such bills cover service at the premises sought to be served or elsewhere.
- D. The owner of the premises or the owner of a delinquent mortgage thereon to which electric energy

has been furnished, when giving notice to cut off service to said premises shall give notice upon a form approved, furnished and provided by Tacoma Power and shall specifically state therein the right, title and/or interest of such person in said premises and the name or names of any other person having an interest therein.

- E. Any tax now or hereafter imposed upon the sale and/or delivery of electric energy shall be added by the Department to the bills rendered for service, which bills shall be paid by the customers.
- F. Meter readings may be made by the Department on a bi-monthly or other periodic basis. The Department may for any reason implement and impose charges based on estimated electrical consumption or an estimated meter reading.

§ 12.06.115. Disconnection of electric service.

In addition to the other authority in this chapter (or other laws) to discontinue electric service, the Director is hereby authorized to discontinue electric service to a customer's premises when:

- A. A customer defaults on a Tacoma Power energy conservation loan agreement; or
- B. A customer defaults on an agreement with Tacoma Power to pay the cost for construction of secondary service conversion to underground, related to local improvement district undergrounding; or
- C. A customer fails to provide a Department requested deposit pursuant to Code Section 12.06.100; or
- D. A customer fails to satisfy his/her obligations pursuant to an Owner Guarantee for Utility Deposit Agreement or a Cosigner's Guarantee for Utility Deposit Agreement; or
- E. A customer constructs or modifies a building or structure in violation of Tacoma Municipal Code Section 12.06.040D relating to building thermal performance, selection of equipment for heating, ventilating and air conditioning, water heating, electrical distribution, and illuminating systems and equipment as specified in the energy efficiency standards as adopted by the City.

Except as otherwise provided in Sections 12.06.050 and 12.06.130, termination of electric service to a premises, as authorized by this chapter, shall not occur until: (1) Tacoma Power has provided the customer reasonable notice of the intent to terminate electric service, and (2) the customer has been offered the opportunity of a hearing before a hearing officer. Reasonable notice may be accomplished by mailing such notice to the customer using United States Postal Service.

§ 12.06.120. Resale of electric energy prohibited.

- A. No person shall be permitted to resell electric energy received from the City unless the schedule or contract under which service is obtained provides otherwise, and except as permitted by law, no person generating or receiving electric energy from other sources shall be permitted to sell or exchange such electric energy excepting to the City of Tacoma.

§ 12.06.130. Diversion of current.

- A. "Current diversion" means any obtaining of electrical energy or power to which a person, building or structure is not legally entitled pursuant to state law, this chapter or customer service policies adopted hereunder, including but not limited to tampering as set forth in City Code Section 12.06.140.
- B. Where it is found that current is being diverted illegally the service shall be discontinued immediately and shall remain disconnected until the conditions under subsection C following, have been satisfied.
- C. The agent, the tenant or the owner of the premises to which current has been diverted has:
 - 1. Caused the service entrance to be rewired to meet satisfactorily the present code requirements.

2. Satisfied any and all payments for service then due including a bill rendered by the City to recover the loss for power and energy diverted and all costs of investigation.
- D. The civil remedies set forth herein are in addition to all other civil or criminal remedies available under State law, including but not limited to RCW 80.28.240 and/or RCW Title 9A, this Code, or Customer Services Policies adopted hereunder.

§ 12.06.140. Tampering and injury to City equipment.

- A. It shall be unlawful for any person, other than a duly authorized employee of the Department acting under the authority of the Director to connect any house, premises, wires or appliances with the City's electric circuits for the purpose of securing the electric current therefrom, or for any other purpose whatever. If such unlawful action is taken, the Department shall have the right to disconnect the service at the service source and demand a minimum restoration fee as set forth in City Code Section 12.01.010 plus all other unpaid charges owing the Department.
- B. If the seal on the City's meter is broken, or the meter from any cause does not properly register, or any other evidence of energy having been used illegally is found, the Director shall charge the customer, or the owner of the premises when there is no current customer of utility services, with an energy consumption estimate along with all costs associated with the investigation and resealing of the meter.
- C. The civil remedies set forth herein are in addition to all other civil or criminal remedies available under State law, including but not limited to RCW 80.28.240 and/or RCW Title 9A, this Code, or Customer Service Policies adopted hereunder.

§ 12.06.150. City not liable for damages.

- A. The City shall not be liable for damages nor will allowances be made for loss of production, sales or service; in case of abnormal voltage, frequency or current variations, or in case the operations of the City's source of power or means of distribution fails or is curtailed, suspended, interrupted or interfered with; for any cause reasonably beyond its control. Such failure, curtailment, suspension, interruption or interference shall not be held to constitute a breach of contract on the part of the City, or in any way affect any liability for payment for power made available or for money due on or before the date on which such failure or interference occurred. The customer shall notify the Department as soon as possible in case of such failure of or interference with the City's electric service.
- B. If electrical service is left on between customers as a benefit to the customer, the Department, or both, or the service is discontinued for "nonpayment" or "no contract," the Department shall not be liable for damages incurred to the property because of such actions.

§ 12.06.160. Residential service – Schedule A-1.

- A. Availability. Available for domestic purposes in residences, apartments, duplex houses, multiple-family dwellings, and residential garages.
- B. Applicability. To single residences, individually metered apartments and per apartment for collectively metered apartments.
- C. Monthly rate. The sum of the following energy, delivery and customer charges:
 1. Energy. All energy measured in kilowatt-hours at \$0.045351 per kWh.
 2. Delivery. All energy delivered in kilowatt-hours at \$0.046295 per kWh.
 3. Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$31.30 per month, for all but collectively metered apartments; \$25.60 per month, for collectively metered apartments.

4. Exceptions:

(a) Within the City of Fife:

- (1) Energy. All energy measured in kilowatt-hours at \$0.045351 per kWh.
- (2) Delivery. All energy delivered in kilowatt-hours at \$0.046295 per kWh.
- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:

\$31.30 per month, for all but collectively metered apartments;

\$25.60 per month, for collectively metered apartments.

(b) Within the City of Fircrest:

- (1) Energy. All energy measured in kilowatt-hours at \$0.045351 per kWh.
- (2) Delivery. All energy delivered in kilowatt-hours at \$0.046295 per kWh.
- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:

\$31.30 per month, for all but collectively metered apartments;

\$25.60 per month, for collectively metered apartments.

(c) Within the City of Lakewood:

- (1) Energy. All energy measured in kilowatt-hours at \$0.045351 per kWh.
- (2) Delivery. All energy delivered in kilowatt-hours at \$0.046295 per kWh.
- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:

\$31.30 per month, for all but collectively metered apartments;

\$25.60 per month, for collectively metered apartments.

(d) Within the City of Steilacoom:

- (1) Energy. All energy measured in kilowatt-hours at \$0.045351 per kWh.
- (2) Delivery. All energy delivered in kilowatt-hours at \$0.046295 per kWh.
- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:

\$31.30 per month, for all but collectively metered apartments;

\$25.60 per month, for collectively metered apartments.

(e) Within the City of University Place:

- (1) Energy. All energy measured in kilowatt-hours at \$0.048644 per kWh.
- (2) Delivery. All energy delivered in kilowatt-hours at \$0.049657 per kWh.
- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:

\$33.57 per month, for all but collectively metered apartments;

\$27.46 per month, for collectively metered apartments.

D. Service conditions.

1. Where load conditions warrant, three-phase electric service may be made available by prior written agreement.
2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

§ 12.06.165. Low-income senior and/or low-income disabled discount residential service – Schedule A-2.

- A. Availability. Available for domestic purposes in residences, apartments, duplex houses, multiple family dwellings, and residential garages.
- B. Applicability. To single residences, individually metered apartments, and residential garages. To Tacoma Power customers who:
 1. (a) Are 62 years of age or older, and have a maximum annual household income of not more than 45 percent of the Median Family Income as adjusted for Section 8 Income Limit calculations established by the Department of Housing & Urban Development (or its successor agency) for the Tacoma, WA Housing and Urban Development Fair Market Rent Area for the number of individuals in the household; or
 - (b) Receive Supplemental Security Income pursuant to 42 USC Sections 1381 through 1383; or
 - (c) Are disabled and receive income from a disability program as a result of a disability that prevents working consistent with the requirements of 42 USC Section 401 et seq., and have a maximum annual household income of not more than 45 percent of the Median Family Income as adjusted for Section 8 Income Limit calculations established by the Department of Housing & Urban Development (or its successor agency) for the Tacoma, WA Housing and Urban Development Fair Market Rent Area for the number of individuals in the household; and
 2. Are a single occupant or the head of a household or the spouse of the head of the household; and
 3. Reside in the dwelling unit; and
 4. Are billed or are the spouse of a person billed by Tacoma Power; and
 5. Customers who have been certified eligible by the authorized administering agency on or before January 1, 2021, and who have an active City of Tacoma Department of Public Utilities (d.b.a. Tacoma Public Utilities) utility account (prior to said date) shall continue to receive the same discount pursuant to the prior income eligibility criteria until such account closes. If a customer closes the active account and does not reestablish a new account within ten business days, or if a customer has never applied for the discount rate, then the customer must apply in accordance with the hereinabove criteria. Eligibility shall be certified by Tacoma Power or appropriate authorized administering organization(s). Each applicant may be contacted regarding weatherization services.
- C. Monthly rate. Sixty-five percent of the monthly bill as calculated under Section 12.06.160 of the Tacoma Municipal Code, known as Residential Service - Schedule A-1.
- D. Service conditions.
 1. Where load conditions warrant, three-phase electric service may be made available by prior written agreement.
 2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

§ 12.06.166. Prepaid residential service – Schedule PR.

- A. Availability. Available for domestic purposes in residences, apartments, duplex houses, multiple-family dwellings, and residential garages with Advanced Metering Infrastructure installed, subject to

billing system availability.

- B. Applicability. To single residences and individually metered apartments.
- C. Monthly rate. The sum of the following energy, delivery and customer charges:
 1. Energy. The energy rate of the otherwise applicable published rate schedule as set forth in Chapter 12.06.160, Residential service.
 2. Delivery. The delivery rate of the otherwise applicable published rate schedule as set forth in Chapter 12.06.160, Residential service.
 3. Customer charge. Calculated on a daily basis: The customer charge of the otherwise applicable published rate schedule as set forth in Chapter 12.06.160, Residential service, multiplied by 12, divided by 365, and rounded to the nearest cent.
 4. Exceptions. For Tacoma Power customers who meet the Applicability criteria as set forth in Chapter 12.06.165, Low-income senior and/or low-income disabled discount residential service, the amounts set forth above shall be reduced in the same proportion as set forth in Section C of that Chapter.
- D. Service conditions.
 1. Where load conditions warrant, three-phase electric service may be made available by prior written agreement, subject to metering and billing system availability.
 2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

§ 12.06.170. Small general service – Schedule B.

- A. Availability. For nonresidential lighting, heating, and incidental power uses where a demand meter may be installed. Also for nonresidential incidental power uses where a meter is not installed. The customer's actual demand as determined by Tacoma Power may not exceed 50 kilovolt amperes or total connected load as estimated by Tacoma Power may not exceed 65 kilowatts upon initial service energization.
- B. Monthly rate. The sum of the following energy, delivery and customer charges:
 1. Energy. All energy measured in kilowatt-hours at \$0.044616 per kWh.
 2. Delivery. All energy delivered in kilowatt-hours at \$0.042902 per kWh.
 3. Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$41.15 per month, for all but unmetered services; \$32.05 per month, for unmetered services.
 4. Exceptions:
 - (a) Within the City of Fife:
 - (1) Energy. All energy measured in kilowatt-hours at \$0.044616 per kWh.
 - (2) Delivery. All energy delivered in kilowatt-hours at \$0.042902 per kWh.
 - (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$41.15 per month, for all but unmetered services; \$32.05 per month, for unmetered services.
 - (b) Within the City of Fircrest:
 - (1) Energy. All energy measured in kilowatt-hours at \$0.044616 per kWh.
 - (2) Delivery. All energy delivered in kilowatt-hours at \$0.042902 per kWh.

- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:

\$41.15 per month, for all but unmetered services; \$32.05 per month, for unmetered services.

- (c) Within the City of Lakewood:

- (1) Energy. All energy measured in kilowatt-hours at \$0.044616 per kWh.

- (2) Delivery. All energy delivered in kilowatt-hours at \$0.042902 per kWh.

- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:

\$41.15 per month, for all but unmetered services; \$32.05 per month, for unmetered services.

- (d) Within the City of Steilacoom:

- (1) Energy. All energy measured in kilowatt-hours at \$0.044616 per kWh.

- (2) Delivery. All energy delivered in kilowatt-hours at \$0.042902 per kWh.

- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:

\$41.15 per month, for all but unmetered services; \$32.05 per month, for unmetered services.

- (e) Within the City of University Place:

- (1) Energy. All energy measured in kilowatt-hours at \$0.047856 per kWh.

- (2) Delivery. All energy delivered in kilowatt-hours at \$0.046017 per kWh.

- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:

\$44.14 per month, for all but unmetered services; \$34.38 per month, for unmetered services.

- C. Service conditions.

1. The maximum allowable total connected motor rating is 7.5 horsepower (5.6 kilowatts) exclusive of motors of 1/4 horsepower and under for standard plug-in applications.
2. At the option of Tacoma Power, a customer may be transferred to a demand metered rate if the customer's actual demand has exceeded 50 kilovolt amperes at least three times in the prior 24-month period.
3. Power factor provision applicable.
4. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

§ 12.06.176. Prepaid small general service – Schedule PB.

- A. Availability. Available for nonresidential lighting, heating, and incidental power uses with Advanced Metering Infrastructure installed, subject to billing system availability. The customer's actual demand as determined by Tacoma Power may not exceed 50 kilovolt amperes or total connected load as estimated by Tacoma Power may not exceed 65 kilowatts upon initial service energization.

- B. Monthly rate. The sum of the following energy, delivery and customer charges:

1. Energy. The energy rate of the otherwise applicable published rate schedule as set forth in Chapter 12.06.170 Small general service.

2. Delivery. The delivery rate of the otherwise applicable published rate schedule as set forth in Chapter 12.06.170 Small general service.

3. Customer charge. Calculated on a daily basis, invoiced, and collected pursuant to the applicable customer service policies: The customer charge of the otherwise applicable published rate schedule as set forth in Chapter 12.06.170 Small general service, multiplied by 12, divided by 365, and rounded to the nearest cent.

- C. Service conditions.

1. The maximum allowable total connected motor rating is 7.5 horsepower (5.6 kilowatts), exclusive of motors of ¼ horsepower and under for standard plug-in applications.
2. At the option of Tacoma Power, a customer may be transferred to a demand-metered rate if the customer's actual demand has exceeded 50 kilovolt amperes at least three times in the prior 24-month period.
3. Power factor provision applicable.
4. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

§ 12.06.180. (Repealed)

§ 12.06.190. (Repealed)

§ 12.06.210. (Repealed)

§ 12.06.215. General service – Schedule G.4

- A. Availability. For general power use where a demand meter is installed, for standby capacity to customers generating all or a part of their electric power requirements, and for intermittent use. The customer's actual demand as determined by Tacoma Power must exceed 50 kilovolt amperes or total connected load as estimated by Tacoma Power must exceed 65 kilowatts upon initial service energization.

The customer's initial load or subsequent load growth cannot exceed 10 average megawatts (aMW) over any consecutive 12-month period. If a customer's energy consumption grows by 10 aMW or more during any consecutive 12-month period, it will no longer be eligible for this rate schedule. The customer will be transitioned to Schedule Very Large Load (VLL) pursuant to subsection E of TMC § 12.06.266.

For customers providing all their own transformation from Tacoma Power's distribution system voltage, a discount for transformer investment and maintenance will be provided by reducing the monthly bill by 0.8 percent. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly bill by 1 percent. These discount percentages are additive, and not compounded.

For customers (1) who own and maintain their substation transformer to take power directly from the high-voltage transmission level; and (2) do not use any of Tacoma Power's local distribution facilities, a substation transformer and local distribution credit of \$3.14 per kilowatts per month will be provided. A customer who receives the substation transformer and local distribution credit shall not be eligible to also receive either the distribution-level transformer discount or primary metering discount.

- B. Monthly rate. The sum of the following energy, delivery, and customer charges:

1. Energy. All energy measured in kilowatt-hours at \$0.058014 per kWh.

2. Delivery. All kilowatts of Billing Demand delivered at \$11.39 per kW.
3. Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$82.80 per month.
4. Exceptions:
 - (a) Within the City of Fife:
 - (1) Energy. All energy measured in kilowatt-hours at \$0.058014 per kWh.
 - (2) Delivery. All kilowatts of Billing Demand delivered at \$11.39 per kW.
 - (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$82.80 per month.
 - (b) Within the City of Fircrest:
 - (1) Energy. All energy measured in kilowatt-hours at \$0.058014 per kWh.
 - (2) Delivery. All kilowatts of Billing Demand delivered at \$11.39 per kW.
 - (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$82.80 per month.
 - (c) Within the City of Lakewood:
 - (1) Energy. All energy measured in kilowatt-hours at \$0.058014 per kWh.
 - (2) Delivery. All kilowatts of Billing Demand delivered at \$11.39 per kW.
 - (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$82.80 per month.
 - (d) Within the City of Steilacoom:
 - (1) Energy. All energy measured in kilowatt-hours at \$0.058014 per kWh.
 - (2) Delivery. All kilowatts of Billing Demand delivered at \$11.39 per kW.
 - (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$82.80 per month.
 - (e) Within the City of University Place:
 - (1) Energy. All energy measured in kilowatt-hours at \$0.062227 per kWh.
 - (2) Delivery. All kilowatts of Billing Demand delivered at \$12.22 per kW.
 - (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$88.81 per month.
- C. Billing demand. Determined by means of a demand meter, 30-minute interval. The Billing Demand shall be the highest of:
 1. The highest measured demand for the month adjusted for power factor;
 2. 60 percent of the highest measured demand occurring during any of the preceding 11 months after

adjustment for power factor; or

3. 100 percent of the standby capacity.
For purposes of the determination of Billing Demand in subsection 2 above, the 11 months of history shall be carried forward from the customer's previous account(s).
- D. Standby capacity. That amount of power requested by written application or estimated by the Director to be made continuously available for exclusive use of the customer.
- E. Customer-owned generation. Effective January 1, 2021.
 1. Any customer taking service under this schedule is eligible to sell to Tacoma Power the quantity of generation that exceeds its actual demand over an hour along with the generation's associated Renewable Energy Credits (REC), as defined by RCW 19.285.030, provided that such a customer:
 - (a) Utilizes solar photovoltaic (PV) arrays sized not greater than 2 MW, or
 - (b) Owns generation and has an agreement with Tacoma Power that provides for:
 - (i) Compensation of excess generation under this rate schedule,
 - (ii) The purchase of Standby Capacity in the amount of no less than the expected energy output of the generator, and
 - (iii) The recovery of the cost of integration into Tacoma Power's system.

This section shall not apply to customer-owned generation facilities with a capacity less than 100 kW, which are subject to Tacoma Power's net metering requirements under RCW 80.60.030.

 2. To participate, an eligible customer must comply with the following subsections (a), (b), and (c):
 - (a) Enter into a generator interconnection agreement with Tacoma Power and comply with all its terms. Tacoma Power may adopt any generator interconnection requirements as necessary to protect public safety, system reliability, or other regulatory requirements.
 - (b) Transfer to Tacoma Power ownership of all environmental, social, REC, and other non-power attributes of the electricity generated in excess of that consumed by the customer. The customer may retain ownership of all environmental, social, REC, and other non-power attributes of the electricity produced by the generator that is consumed on-site.
 - (c) Pay for a two-way advanced meter that is selected and installed by Tacoma Power at the generator that will be used to measure kilowatt-hours of inbound retail energy consumed by the customer's load and the outbound exported generation. Customers totalizing multiple meters may integrate customer-owned generation into their totalized service consistent with Tacoma Power's policies for meter totalization. Otherwise, meter aggregation across multiple customer premises shall not be permitted.
 3. Any electricity produced by the customer's generation may be used to reduce inbound retail electricity consumption in accordance with this schedule.
 4. The price Tacoma Power shall pay the customer for the quantity of excess generation delivered to Tacoma Power shall equal the quantity, as measured by the advanced meter over each hour, multiplied by:
 - (a) If available, the applicable Pricing Node of the Real-time Dispatch price of Energy Imbalance Market where the generator is located, as determined by the California Independent System Operator under its market tariff, or
 - (b) A published index price for firm energy at the Mid-Columbia applicable to the time in which energy was delivered;
 - (c) Plus \$4.43 for each REC transferred to Tacoma Power.

If excess generation is provided during any hour in which the advanced meter fails to record generation, Tacoma Power shall estimate the quantity of excess generation.

F. Service conditions.

1. At the option of Tacoma Power, primary metering may be installed where the service transformers aggregate 500 kVA or more.
2. At the option of Tacoma Power, a customer may be transferred to a non-demand metered rate if the customer's actual demand has not exceeded 50 kilovolt amperes in the prior 24-month period.
3. Power factor provision applicable.
4. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

§ 12.06.220. (Repealed)

§ 12.06.225. High voltage general service – Schedule HVG.

- A. Availability. For customers receiving service from Tacoma Power under this rate schedule prior to April 1, 2021. After April 1, 2021, customers served under this rate schedule who transition their service to another rate schedule shall no longer be eligible for service under this schedule. For general power use where a demand meter is installed and where a customer served does not require the use of Tacoma Power's distribution facilities other than substation transformation. For customers who provide all of their own transformation from Tacoma Power's transmission system voltage, a credit of 20.00 percent will be applicable to the delivery charge.

The customer's load growth cannot exceed 10 average megawatts (aMW) over any consecutive 12-month period. If a customer's energy consumption grows by 10 aMW or more during any consecutive 12-month period, it will no longer be eligible for this rate schedule. The customer will be transitioned to Schedule Very Large Load (VLL) pursuant to subsection E of TMC § 12.06.266.

- B. Monthly rate. The sum of the following energy, delivery, and customer charges:

1. Energy. All energy measured in kilowatt-hours at \$0.045729 per kWh.
2. Delivery. All kilowatts of Billing Demand delivered at \$7.99 per kW.
3. Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$1,750.00 per month.
4. Exceptions:
 - (a) Within the City of Fife:
 - (1) Energy. All energy measured in kilowatt-hours at \$0.045729 per kWh.
 - (2) Delivery. All kilowatts of Billing Demand delivered at \$7.99 per kW.
 - (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:
\$1,750.00 per month.
 - (b) Within the City of Fircrest:
 - (1) Energy. All energy measured in kilowatt-hours at \$0.045729 per kWh.
 - (2) Delivery. All kilowatts of Billing Demand delivered at \$7.99 per kW.
 - (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:

\$1,750.00 per month.

- (c) Within the City of Lakewood:

- (1) Energy. All energy measured in kilowatt-hours at \$0.045729 per kWh.
- (2) Delivery. All kilowatts of Billing Demand delivered at \$7.99 per kW.
- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:
\$1,750.00 per month.

- (d) Within the City of Steilacoom:

- (1) Energy. All energy measured in kilowatt-hours at \$0.045729 per kWh.
- (2) Delivery. All kilowatts of Billing Demand delivered at \$7.99 per kW.
- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:
\$1,750.00 per month.

- (e) Within the City of University Place:

- (1) Energy. All energy measured in kilowatt-hours at \$0.049050 per kWh.
- (2) Delivery. All kilowatts of Billing Demand delivered at \$8.56 per kW.
- (3) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:
\$1,877.08 per month.

- C. Billing demand. Determined by means of a demand meter, 30-minute interval. The billing demand shall be the higher of:

1. The highest measured demand for the month adjusted for power factor, or
2. 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor.

For purposes of the determination of Billing Demand in subsection 2 above, the 11 months of history shall be carried forward from the customer's previous account(s).

