ORDINANCE NO. 270

Regulating the rates and charges to be charged and collected for gas furnished by The Cincinnati Gas & Electric Company, its successors and assigns, to consumers in the VILLAGE OF HAMERSVILLE, OHIO

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HAMERSVILLE STATE OF OHIO:

Section 1. That for the period of five years from and after the effective date of this ordinance, The Cincinnati Gas & Electric Company of Cincinnati, Ohio, its successors and assigns (Such Company, its successors and assigns and any Company, subsidiary or otherwise, which owns and operates the Company's gas system in the VILLAGE OF HAMERSVILLE , Ohio, is hereinafter referred to as the "Company"), may charge and collect bills for which the initial monthly meter reading was taken on or after the efective date of this ordinance the following rates and charges:

AVAILABILITY