- D. Service conditions.

1. Power factor provision applicable.
2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

§ 12.06.240. (Repealed)

§ 12.06.250. (Repealed)

§ 12.06.260. Contract industrial service – Schedule CP.

- A. Availability. For (1) existing customers receiving service from Tacoma Power under this rate schedule as of December 31, 2023; (2) existing Tacoma Power customers migrating from Schedule NLL, provided such customers were served under Schedule NLL for at least ten consecutive years; (3) existing Tacoma Power customers migrating from Schedule G who begin taking power from high voltage transmission level and do not use Tacoma Power's distribution system and who meet

the requirements this rate schedule; (4) existing Tacoma Power customers migrating from Schedule HVG and meet the requirements for this rate schedule.

If a customer's energy consumption grows by 10 average megawatts or more during any consecutive 12-month period, it will no longer be eligible for this rate schedule. The customer will be transitioned to Schedule Very Large Load (VLL) pursuant to subsection E of TMC § 12.06.266.

- B. Minimum requirements. Every customer under Schedule CP must execute upon the execution of a written Power Service Agreement (Contract) with Tacoma Power, which shall require among other conditions:

1. A minimum Contract Demand (as set forth in the Contract) of not less than 8 megawatts;
2. Delivery of power at one primary voltage;
3. Metering at primary voltage but in no case at less than nominal 4,160 volts;
4. Power factor adjustment to 95 percent lagging or better; and
5. Service is subject to curtailment.

- C. Monthly rate. The sum of the following power service, delivery, customer and other charges:

1. Power service charges:

- (a) Energy. All energy measured in kilowatt-hours at \$0.034198 per kWh.
- (b) Demand. All kilowatts of Billing Demand delivered at \$7.37 per kW.
- (c) Minimum charge. The Demand Charge.
- (d) Contract demand overrun. A Contract Demand Overrun charge shall be imposed when the total measured demand (highest 30-minute integrated demand) exceeds the Contract Demand (as set forth in the Contract). Said charge is pursuant to the following formula:

Contract Demand Overrun Charge = Excess MW x 300% x DC

Where: Excess MW = MW of metered Demand in excess of the Contract Demand; DC = Demand Charge.

2. Delivery. All kilowatts of Billing Demand delivered at \$8.53 per kW.
3. Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$5,155.00 per month.
4. Additional charges. This rate schedule specifies power rates based on Tacoma Power's system portfolio. If the customer requires additional environmental or locational attributes in power supply, additional charges including the incremental costs and Tacoma Power's administrative costs will apply and be stated in the Power Service Agreement.

- D. Billing demand. Determined by means of a demand meter, 30-minute interval.

1. The Billing Demand shall be the highest of:
 - (a) The highest measured demand for the month, adjusted for power factor;
 - (b) 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor; or
 - (c) 60 percent of the highest Contract Demand (as set forth in the Contract) during any of the preceding 11 months.

- E. Service conditions.

1. Power factor provision applicable; and

2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy and delivery services shall apply.

§ 12.06.265. New large load service under 10 aMW – Schedule NLL.

- A. Applicability. For new loads or expanding existing loads greater than 8 megawatts (MW) but less than 10 average megawatts (aMW) within any consecutive 12-month period. Loads receiving service under Schedule NLL may receive service under Schedule CP (or a successor rate) after a period of ten consecutive years from the beginning of service if applicable requirements are met.

The customer's initial load or subsequent load growth cannot exceed 10 aMW over any consecutive 12-month period. If a customer's energy consumption grows by 10 aMW or more during any consecutive 12-month period, it will no longer be eligible for this rate schedule. The customer will be transitioned to Schedule Very Large Load (VLL) pursuant to subsection E of TMC § 12.06.266.

- B. Minimum requirements. For large power use upon the execution of a written Power Service Agreement (Contract) with Tacoma Power, which shall require among other conditions:

1. A minimum Contract Demand (as set forth in the Contract) of not less than 8 MW and not more than 10 aMW within any consecutive 12-month period;
2. Delivery of power at one primary voltage;
3. Metering at primary voltage but in no case at less than nominal 4,160 volts;
4. Power factor adjustment to 95 percent lagging or better; and
5. Service is subject to curtailment.

- C. Monthly rate. The sum of the following power service, delivery, customer and other charges:

1. Power service charges:

- (a) Energy. All energy measured in kilowatt-hours at \$0.039328 per kWh.
- (b) Demand. All kilowatts of Billing Demand delivered at \$8.48 per kW.
- (c) Minimum charge. The Demand Charge.
- (d) Contract demand overrun. A Contract Demand Overrun charge shall be imposed when the total measured demand (highest 30-minute integrated demand) exceeds the Contract Demand (as set forth in the Contract). Said charge is pursuant to the following formula:

Contract Demand Overrun Charge = Excess MW x 300% x DC

Where: Excess MW = MW of metered Demand in excess of the Contract Demand; DC = Demand Charge.

2. Delivery. All kilowatts of Billing Demand delivered at \$9.81 per kW.
3. Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$5,928.25 per month.
4. This rate schedule specifies power rates based on Tacoma Power's system portfolio. If the customer requires additional environmental or locational attributes in power supply, additional charges including the incremental costs and Tacoma Power's administrative costs will apply in the Power Service Agreement.

- D. Billing demand. Determined by means of a demand meter, 30 minute interval.

1. The Billing Demand shall be the highest of:
 - (a) The highest measured demand for the month, adjusted for power factor;

- (b) 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor; or
- (c) 60 percent of the highest Contract Demand (as set forth in the Contract) during any of the preceding 11 months.
- E. Service conditions.
 - 1. Power factor provision applicable; and
 - 2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy and delivery services shall apply.

§ 12.06.266. Very large load service of 10 aMW or more– Schedule VLL.

- A. Applicability. For new loads of 10 average megawatts (aMW) or more, or existing loads that grow by 10 average megawatts or more within any consecutive 12-month period.
- B. Minimum conditions. For very large power use upon the execution of a written Power Service Agreement (Contract) with Tacoma Power, which shall require among other conditions:
 - 1. A minimum Contract Demand (as set forth in the Contract) of not less than 10 megawatts;
 - 2. Delivery of power at one primary voltage;
 - 3. Metering at primary voltage but in no case at less than nominal 4,160 volts;
 - 4. Power factor adjustment to 95 percent lagging or better;
 - 5. Service is subject to curtailment;
 - 6. The new power supply resource acquisition to serve the customer may be based on a Power Purchase Agreement (PPA) Tacoma Power enters with an independent power provider. If the underlying PPA is terminated for any reason, Tacoma Power may look for a different power supply resource for the customer and shall have the right to amend the Contract based on the new resource costs and terms.
 - 7. Service is subject to the evaluation and approval of Tacoma Power's Transmission and Distribution department. Customer is responsible for the cost of substation and other necessary infrastructure to serve their load.
- C. Monthly rate. The sum of the following power service, delivery, customer and other charges:
 - 1. Power supply charges.
 - (a) Energy. To be based on Tacoma Power's incremental cost of acquiring power to serve the customer's load including applicable taxes, plus a reasonable service fee no greater than 10% to recover ancillary services and administrative costs, pursuant to the contract between Tacoma Power and the customer.
 - (b) Demand. To be based on Tacoma Power's incremental cost of acquiring power capacity to serve the customer's load including applicable taxes, plus a reasonable service fee no greater than 10% to recover ancillary services and administrative costs, pursuant to the contract between Tacoma Power and the customer. The demand costs will include any transmission costs to deliver the power from the generation sites to Tacoma Power's network delivery point, including line losses over the transmission system. The demand for billing purpose follows subsection D of this rate schedule, unless otherwise specified in the Contract.
 - (c) Minimum charge. The Energy and Demand Charge.
 - (d) Contract demand overrun. A Contract Demand Overrun charge shall be imposed when the total measured demand (highest 30-minute integrated demand) exceeds the Contract Demand (as set forth

in the Contract). This charge is pursuant to the following formula:

$$\text{Contract Demand Overrun Charge} = \text{Excess MW} \times 300\% \times \text{DC}$$

Where: Excess MW = MW of metered Demand in excess of the Contract Demand; DC = Demand Charge.

- 2. Delivery. Applicable delivery charge on Schedule CP if local distribution service is not required, or Schedule G if local distribution service is required.
- 3. Customer charge. Applicable customer charge on Schedule CP if local distribution service is not required, or Schedule G if local distribution service is required.
- D. Billing demand. Determined by means of a demand meter, 30 minute interval.
 - 1. The Billing Demand shall be the highest of:
 - (a) The highest measured demand for the month, adjusted for power factor;
 - (b) 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor; or
 - (c) 60 percent of the highest Contract Demand (as set forth in the Contract) during any of the preceding 11 months.
- E. Applicable interim rate. If a customer on Schedule G, Schedule HVG, Schedule CP and Schedule NLL grows its energy consumption by 10 average megawatts or more during any consecutive 12-month period, the customer will become a "New Large Single Load" as determined by Bonneville Power Administration (BPA) and will no longer be eligible for the customer's original rate schedule. To continue to receive power service, the customer will be required to enter a Power Service Agreement with Tacoma Power for specific rates, terms and conditions pursuant to TMC § 12.06.266, subject to the approval by Tacoma Public Utility Board and Tacoma City Council.

During the period beginning from the month the customer becomes "New Large Single Load" and before a Power Service Agreement becomes effective (Transition Period), the customer's Power Supply Charges shall be based on BPA's New Resource Firm Power rates effective at the time plus the costs for the additional environmental attributes that the customer may require. BPA's New Resource Firm Power rates include energy charges, demand charges and all other applicable charges. The customer's Delivery Charge and Customer Charge will be based on Schedule CP if no local distribution is needed; and based on Schedule G if local distribution is needed. Additionally, the customer may be subject to mandatory curtailment based on power costs and reliability reasons at Tacoma Power's discretion during any Transition Period.

The initial Transition Period will last up to 12 months and may be extended subject to Tacoma Power's approval. If the Transition Period is not extended, the customer will be charged two times the BPA's New Resource Firm Power rates after the initial Transition Period until a Power Service Agreement becomes effective.

Tacoma Power will charge BPA's New Resource Firm Power rates as the customer's Power Supply Charges starting from the month in which the customer exceeds 10 aMW or more during any consecutive 12-month period until such time as the customer executes a Contract for service under this Schedule VLL. To the extent Tacoma Power's billing process is not immediately updated, Tacoma Power may retroactively charge the customer based on BPA's New Resource Firm Power rates in order to properly account for all consumption during the Transition Period.
- F. Service conditions.
 - 1. Power factor provision applicable; and
 - 2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy and delivery services shall apply.

§ 12.06.270. (Repealed)

§ 12.06.280. (Repealed)

§ 12.06.290. Street lighting and traffic signal service – Schedule H-1.

A. Availability. Available for:

1. Public street lighting service where the lighting system is in operation during hours of darkness and where the street light system and equipment is owned by the customer, or there have been other suitable prior written arrangements agreed to by Tacoma Power and the applicant; and
2. Traffic controllers, signal lights, warning lights, danger lights, pedestrian lights and similar uses, where the traffic control system and equipment is owned and maintained by the customer.

B. Monthly rate. Rates stated herein are for (1) unmetered installations [items 1 and 2] where charges are per fixture and shall be applied to the number of installed units on the system as determined by Tacoma Power at the time the billing is rendered, and (2) metered installations [item 3].

1. Street lighting units (unmetered).

(a) Incandescent lamps:

Nominal Wattage	Energy Charge Per Unit
Up to 150 Watts	\$4.54
151-220 Watts	\$6.66
221-320 Watts	\$9.68
321-520 Watts	\$15.73
521 & Over Watts	\$24.80

(b) High Intensity Discharge Lamps:

Nominal Wattage	Energy Charge Per Unit		
	Continuous	Dusk to Dawn	Dusk to 2:20 a.m.
50 Watts	\$3.36	\$1.80	\$1.14
70 Watts	\$4.67	\$2.54	\$1.60
100 Watts	\$6.68	\$3.61	\$2.28
150 Watts	\$10.04	\$5.41	\$3.41
175 Watts	\$11.70	\$6.32	\$3.97
200 Watts	\$13.38	\$7.22	\$4.54
250 Watts	\$16.74	\$9.03	\$5.69
310 Watts	\$20.74	\$11.21	\$7.05
400 Watts	\$26.75	\$14.45	\$9.09

700 Watts	\$46.81	\$25.29	\$15.93
1000 Watts	\$61.31	\$33.11	\$20.85
1500 Watts	\$100.31	\$54.18	\$34.13

- (c) At the discretion of Tacoma Power, all lamps may be charged the following equivalent rate: Energy charge for lamp installations at the rate of \$55.73, \$30.11, and \$18.96 per month per kilowatt of total connected load for Continuous, Dusk to Dawn, and Dusk to 2:20 a.m. lamps, respectively.

2. Traffic Control Units (Unmetered): (a)

Unit Type	Energy Charge Per Unit
(1) Red - Amber - Green	
Controllers	\$3.20
Heads	\$4.84
(2) Flashing	
Controllers	\$1.60
Heads	\$2.41

(1) Incandescent Lamps:

Unit Type	Energy Charge Per Unit					
	Red	Amber	Green	Flashing	Walk	Wait
8 Inch Bulb	\$2.65	\$0.14	\$2.03	\$2.41		
12 Inch Bulb	\$6.50	\$0.36	\$4.95	\$5.90		
Pedestrian Head					\$2.41	\$2.41

(2) Light Emitting Diodes (LED) Lamps:

Unit Type	Energy Charge Per Unit					
	Red	Amber	Green	Flashing	Walk	Wait
8 Inch LED	\$0.31	\$0.02	\$0.21	\$0.29		
12 Inch LED	\$0.50	\$0.02	\$0.41	\$0.44		
Pedestrian Head					\$0.29	\$0.29

(3) Neon Lamps:

Unit Type	Energy Charge Per Unit	
	Walk	Wait
Pedestrian Head	\$0.24	\$0.96

(4) Controllers:

Unit Type	Energy Charge Per Unit
Traffic	\$3.20

Flashing	\$1.60
----------	--------

(5) All lamps or controllers not listed above. Energy charge for lamp or controller installations not listed in the above tabulations shall be calculated by multiplying the unit wattage (in kW) x 730 hours x percent active x \$0.063191 per kWh per month.

3. Street Lighting and Traffic Control Units (Metered). The sum of the following energy, delivery and customer charges:

(a) Energy. All energy measured in kilowatt-hours at \$0.035690 per kWh.

(b) Delivery. All energy delivered in kilowatt-hours at \$0.037550 per kWh.

(c) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$12.45 per month.

4. Exception. Within the City of University Place. Rates stated herein are for (1) unmetered installations [items (a) and (b)] where charges are per fixture and shall be applied to the number of installed units on the system as determined by Tacoma Power at the time the billing is rendered, and (2) metered installations [item (c)].

(a) Street Lighting Units (Unmetered):

(i) Incandescent Lamps:

Nominal Wattage	Energy Charge Per Unit
Up to 150 Watts	\$4.87
151-220 Watts	\$7.14
221-320 Watts	\$10.38
321-520 Watts	\$16.87
521 & Over Watts	\$26.60

(ii) High Intensity Discharge Lamps:

Nominal Wattage	Energy Charge Per Unit		
	Continuous	Dusk to Dawn	Dusk to 2:20 a.m.
50 Watts	\$3.60	\$1.94	\$1.22
70 Watts	\$5.01	\$2.72	\$1.71
100 Watts	\$7.17	\$3.87	\$2.44
150 Watts	\$10.77	\$5.81	\$3.66
175 Watts	\$12.55	\$6.77	\$4.26
200 Watts	\$14.35	\$7.74	\$4.87
250 Watts	\$17.95	\$9.69	\$6.10
310 Watts	\$22.24	\$12.02	\$7.56
400 Watts	\$28.69	\$15.50	\$9.75
Energy Charge Per Unit			

Nominal Wattage	Energy Charge Per Unit		
	Continuous	Dusk to Dawn	Dusk to 2:20 a.m.
700 Watts	\$50.21	\$27.12	\$17.08
1000 Watts	\$65.76	\$35.51	\$22.37
1500 Watts	\$107.60	\$58.12	\$36.60

(iii) At the discretion of Tacoma Power, all lamps may be charged the following equivalent rate. Energy charge for lamp installations at the rate of \$59.77, \$32.20, and \$20.34 per month per kilowatt of total connected load for Continuous, Dusk to Dawn, and Dusk to 2:20

a.m. lamps, respectively.

(b) Traffic Control Units (Unmetered): (i)

Unit Type	Energy Charge Per Unit
(1) Red - Amber - Green	
Controllers	\$3.43
Heads	\$5.19
(2) Flashing	
Controllers	\$1.72
Heads	\$2.58

(ii) Incandescent Lamps:

Unit Type	Energy Charge Per Unit					
	Red	Amber	Green	Flashing	Walk	Wait
8 Inch Bulb	\$2.85	\$0.15	\$2.18	\$2.58		
12 Inch Bulb	\$6.97	\$0.38	\$5.31	\$6.33		
Pedestrian Head					\$2.58	\$2.58

(iii) Light Emitting Diodes (LED) Lamps:

Unit Type	Energy Charge Per Unit					
	Red	Amber	Green	Flashing	Walk	Wait
8 Inch LED	\$0.33	\$0.02	\$0.23	\$0.31		
12 Inch LED	\$0.54	\$0.02	\$0.44	\$0.48		

Pedestrian Head	\$0.31	\$0.31
-----------------	--------	--------

(iv) Neon Lamps:

Unit Type	Energy Charge Per Unit	
	Walk	Wait
Pedestrian Head	\$0.26	\$1.02

(v) Controllers:

Unit Type	Energy Charge Per Unit
Traffic	\$3.43
Flashing	\$1.72

(vi) All lamps or controllers not listed above. Energy charge for lamp or controller installations not listed in the above tabulations shall be calculated by multiplying the unit wattage (in kW) x 730 hours x percent active x \$0.067779 per kWh per month.

(c) Street Lighting and Traffic Control Units (Metered). The sum of the following energy, delivery and customer charges:

(i) Energy. All energy measured in kilowatt-hours at \$0.038282 per kWh.

(ii) Delivery. All energy delivered in kilowatt-hours at \$0.040277 per kWh.

(iii) Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies:

\$13.35 per month.

C. Service conditions. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

§ 12.06.295. Street lighting service – Schedule H-3.

A. For the purpose of this section, the following definitions apply:

“Capital recovery period” shall mean the time period over which Tacoma Power will levy a charge equal to the amortized value of the investment cost for the streetlight fixtures. Unless an alternative time period is mutually determined in writing between Tacoma Power and the Jurisdiction, this period will be 15 years. Streetlight fixtures remain the property of Tacoma Power after the Capital Recovery Period unless a Transfer of Ownership Charge has been paid.

“Jurisdiction” shall mean a city, town, county, or other political subdivision of the state of Washington within the Tacoma Power service territory.

“Service point” shall have the same meaning as defined in the Tacoma Power Customer Service Policies (as authorized under TMC § 12.06.330), which is the point where the customer’s service conductors are connected to Tacoma Power’s service utility conductors.

“Street lighting service” shall mean lighting service supplied by Tacoma Power, where Tacoma Power owns the streetlight fixtures and provides power to the Service Point during the duration of the service.

“Termination charge” shall mean a charge levied when an unamortized balance remains and the

Jurisdiction requests termination of Street Lighting Service. The charge is determined by costs of equipment, installation, removal, disposal, Capital Recovery Period, and Utility Financing Cost minus payments made to date for the specific fixtures.

“Transfer of ownership charge” shall mean a charge levied when an unamortized balance remains and the Jurisdiction requests ownership of the fixtures. The charge is determined by costs of equipment, installation, Capital Recovery Period, and Utility Financing Cost minus payments made to date for the specific fixtures.

“Utility financing cost” shall mean the current cost of capital financing to Tacoma Power, as determined solely by Tacoma Power.

B. Schedule H-3 availability.

1. To qualify for Street Lighting Service under the Schedule H-3, the Jurisdiction must agree to convert a minimum of 300 Jurisdiction streetlights.

2. For service under Schedule H-3, a Jurisdiction must submit a request in writing to Tacoma Power. Tacoma Power reserves the right to delay provision of service under Schedule H-3 for up to two years after the request date.

C. Service conditions.

1. Monthly rate. Rates stated herein are charged per fixture installed.

2. Streetlight fixtures. Streetlight fixtures provided under the Schedule H-3 are owned by Tacoma Power unless the Transfer of Ownership provisions in this section are completed. Under the Schedule H-3, Tacoma Power will provide replacement streetlight fixtures as fixtures become inoperable.

3. Transfer of ownership. A Jurisdiction may request in writing to purchase and transfer the ownership of and responsibility for a portion or all of a Jurisdiction’s streetlight fixtures under this Schedule H-3 at any time. Transfer of ownership shall occur after the Jurisdiction has paid a Transfer of Ownership Charge. Until the Transfer of Ownership Charge payment is received by Tacoma Power, the Jurisdiction will be billed and must pay for service under the Schedule H-3. After transfer of ownership, service will be billed under the Schedule H-1 for non-Tacoma Power owned streetlight fixtures.

4. Termination. A Jurisdiction may request in writing to terminate Schedule H-3 Street Lighting Service for a portion or all of Tacoma Power owned streetlight fixtures at any time. In the event of termination, the Jurisdiction shall pay the Termination Charge. Until the Termination Charge payment is received by Tacoma Power, the Jurisdiction will be billed and must pay for service under the Schedule H-3.

5. Fixture specifications. Tacoma Power will provide fixtures that meet the Jurisdiction Traffic Engineer’s specifications. Tacoma Power may solicit input from the Jurisdiction on other fixture features, requirements, and options but retains final authority for fixture selection and purchase. Tacoma Power will purchase only such lighting fixture options as are directly related to Street Lighting Service. Non-streetlight related options that are determined by Tacoma Power to be compatible with the streetlight fixture are allowed. The Jurisdiction will be solely responsible for installation, operation, maintenance, and all costs associated with non-streetlight related options. The Jurisdiction shall notify Tacoma Power of the type, quantity, location, and energy requirements of all non-streetlight related options installed.

6. Liability. The Jurisdiction is wholly responsible for all illumination engineering to meet roadway lighting specifications and the operation of all non-streetlight related options. By accepting Street Lighting Service under Schedule H-3, the Jurisdiction agrees to hold Tacoma Power harmless from any claim for damages associated with the streetlight fixtures provided under this Schedule H-3.

7. Installation. Tacoma Power may authorize the Jurisdiction to install some or all streetlight fixtures covered under this Schedule H-3. If the Jurisdiction elects to perform such installations, the cost shall be at the expense of the Jurisdiction.
8. Service point. Schedule H-3 will be available to provide Street Lighting Service to customer Service Points with existing streetlight fixtures only.
9. Poles and circuits. The Jurisdiction that owns the poles and circuits associated with light service under Schedule H-3 shall be responsible for the appropriate maintenance of said poles and circuits. The Jurisdiction is responsible for the safe operation of the poles, circuits, and light fixtures. Tacoma Power reserves the right to refuse or discontinue service under Schedule H-3 if Tacoma Power determines a pole or circuit is inadequate to provide safe Street Lighting Service. In the event a Schedule H-3 streetlight fixture must be discontinued due to an unsafe condition, the Jurisdiction shall remedy the condition immediately or follow the Termination provision above.
10. Maintenance and repair. The Jurisdiction is responsible for performing, at its sole expense, all maintenance and repair activities associated with the streetlight fixture provided by Tacoma Power under this Schedule H-3. Maintenance and repair includes, but is not limited to, labor and equipment. In the event a Schedule H-3 streetlight fixture fails, the Jurisdiction shall return the failed streetlight fixture to Tacoma Power for replacement. If the Jurisdiction damages a streetlight fixture while performing maintenance, the Jurisdiction will be responsible for the cost to repair or replace the streetlight fixture.
11. Energy. Tacoma Power will provide energy for the streetlight fixture up to the Jurisdiction provided Service Point.
12. Additional rules. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.
- D. Monthly rates. The sum of the following energy and capital recovery charges:
 1. Energy. Energy charge for lamp installations shall be the monthly rate of the otherwise applicable published rate schedule as set forth in Chapter 12.06.290 Street lighting and traffic signal service.
 2. Capital recovery charge.
 - a. For the biennium during which the fixtures shall be installed, the Capital Recovery Charge shall be calculated as follows:
 - (1) The monthly amount required to achieve full expense recovery from the Jurisdiction over the Capital Recovery Period shall be a net present value calculation based on the Utility Financing Cost and estimated installation cost.
 - (2) The amount calculated in (1) shall be multiplied by the number of months in the rate period.
 - (3) The amount in (2) shall be divided by the estimated number of fixture-months to be billed during the rate period.
 - b. Accounting records shall be kept that record the differences between actual and estimated installation cost, and actual and estimated fixture-months billed. For biennia subsequent to that in which the fixtures are installed, the Capital Recovery Charge shall be calculated as follows:
 - (1) The amount required to be recovered from the Jurisdiction each month of the Capital Recovery Period shall be a net present value calculation based on the Utility Financing Cost and actual installation cost.
 - (2) The amount calculated in (1) shall be multiplied by the number of months in the rate period.
 - (3) The amount in (2) shall be divided by the estimated number of fixture-months to be billed during the rate period.

- (4) The amount in (3) shall be adjusted to reflect the difference between actual and estimated expenses and recoveries during the biennium during which the fixtures were installed.

(Ord. 28422 Ex. A and Ex. B, 2017-04-04; Ord. 28551 Ex. A, 2018-11-20; Ord. 28665 Ex. A-1 and Ex. B-1, 2020-03-31)

§ 12.06.300. Private off-street lighting service – Schedule H-2.5

- A. Availability. Available for outdoor lighting service along private street and roadways, over parking lots, and for general area lighting of private property, but excluding public streets within the City of Tacoma.
- B. Character of Service.
 1. Lighting under this schedule shall be limited to the hours of darkness when street and highway lights are normally in use. The hours of use shall be regulated by a photoelectric control.
 2. Tacoma Power will install, own, and maintain the equipment.
 3. Energy will be provided on an unmetered basis.
- C. Monthly rate.
 1. High Pressure Sodium Lamps:

Lamp Rating (Watts/Lamp)	Type	Rental Charge
100-Watt	Sodium Vapor	\$17.68
200-Watt	Sodium Vapor	\$22.75
400-Watt	Sodium Vapor	\$45.49

2. All Other Lamps:

Lamp Rating (Watts-Equivalent/Lamp)	Rental Charge
0-200 Watt Equivalent	\$20.23
201-400 Watt Equivalent	\$45.49
401-800 Watt Equivalent	\$70.77
801-1000 Watt Equivalent	\$96.04
1001-1500 Watt Equivalent	\$121.32

3. Additional equipment. Fixtures will be installed on existing poles. Additional poles required for a lighting installation may be installed at applicant expense. A maximum of three poles will be allowed at a cost per pole specified in the following table. Ancillary materials will be an additional expense. The customer shall pay the entire installation cost prior to installation.

Effective Date	Cost for Each Additional Pole
----------------	-------------------------------

April 1, 2023	\$1,120.00
April 1, 2024	\$1,616.00
April 1, 2025	\$2,112.00
April 1, 2026	\$2,608.00
April 1, 2027	\$3,104.00

4. Exception. Within the City of University Place.

(a) High Pressure Sodium Lamps:

Lamp Rating (Watts/Lamp)	Type	Rental Charge
100-Watt	Sodium Vapor	\$18.96
200-Watt	Sodium Vapor	\$24.40
400-Watt	Sodium Vapor	\$48.79

(b) All Other Lamps:

Lamp Rating (Watts-Equivalent/Lamp)	Rental Charge
0-200 Watt Equivalent	\$21.69
201-400 Watt Equivalent	\$48.79
401-800 Watt Equivalent	\$75.91

Lamp Rating (Watts-Equivalent/Lamp)	Rental Charge
801-1000 Watt Equivalent	\$103.02
1001-1500 Watt Equivalent	\$130.13

(c) Additional equipment. Fixtures will be installed on existing poles. Additional poles required for a lighting installation may be installed at applicant expense. A maximum of three poles will be allowed at a cost per pole specified in the following table. Ancillary materials will be an additional expense. The customer shall pay the entire installation cost prior to installation.

	Cost for Each Additional Pole
2023	\$1,201.33
2024	\$1,733.35
2025	\$2,265.36
2026	\$2,797.38
2027	\$3,329.40

5. Effective January 1, 20216, for customers billed under low-income senior and/ or low-income disabled discount residential service, Rate Schedule A-2, a discount will be provided by reducing the monthly bill by 35 percent.

D. Service conditions. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

§ 12.06.310. Power factor provisions – Schedule P.

- A. Application. The provisions of this schedule shall be applicable to all electrical service, unless and until specific arrangements are made in writing with Tacoma Power to the contrary.
- B. Equipment. Except for portable equipment of less than three kVA rating and arc furnace loads as set forth in Adjustment Provision C.2 below, all installations of neon, mercury vapor, fluorescent or other gaseous tube lighting, as well as welding transformers, X-ray machines, motors and any other electrical equipment having low power factor characteristics, which are hereafter installed, replaced, relocated, or rearranged, shall include proper equipment to correct the power factor of such installations to not less than 95 percent lagging for each unit or separately controlled group of units, or 90 percent lagging for each separate service whose load primarily consists of an arc furnace(s).

Existing nonconforming electrical installations shall be subject to all provisions of this chapter and the installation of corrective equipment may be required by Tacoma Power.

All power factor corrective equipment installed or operated by the customer shall be so used as to further the objectives of this chapter without causing adverse voltage conditions upon Tacoma Power's system. Tacoma Power shall have the right to require the installation of suitable switching facilities and to disconnect or to refuse to furnish electric energy to any installation that, in the opinion of Tacoma Power, is detrimental to the rendering of satisfactory service to its other customers.

- C. Adjustment provisions. If the average power factor at which electric energy is delivered to the customer during the billing period is 95 percent or more, no adjustment will be made in the customer's billing for that period, unless otherwise provided in written contract. If such average power factor is less than 95 percent, the customer's billing shall be adjusted as follows:
- For demand type rate schedules which serve other than arc furnace loads, the measured demand in kilowatts shall be adjusted by multiplying by 0.95 and dividing the result by the average power factor. Such adjusted demands shall then become and thereafter be used as a basis for billing.
 - For demand type rate schedules which serve arc furnace loads, the measured demand in kilowatts shall be adjusted by multiplying by 0.90 and dividing the result by the average power factor. Such adjusted demands shall then become and thereafter be used as a basis for billing.
 - Minimum charges shall be determined on the basis of 1 or 2 above, as applicable.
 - For loads up to 75 kilowatts connected, Tacoma Power may elect not to apply the adjustment provisions herein established.
- D. Minimum and average power factor. Unless otherwise specifically agreed, Tacoma Power shall not be obligated to deliver electric energy to the customer at any time at a power factor below 80 percent lagging. The average power factor (APF) is determined as follows:
- As determined with a watt-hour meter and a var-hour meter:

$$\text{APF} = \frac{\text{Kilowatt} - \text{hours}}{\sqrt{(\text{Kilowatt-hours})^2 + (\text{Reactive Kilovolt Ampere-hours})^2}}$$

The var-hour meters for measurement of reactive power shall be ratcheted to prevent reverse registration.

- E. Service conditions. Applicable provisions of the City Code, General Provisions and Customer Service Policies governing the sale of electric energy shall apply.

§ 12.06.314. Tax credit – Schedule TC.

- A. Availability. This schedule is a supplemental schedule to all other Light Division electric rate schedules and is applicable to customers on whom the Department is not legally obligated to pay the State of Washington Public Utility Tax and/or any other taxes.
- B. Monthly rate. The sum of all applicable electric rate schedule charges to such customers shall be reduced by an amount equal to the State of Washington Public Utility Tax and/or any other applicable taxes. The following formula will be used:

Revised Charge = $(1 - ST - OT) \times$ (the sum of all applicable electric rate schedule charges) where: ST = State of Washington Public Utility Tax rate OT = Any other taxes

§ 12.06.315. (Repealed)

§ 12.06.317. (Repealed)

§ 12.06.318. (Repealed)

§ 12.06.320. Additional rules may be made by director.

The Director of Utilities may make such rules and regulations governing the operation of this chapter as are not inconsistent with its provisions including monthly billing on designated accounts as may be necessary to effectively administer monthly or bimonthly billing. The Director may grant reasonable adjustments in cases where the terms of this chapter place an injustice upon a customer if after written evidence has been presented to the Department it is shown that irregular circumstances of the customer's load, service and/or conditions warrant such adjustments.

§ 12.06.330. Customer service policies – Additional rules and regulations.

The Director of Utilities shall promulgate and enforce such customer service policies and related additional rules and regulations which may be deemed necessary from time to time to implement, encourage, and/or facilitate the use of electric energy, pursuant to a Public Utility Board resolution approving the same, copies of which data will be placed on file with the Clerk of the Public Utility Board and made available for information at the Department.

§ 12.06.340. Violations – Penalties – Enforcement.

- A. Any person violating any of the provisions relating to the rate schedules, general provisions and customer service policies governing the sale of electric energy shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding \$1,000.00, or imprisonment for a period not to exceed one year or both such fine and imprisonment; and in addition to the penalty hereinabove provided, the service to the premises of any person found guilty of violating these provisions shall be disconnected. The person violating same shall be liable for all damages resulting and for all energy used by reason of such violation.
- B. Whenever the Building Inspector or the Health Officer or the Electrical Inspector shall report in writing to the Director that any building is considered as a structure not fit for human habitation, dangerous to human life or unsanitary, the Director may cause the electric service to be discontinued effective with the date of the evacuation or other order and not to be restored until it has been declared by proper authority that the building is in a satisfactory condition for occupancy.

- C. Legal enforcement shall be vested in the Police Department of the City and all prosecutions for violations hereof shall originate in the Police Court of the City of Tacoma. The penalties provided herein are in addition to any civil remedy provided at law.

§ 12.06.350. Severability.

If any clause, sentence, paragraph, subdivision, section or part of the provisions relating to the rate schedules, general provisions and customer service policies governing the sale of electric energy shall for any reason be adjudged to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the chapter, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 12.06.360. (Repealed)

§ 12.06.370. Renewable energy program.

- A. Availability. Available to all customers taking permanent retail metered service to purchase qualified alternative energy resources to purchase on a voluntary basis.
- B. Applicability. In compliance with RCW 19.29A.090, Tacoma Power is offering its customers the option to purchase Tacoma Power supplied renewable energy credits. Customer participation is strictly on a voluntary basis. Customers may voluntarily begin or terminate their participation at any time by notifying Tacoma Power of their choice.
- C. Rate. The Renewable Energy Premium per kWh of renewable energy purchased under this rate schedule is: Renewable Energy Premium: \$0.012000 per kWh
- D. General provisions. Base rates and other terms of electric service shall be governed by the rate schedule under which the customer takes primary services. This Renewable Energy Premium rate does not include electric service or electric power. Charges specified under this Renewable Energy Premium Rate Schedule are in addition to the charges specified in the rate schedule under which the customer takes its primary electricity service. The voluntary Renewable Energy program payments, less the costs of program administration, marketing, and renewable energy education, ("Net Renewable Energy Program Revenue"), will be used to purchase qualified alternative energy resources. Subject to the provisions of the ordinances authorizing issuance of Tacoma Power revenue obligations, Tacoma Power shall make available from its budgeted funds, for the purchase or development of new qualified alternative energy resources, an amount equal to the Net Renewable Energy Program Revenue allocated to existing Tacoma Power qualified alternative energy resources.

§ 12.06.371. Electric vehicle fast charge – Schedule FC. Effective, 2019-01-01 to 2031-12-31.7

- A. Definitions. The following definitions will apply:
- "Direct current (DC) fast charger." Electric vehicle charging equipment with a Direct Current connection that is designed to recharge the battery of an Electric Vehicle.
- "Electric vehicle." A vehicle that uses at least one method of propulsion that is capable of being reenergized by an external source of electricity, is designed to have the capability to drive at a speed of more than 35 miles per hour, and is licensed to drive on state and federal highways.
- "Electric vehicle charging site." A site that hosts the equipment used to deliver electricity to an Electric Vehicle. Hosted equipment must meet all applicable electrical requirements for interconnection and nationally recognized testing laboratory standards.
- B. Availability. No more than 25 installations may concurrently participate in this schedule, which will be available for a period of 13 years. Participation in this schedule will be on a first-come, first-

served basis.

- C. **Applicability.** Service under this schedule is applicable to non-residential Electric Vehicle Charging Sites supplied through one point of delivery and measured separately from all other commercial loads through one meter. Electric Vehicle Charging Sites must be broadly available to the general public and must include at least one Direct Current (DC) Fast Charger. Ancillary uses, limited to no more than 5 kilovolt amperes (5 kVA) and specifically related to the provision of Electric Vehicle charging (such as lighting), are permitted under this schedule. Actual demand, as determined by Tacoma Power, must not exceed 1 megavolt-amperes (1 MVA).

For customers providing all their own transformation from Tacoma Power's distribution-system voltage, a discount for transformer investment and maintenance will be provided by reducing the monthly bill by 0.8 percent. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly bill by 1 percent. These discount percentages are additive, and not compounded.

Unless extended by City Council resolution or ordinance, this schedule will conclude on December 31, 2031. On this date, customers enrolled in Schedule FC will transition their service in accordance with the applicable published rate schedules set forth in Chapter 12.06. Nothing shall prevent the City from adjusting this schedule as it may determine necessary or appropriate.

- D. **Monthly rate.** The sum of the following energy, delivery, and customer charges:

1. **Energy.** All energy, measured in kilowatt-hours, charged per kWh at: all Energy charges of the otherwise applicable published rate schedule set forth in Chapter 12.06 + Energy Adder Discount x Energy Adder.

Where Energy Adder Discount is applied in the year shown:

Effective Year	Energy Adder Discount
2019	1.0
2020	1.0
2021	1.0
2022	0.9
2023	0.8
2024	0.7
2025	0.6
2026	0.5
2027	0.4
2028	0.3
2029	0.2
2030	0.1

2031

0.0

And where Energy Adder is calculated per kWh at: all applicable Energy charges of Section 12.06.170 + all applicable Delivery charges of Section

12.06.170 - all Energy charges of the otherwise applicable published rate schedule set forth in Chapter 12.06

2. **Delivery.** All Billing Demand, measured in kilowatts, charged per kW at: Delivery Charge Discount x all Delivery charges of the otherwise applicable published rate schedule set forth in Chapter 12.06.

Where Delivery Charge Discount is applied in the year shown:

Effective Year	Delivery Charge Discount
2019	0.0
2020	0.0
2021	0.0
2022	0.1
2023	0.2
2024	0.3
2025	0.4
2026	0.5
2027	0.6
2028	0.7

Effective Year	Delivery Charge Discount
2029	0.8
2030	0.9
2031	1.0

3. **Customer charge.** Customer Charge of the otherwise applicable published rate schedule set forth in Chapter 12.06.
- E. **Billing demand.** Determined by means of a demand meter, 30-minute interval. The Billing Demand shall be the highest of:
 1. The highest measured demand for the month adjusted for power factor; or
 2. Sixty percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor.
- F. **Service conditions.**

1. Upon reasonable notice, customers participating in this schedule shall allow Tacoma Power access to the site in order to inspect, install, maintain, upgrade, replace, or remove Tacoma Power equipment, or to confirm compliance with the applicability conditions set forth hereinabove. If, upon inspection, Tacoma Power discovers any one of the applicability conditions are not met, service will be immediately transferred in accordance with the applicable published rate schedules set forth in Chapter 12.06.
3. Customers participating in this schedule retain the right to cancel service under this rate schedule and transfer to another applicable published rate schedule set forth in Chapter 12.06. The customer may not subsequently elect service under this rate schedule for at least one year after the effective date of cancellation.
4. An Electric Vehicle Charging Site is considered broadly available to the general public for the purposes of eligibility on this rate schedule if it is accessible by any driver. Eligibility and acceptance of a customer for service under this rate schedule is subject to review and approval by Tacoma Power.
- G. Reporting and limitation on use of customer usage information. Tacoma Power may publish reports related to this schedule, except when the report would result in publication of information attributable to a single individual customer.

§ 12.06.372. Shore power – Schedule SP.

- A. Applicability. Service under this schedule is applicable to electric service connections to marine vessels with systems that can accept power from shore rather than use onboard power generation systems while in dock and are metered separately from all other commercial loads. To receive service under this schedule, a customer must execute a Power Service Agreement (Contract) with Tacoma Power which shall, at a minimum, include provisions regarding scheduling and curtailments of loads. Tacoma Power reserves the right to curtail service under this schedule due to maintenance or emergency conditions on the Tacoma Power electrical system.

For customers providing all their own transformation from Tacoma Power's distribution-system voltage, a discount for transformer investment and maintenance will be provided by reducing the monthly bill by 0.8 percent. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly bill by 1 percent. These discount percentages are additive, and not compounded.

- B. Monthly rate. The sum of the following energy supply, delivery, and customer charges:
 1. Energy supply and delivery. All energy supplied and delivered in kilowatt-hours at \$0.140246 per kWh.
 2. Customer charge. Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$83.25 per month.
- C. Service conditions.
 1. Customer account holders receiving energy under this rate schedule shall be authorized to recover amounts billed under this schedule from third parties without being held to be in violation of Tacoma Municipal Code 12.06.120.
 2. Power factor provision applicable.
 3. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

§ 12.06.373. Electrofuel service pilot – Schedule EF.

- A. Applicability. For new loads with power used for the electrochemical production of hydrogen fuels ("electrofuel") usable for transportation or electrical energy storage, where a demand meter is installed, and where the customer does not require the use of Tacoma Power's high-to-medium voltage transformation or distribution facilities. For this schedule, each new electrofuel customer's load requirement shall be at 10 average megawatts (aMW) or more within any consecutive 12-month period.

Electrofuel customers whose load requirement is lower than 10 aMW will be placed at other applicable rate schedules. No more than 65 MW of total load shall be served on this schedule. Unless otherwise extended, this rate schedule shall be closed to new customers in 2030.

- B. Minimum condition. For very large power use upon the execution of a written Power Service Agreement (Contract) with Tacoma Power, which shall require among other conditions:
 1. A minimum Contract Demand (as set forth in the Contract) of not less than 10 megawatts;
 2. Delivery of power at one primary voltage;
 3. Metering at primary voltage but in no case at less than nominal 4,160 volts;
 4. Power factor adjustment to 95 percent lagging or better;
 5. Service is subject to curtailment;
 6. The new power supply resource acquisition to serve the customer may be based on a Power Purchase Agreement (PPA) Tacoma Power enters with an independent power provider. If the underlying PPA is terminated for any reason, Tacoma Power may look for a different power supply resource for the customer and shall have the right to amend the Contract based on the new resource costs and terms.
 7. Service is subject to the evaluation and approval of Tacoma Power's Transmission and Distribution department. Customer is responsible for the cost of substation and other necessary infrastructure to serve their load.

Provisions described above reflect the minimum stringency of Contract terms; additional terms will be added as determined necessary by Tacoma Power.

- C. Monthly rate. The sum of the applicable power supply charge, delivery charge and customer charge as set forth in TMC § 12.06.266 Very large load service of 10 aMW or more – Schedule VLL.
- D. Billing demand. Determined by means of a demand meter, 30-minute interval, reset monthly. The Billing Demand shall be the highest of:
 1. The highest measured demand for the month adjusted for power factor, or
 2. 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor, or
 3. 60 percent of the highest Contract Demand (as set forth in the Contract).

For purposes of the determination of Billing Demand in subsection above, the

11 months of history shall be carried forward from the customer's previous account(s).

- E. Demand response option. Any electrofuel customer under this rate schedule may elect to participate in a demand response program with demand response credits, terms and conditions determined by Tacoma Power, Tacoma Power is authorized to create and implement demand response credits appropriate for each electrofuel customer in a manner that assures that other customers are not subsidizing the electrofuel customer and consistent with this section. The demand response program will provide the customer with credits for temporary curtailing electricity consumption upon Tacoma Power's request during certain events, such as peak system load or high market prices, or for shifting the timing in electricity consumption based on financial incentive constructs. The demand response credits will be based on the value of the customers' curtailed consumption to Tacoma Power, minus the costs incurred by Tacoma Power to offer the program. The demand response program details will be further defined in the Contract.
- F. Service conditions.
 1. Power factor provision applicable.
 2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy and delivery services shall apply.

(Ord. 28706 Ex. A, 2020-11-24; Ord. 28996 Ex. A, 2024-12-03)

§ 12.06.374. Electric vehicle public charging provided by Tacoma Power – Schedule EVPC.

A. The following will apply:

“Direct current fast charger (DCFC).” Electric vehicle charging equipment designed to supply DC power to electric vehicles, typically with a peak charging nameplate capacity greater than 20 kW.

“Electric vehicle.” A vehicle that uses at least one method of propulsion that is capable of being reenergized by an external source of electricity.

“Electric vehicle charging site.” A site that hosts the equipment used to deliver electricity to an Electric Vehicle. Hosted equipment must meet all applicable electrical requirements for interconnection and nationally recognized testing laboratory standards.

“Level 2 (L2).” Electric vehicle charging equipment designed to supply AC power to electric vehicles, typically with a peak charging nameplate capacity less than 20 kW.

B. Availability. For Electric Vehicle Charging Sites owned by Tacoma Power.

C. Applicability. Service under this schedule is provided to members of the general public charging Electric Vehicles at Electric Vehicle Charging Sites owned by Tacoma Power.

D. Charging Rate:

L2: All energy measured in kilowatt-hours at \$0.25 per kWh. DCFC: All energy measured in kilowatt-hours at \$0.40 per kWh.

E. Reporting and Limitation on use of customer usage information. Tacoma Power may publish reports related to this schedule, except when the report would result in

**CHAPTER 12.08A
GENERAL ADMINISTRATION**

§ 12.08A.010. Administration – General authority.

The control authority is authorized to administer, implement, and enforce the provisions of TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D in accordance with the authority granted therein.

§ 12.08A.020. Defined terms.

For the purposes of this chapter, terms used in this chapter that are defined in TMC Chapters 12.08B, 12.08C or 12.08D, shall be given the same meaning as those terms are given in each such chapter.

§ 12.08A.030. Promulgation and publication of rules.

- A. Purpose. The purpose of this section is to establish the administrative process for promulgation and publication of policies, procedures, guidance, requirements, and manuals, and amendments and supplements thereto, intended to implement, supplement, interpret or guide compliance with the requirements of TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D.
- B. When effective. A policy, procedure, guidance, requirement, or manual, or an amendment or supplement thereto, intended to implement, supplement, interpret or guide compliance with the requirements of TMC Chapters 12.08A, 12.08B, 12.08C or 12.08D, shall be effective upon the effective date set forth therein or, if not set forth therein, the date the Director’s signature is affixed thereto.
- C. Format. The Director shall promulgate requirements regarding the printed or electronic format, style and arrangement for those policies, procedures, guidance, requirements, and manuals, and amendments and supplements thereto, to be promulgated by the Director.
- D. Publication. The Director shall promulgate procedures ensuring that true and correct copies of all policies, procedures, guidance, requirements, and manuals, and amendments and supplements thereto, as promulgated by the Director, are made available to the public.

§ 12.08A.040. Delegation of authority.

The Director is authorized to promulgate, implement, amend, supplement and enforce such policies, procedures, requirements, and manuals, and to issue such guidance, as are reasonable and necessary to implement and ensure compliance with TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D; provided that, such policies, procedures, requirements, guidance, and manuals shall not be inconsistent with the provisions of TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D, the City’s pretreatment program, the City’s wastewater NPDES permits, the City’s municipal stormwater NPDES permit, the City’s Stormwater Management Program policies and procedures, the SWMM, and applicable federal and state laws and regulations. Any such policy, procedure, guidance, requirement, or manual promulgated by the Director, and any amendments or supplements made thereto, shall be made available to the public in accordance with TMC

§ 12.08A.030. The Director may delegate authority to enforce the provisions of TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D to such person or persons as the Director may designate from time to time.

§ 12.08A.050. Exercise of discretion.

Discretionary authority granted pursuant to the provisions of TMC Chapters 12.08A, 12.08B, 12.08C or 12.08D shall be exercised in a reasonable manner and consistent with the purpose, scope, and intent of TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D and the provisions thereof granting such authority.

§ 12.08A.060. Incorporation of statutes and regulations by reference.

Except as may be otherwise provided therein, and when not inconsistent with the context, a reference in TMC Chapters 12.08A, 12.08B, 12.08C or 12.08D to a federal or state statute or regulation, or section thereof, which requires compliance with the same or which defines a term, phrase or word, shall operate to incorporate such statute or regulation, or section thereof, and any subsequent amendments thereto, by

reference as though fully set forth in each such chapter. If a specific provision of law or regulation referred to in TMC Chapters 12.08A, 12.08B, 12.08C or 12.08D shall be renumbered, re-codified, or amended, then the reference shall be read to refer to the renumbered, re-codified, or amended provision.

§ 12.08A.070. Liability – Duty.

While TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D authorize the City of Tacoma and its officials, officers, employees and agents to administer the foregoing chapters, such authorization shall not be construed as placing responsibility for compliance, or as creating any duty, on the part of the City or any City official, officer, employee or agent to any particular case or to any particular person or class of persons. TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D shall be enforced for the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons. Nothing contained in TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D is intended, nor shall be construed, to create or form the basis of any liability on the part of the City, its officials, officers, employees or agents, for any injury or damage resulting from any act or omission on the part of the City, its officials, officers, employees or agents.

§ 12.08A.080. No special benefit.

TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D do not create or otherwise establish or designate any particular class or group of persons who will or should be specially protected or benefited by the provisions of this chapter.

§ 12.08A.090. References in Tacoma Municipal Code.

- A. Any reference in the Tacoma Municipal Code to TMC Chapter 12.08 shall, as applicable, mean and refer to one or more of the following: TMC Chapters 12.08A; 12.08B; 12.08C; or 12.08D.
- B. Any reference in the Tacoma Municipal Code to the “City of Tacoma stormwater management manual,” “City of Tacoma stormwater manual,” “stormwater management manual,” or “SWWM,” shall, unless the context indicates a different meaning should apply, mean and refer to the stormwater management manual as that term is defined at TMC § 12.08D.040.
- C. Any reference to the term “surface water” in the Tacoma Municipal Code shall mean and refer to stormwater, unless the term surface water has been given a defined meaning in the chapter or title where the term “surface water” is used, e.g., TMC Chapters 13.01, 13.06 and 13.11, or the context indicates a different meaning should apply.

§ 12.08A.100. Plan review, approvals, and permits.

Permits and approvals for activities or projects regulated under TMC Chapters 12.08B, 12.08C and 12.08D may be issued pursuant to the applicable sections of the above referenced chapters, Titles 2 and 13 of the Tacoma Municipal Code, and other relevant and applicable provisions of the Tacoma Municipal Code. Prior to the commencement of any activities or projects regulated pursuant to TMC Chapters 12.08B, 12.08C, or 12.08D, plans shall be submitted to the appropriate City department for its review and approval under the applicable sections of the above referenced chapters, Titles 2 and 13 of the Tacoma Municipal Code, and other relevant and applicable provisions of the Tacoma Municipal Code. All applicable permits and approvals shall be obtained for such activities and projects prior to commencing such activities or projects. Plans shall comply with all applicable provisions of TMC Chapters 12.08B, 12.08C and 12.08D, including required mitigation actions. Approvals and permits granted under TMC Chapters 12.08B, 12.08C and 12.08D shall not have the effect of waiving the requirements of any other laws and regulations, nor do they indicate compliance with any other laws and regulations. Persons conducting activities or projects regulated under TMC Chapters 12.08B, 12.08C and 12.08D shall comply with all applicable federal and state laws and regulations, and local ordinances including requirements and procedures promulgated under authority of this chapter and TMC Chapters 12.08B, 12.08C and 12.08D.

§ 12.08A.110. Contracts with the state, sewer or water districts and other jurisdictions.

- A. Contracts to Discharge to POTW. Whenever the control authority determines that adequate capacity exists in the POTW, the City may if requested, contract with the state, or other jurisdiction to allow for the discharge of wastewater or stormwater into the POTW upon such terms and conditions, including the payment of all applicable charges established by ordinance or resolution of the City Council, and for such periods of time as the control authority deems reasonable. Except for discharges of limited duration, agreements with the state and other jurisdictions entered into pursuant to this section may be governed by the Interlocal Cooperation Act, Chapter 39.34 RCW, and shall include terms and conditions the control authority deems appropriate to govern such discharges. The City may contract with other jurisdictions to discharge wastewater or stormwater into public sewer systems located outside the Tacoma city limits when the control authority determines it is beneficial for the City to do so.
- B. Contracts to discharge to municipal stormwater system. Whenever, in the view of the control authority, the municipal stormwater system has adequate capacity, the City may enter into an agreement with the state, or another jurisdiction for the discharge of stormwater into the City’s municipal stormwater system from any state property or right-of-way, or property or right-of-way located within another local jurisdiction. Except for discharges covered under a special approved discharge permit, agreements with other jurisdictions to discharge stormwater into the City’s municipal stormwater system may be governed by the Interlocal Cooperation Act, Chapter 39.34 RCW, and shall include terms and conditions the control authority deems appropriate to govern such discharges.

§ 12.08A.120. Environmental services conservation loan program.

There is established in the City a program to be known as the “Environmental Services Conservation Loan Program” (“Program”). The Treasurer of the City is hereby authorized to transfer sufficient funds from the Wastewater Management or Surface Water Management Fund, as appropriate, to the Conservation Loan Fund in order to make loans for wastewater service or stormwater management purposes. Disbursement of funds from the Conservation Loan Fund shall be made in the manner as provided by law.

Moneys allocated to the Conservation Loan Fund are to be used exclusively to provide loans for City of Tacoma wastewater service or stormwater service customers to purchase and install materials and equipment that help conserve conveyance and treatment capacity in the City’s municipal stormwater or sanitary sewer system and/or reduce pollution in discharges to the wastewater treatment plants or receiving waters. Except as otherwise provided by law, loans shall be secured by a lien against the benefited property or a security interest in the equipment benefited, and the Conservation Loan Fund shall be sustained by borrower payments, which shall include reasonable interest. The Director shall determine, promulgate and administer the policies, procedures and operation of the Program. The Director is authorized to implement any and all remedies to collect the payments for the loans, which may include foreclosure of the liens and/or security interests, as well as terminating water service to the premises. (Ord. 28761 Ex. A, 2021-05-25)

§ 12.08A.130. Utility reimbursement agreements; wastewater and stormwater utility improvements.

- A. Purpose. This section describes requirements for entering into utility reimbursement agreements pursuant to RCW Chapter 35.91 (Municipal Water and Sewer Facilities Act); provided that, nothing herein is intended to prohibit the City from establishing an assessment reimbursement area pursuant to the provisions of RCW 35.91.060. In the event of a conflict between a provision, term or condition of this section and RCW Chapter 35.91, the provision, term or condition of RCW Chapter 35.91 shall control to the extent of the conflict.
- B. Definitions. As used in this section, the terms listed below shall be defined as follows:

“Administrative costs” means and refers to those fees that are reasonable and proportionate to the total

expense incurred by the City to comply with the provisions of TMC § 12.08A.130.

“Applicant” means and refers to any eligible owner of real property submitting a request to the City for improvements that the property owner elects to install solely at the owner’s expense.

“Benefitted property(ies)” means and refers to those parcels of real property located in the utility reimbursement area that benefit from the improvements; provided that, such improvements are subject to a valid utility reimbursement agreement.

“Cost of construction” means and refers to those costs incurred for design, acquisition for right-of-way and/or easements, construction, materials, and installation required in order to create an improvement which complies with City standards. Until such time as RCW Chapter 35.91 is amended to expressly authorize inclusion of interest charges or other financing costs, such expenses shall not be included in the calculation of construction costs. In the event of a disagreement between the City and the applicant concerning the cost of the improvement, the Control authority’s determination shall be final.

“Improvement(s)” means and refers to all sanitary sewer and stormwater facility improvements and appurtenances required by the City to be constructed or improved as a prerequisite to development of applicant’s property and that provide benefits to properties within the utility reimbursement area.

“Project” means and refers to the proposed development of the real property subject to the utility reimbursement agreement for which the improvements are required as a prerequisite to development.

“Sanitary sewer and stormwater facilities” shall have the same meaning as given under RCW Chapter 35.91 as it now reads or as hereafter amended.

“Utility reimbursement agreement” means and refers to a written contract between the City and the applicant providing for partial reimbursement by owners of benefitted property to the applicant for the applicant’s construction of the improvements.

“Utility reimbursement area” means and refers to the area consisting of the benefitted properties.

- C. Eligibility. The following requirements must be met for an owner of real property to be eligible for a utility reimbursement agreement:
 1. Construction of the improvements must be a prerequisite under the Tacoma Municipal Code to further development of the real property;
 2. The application must be submitted prior to project approval for the improvements;
 3. The improvements must be located within the City municipal boundary, or in Pierce County within ten miles of the City municipal boundary;
 4. The application fees must be paid; and
 5. A completed application must be filed with the control authority.
- D. Application. An application for a utility reimbursement agreement shall be made on a form provided by the City. Applications submitted to the City shall include the following attachments:
 1. Preliminary utility design drawings;
 2. Itemized estimate of construction costs prepared and signed by a licensed civil engineer or in the form of a bid submitted by a qualified contractor (if more than one bid has been obtained, all bids must be submitted to the City);
 3. A scaled vicinity drawing, stamped by a licensed civil engineer or licensed land surveyor depicting the improvements and their location and the proposed benefitted area, including dimensions and county assessor’s numbers for each tax parcel, size of parcels, and evaluations where necessary for determining benefits;
 4. The proposed list of benefitted properties stating the proposed reimbursement amount;

5. A complete list of record owners of benefitted property certified as complete and accurate by the applicant and which states names, mailing addresses and Tax parcel numbers for each such owner;
 6. Envelopes addressed to each of the record owners of benefitted property who have not contributed their pro rata share of such costs. Proper postage for certified mail shall be affixed or provided;
 7. A separate legal description for each parcel of benefitted property;
 8. Such other information as the control authority determines is necessary to properly review the application; and
 9. An application fee determined by the Director to recover the City’s administrative costs to process the application.
- E. Length of reimbursement provision. No utility reimbursement agreement shall provide for a reimbursement period longer than twenty (20) years from the date of final acceptance of the improvements by the City unless an extension is granted as provided under RCW Chapter 35.91.
- F. Control authority’s determination.
1. The control authority shall review all complete applications and shall approve the application only if the following requirements are met:
 - a. The project satisfies the minimum project requirements that apply pursuant to TMC Chapter 12.08B, 12.08C and 12.08D and the applicable development regulations including those set forth at TMC Chapters 2, 9, 10, and 13, and applicable City standards;
 - b. The proposed improvements fall within the description of sanitary sewer or stormwater facilities, as those terms are defined at RCW Chapter 35.91;
 - c. The application was made prior to project approval for the improvements; and
 - d. The proposed improvements are consistent with the Comprehensive Plan of the City of Tacoma as adopted and updated pursuant to RCW Ch. 36.70A.
 2. In the event all of the above criteria are not satisfied, the control authority may condition approval, as necessary, in order for the application to conform to such criteria, or shall deny the application. The final determination of the control authority shall be in writing.
- G. Determination of utility reimbursement area boundary and reimbursement fee. In the case of all approved applications, the control authority shall define the utility reimbursement area based upon a determination of the benefitted properties that did not contribute to the original cost of the improvements and which may subsequently tap into or use the same, including not only those which may connect directly thereto, but also those who may connect to laterals, branches, or pump stations connecting thereto. The control authority shall for each benefitted property, determine the pro-rata share of the estimated and final construction costs so that each benefitted property will be assessed a utility reimbursement fee for a share of the costs of the improvements that is proportional to the benefits accruing to each such benefitted property. The utility reimbursement fee shall be calculated by dividing the area of the benefitted property being connected to the improvement by the overall area that is benefited by the improvements; this amount shall be multiplied by the cost of construction of the improvements.
- H. Utility reimbursement agreement must be recorded. A utility reimbursement agreement shall not be effective until it is recorded with the office of the Office of the Pierce County Auditor. It shall be the sole responsibility of the beneficiary of the utility reimbursement agreement to record the utility reimbursement agreement and provide a copy of the recorded utility reimbursement agreement, with the Auditor’s recording number, to the control authority.
- I. Written agreement—city payment of city costs in excess of application fee.
1. Upon approval of the application, determination of the estimated cost of construction, the utility reimbursement area, and estimated administrative costs by the control authority, the Applicant shall sign a

utility reimbursement agreement in the form supplied by the City. The signed agreement, the application, and supporting documents, together with the control authority's estimate of the cost of construction and determination of utility reimbursement area and estimated administrative costs shall be drawn into a written agreement between the City and the applicant.

2. In the event that costs incurred by the City for engineering or other professional consultant services required in processing the application exceed the amount of the application fee, execution of the agreement shall be conditioned upon receipt of payment by the applicant of an additional amount sufficient to compensate the City for its costs in excess of the application fee.
3. The utility reimbursement agreement shall include, but is not limited to, the following as a condition precedent to applicant's connection of the improvements to the City's sanitary sewer system:
 - a. A condition that the improvements will be constructed in accordance with plans and specifications approved by the City;
 - b. A condition that the applicant will be in full compliance with applicant's obligations under the utility reimbursement agreement and with the City's applicable development regulations;
 - c. A condition that, upon the City's inspection and approval, all right, title and interest in and to the improvements shall be transferred without cost to the City, by warranty bill of sale with terms and conditions approved by the control authority;
 - d. A condition that applicant provide sufficient security, as reasonably determined by the control authority, (e.g. a performance and payment bond and a two-year maintenance bond), to ensure completion of the improvements and performance of other obligations of applicant under the utility reimbursement agreement;
 - e. A condition that applicant shall reimburse the control authority for the City's costs associated with the improvements, including engineering, legal and administrative costs;
 - f. A condition providing that the control authority shall have the right to verify and approve all contracts and costs related to the improvements;
 - g. A condition that the property owner entitled to reimbursement under the utility reimbursement agreement, provide the City, every two years, with information regarding the current name, address, and telephone number of the person that originally entered into the utility reimbursement agreement; that if the property owner fails to comply with such notification requirements within sixty days of the specified time, the City may collect any reimbursement funds owed to the property owner under the contract; and, the funds collected shall be deposited in the capital fund of the City sanitary sewer and stormwater utilities;
 - h. A warranty that the applicant is the owner of the real property subject to development;
 - i. A condition that, within 120 days of the completion of the improvements and acceptance by the City, the applicant shall submit to the City the documentation and declaration as required pursuant to TMC § 12.08A.130J.1;
 - j. A condition that the utility reimbursement fees will be adjusted to reflect the total costs of the improvements; and
 - k. A condition that the utility reimbursement agreement shall not be effective until it is recorded with the Office of the Pierce County Auditor.
- J. Construction and acceptance of improvement—recording of final fees.
1. After the utility reimbursement agreement has been signed by both parties and all necessary permits, approvals and easements have been obtained, the applicant shall construct the improvements and, upon completion, request final inspection and acceptance of the improvements by the City, subject to any required obligation to repair defects. A warranty bill of sale, easement, and any other document needed to convey the improvements to the City free and clear of any and all encumbrances and to ensure right of

access for maintenance and replacement, shall be provided in a form and content approved by the City Attorney, or designee. Applicant shall, within one hundred and twenty days of completion of the improvement(s), submit documentation of the actual costs of the improvements to the City together with a declaration under oath by the applicant that all of such costs are true and correct costs of the improvements and have been paid.

2. The control authority shall recalculate the utility reimbursement fees and shall cause a revised list of utility reimbursement fees to be recorded with the Office of the Pierce County Auditor.
- K. Notice to property owners. Prior to execution of any contract with the City establishing a utility reimbursement agreement, the control authority, shall provide notice, via certified mail, to all record owners of benefitted properties, as defined by the City on the basis of information and material supplied by the applicant, stating the preliminary boundaries of the utility reimbursement area and estimate utility reimbursement fees along with substantially the following statement: "As a property owner within the utility reimbursement area, whose preliminary boundaries are enclosed with this notice, you or your heirs and assigns will be obligated to pay, under certain circumstances, a pro rata share of construction and contract administration costs of the certain sanitary sewer or stormwater utility project that has been preliminarily determined to benefit your property. The preliminary determination of such pro rata share is also enclosed with this notice. You or your heirs and assigns shall be required to pay said pro rata share, based upon actual project costs, before any development permits are issued for development on your property within 20 years of the date that a contract establishing such area is recorded with the Office of the Pierce County Auditor, provided your development would have required similar sanitary sewer or stormwater utility improvements as a condition of approval. You have the right to request a hearing before the Director within twenty (20) days of the date of this notice. All such requests shall be made in writing and filed with the City Clerk. After the utility reimbursement agreement has been recorded, it shall be binding on all owners of record of benefitted properties who are not a party to the utility reimbursement agreement." The hearing may be held open until after the applicant has submitted to the City its declaration of the total cost of the improvements.
- L. Collection of reimbursement fees.
1. Within 15 days of the biennial anniversary of execution of the utility reimbursement agreement, the applicant shall provide the City with the current name and mailing address of the owners of the benefitted property and the current mailing address of the original applicant and for any new owner, as applicable.
2. Subsequent to the recording of a utility reimbursement agreement, the City shall not permit connection of any benefitted property to any sanitary sewer or stormwater facility constructed pursuant to the utility reimbursement agreement, unless the share of the costs of such facilities required by the recorded agreement is first paid to the City.
3. Upon receipt of any utility reimbursement fees, the City shall deduct a 15 percent administrative fee to recover its administrative costs and remit the balance of the utility reimbursement fees to the party entitled to the fees pursuant to the utility reimbursement agreement. In the event that, through error, the City fails to collect a required reimbursement fee prior to approval of connection to a sanitary sewer or stormwater facility, the City shall make diligent efforts to collect such fee, but shall under no circumstances be obligated to make payment to the applicant entitled to reimbursement, or in any other way be liable to such party, unless such reimbursement fee has actually been paid to the City.
- M. Segregation of reimbursement fees. The utility reimbursement agreement shall provide that the City is authorized to make segregation or adjustments to reimbursement fees because of subdivision or boundary line adjustment of the benefitted properties. The segregation or adjustment shall generally be made in accordance with the method used to establish the original reimbursement fees. Segregation or adjustment shall not increase or decrease the total reimbursement fees to be paid.
- N. Disposition of undeliverable reimbursement fees. In the event that, after reasonable effort, the party to which the reimbursement fees are to be paid, pursuant to a utility reimbursement agreement, cannot be

located and upon the expiration of one hundred eighty (180) days from the date the fees were collected by the City, the fees shall become the property of the City and shall be revenue to the City's sanitary sewer and stormwater utilities.

- O. Rights and nonliability of the City. The City reserves the right to enter into any utility reimbursement agreement or to reject any application thereof. All applications for a utility reimbursement agreement shall be made on the basis that the applicant releases and waives any claims for any liability of the City in establishment and enforcement of utility reimbursement agreements. The City shall not be responsible for locating any beneficiary or survivor entitled to benefits by or through utility reimbursement agreements.
- P. City funding. As an alternative to financing projects under this section solely by owners of real estate, the City may join the financing of improvement projects and may be reimbursed in the same manner as in the owners of real estate to participate in the projects, if the City has specified the conditions of its participation in an ordinance. As another alternative, the City may create a utility reimbursement area on its own initiative, without the participation of a private property owner, finance the cost of the stormwater or sanitary sewer utility improvements, and become the sole beneficiary of the reimbursements that are contributed. The City may be reimbursed only for the cost of the improvements that benefit that portion of the public who will use the improvements within the utility reimbursement area established pursuant to this section. No City costs for the improvement that benefits the general public may be reimbursed.
- Q. Control authority's action. If any owner of benefitted property submits a request for a hearing to the City Clerk in writing within twenty (20) days of the mailing of the property owner notification, a hearing shall be held before the Director, notice of which shall be given to all affected owners of benefitted property in addition to the regular notice requirements specified by this code, the cost of which shall be borne by the applicant. At the hearing, the Director shall take testimony from affected property owners and make a final determination of the area boundaries, the amount of assessments, length of time for which reimbursement shall be required, and shall authorize the execution of appropriate documents. The Director may hold the hearing record open until after the applicant has submitted to the control authority its declaration of the total cost of the improvements. The Director's ruling of these matters at the conclusion of the hearing is determinative and final, and is subject to administrative appeal to the Hearing Examiner pursuant to TMC § 12.08A.140. An appeal of the decision of the Hearing Examiner must be filed within 21 days of issuance of the Hearing Examiner's final decision. If no hearing is timely requested, the control authority may consider and take final determinative action on these matters.

§ 12.08A.140. Appeals of decisions and determinations.

- A. The term decision or determination as used in this section shall mean and refer to a discretionary decision made by the control authority under authority of TMC Chapter 12.08A, 12.08B, 12.08C or 12.08D, but shall not mean or refer to, (1) the promulgation or publication of policies, procedures, guidelines, requirements, or manuals intended to implement, supplement, interpret or guide compliance with the requirements of TMC Chapters 12.08A, 12.08B, 12.08C or 12.08D, or (2) enforcement actions taken pursuant to TMC Chapters 12.08B, 12.08C or 12.08D. Appeals of enforcement actions are governed by TMC Chapter 1.82.
- B. Appeals of decisions or determinations made by the control authority pursuant to TMC Chapter 12.08A, 12.08B, 12.08C or 12.08D are governed by the following provisions.
 - 1. Any person aggrieved or adversely affected by a decision or determination made by the control authority under authority of TMC Chapter 12.08A, 12.08B, 12.08C or 12.08D, who wants to contest such decision or determination, shall file a written appeal with the Hearing Examiner setting forth the errors of law or fact alleged to have been made, and request a hearing within thirty (30) days of receipt of such final decision or determination.
 - 2. The Hearing Examiner shall conduct a hearing in the appeal of a decision or determination by the control authority pursuant to the requirements of TMC Chapter 1.23, and the City of Tacoma Office of Hearing Examiner Rules of Procedure for Hearing.

- 3. The burden of proof in such hearings shall be governed by TMC § 1.23.070C.
- 4. In exercising such powers of review, the Hearing Examiner may, in conformity with the applicable provisions of TMC Chapter 12.08A, 12.08B, 12.08C or 12.08D, reverse or affirm the control authority's decision or determination in whole or in part, or may modify the decision or determination and make such order as appears just to the Hearing Examiner.
- 5. A person is aggrieved or adversely affected within the meaning of this section only when all three of the following conditions are present:
 - a. The decision or determination of the control authority has prejudiced or is likely to prejudice that person;
 - b. That person's asserted interests are among those that the control authority was required to consider when it engaged in the decision or determination challenged; and
 - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the decision or determination of the control authority.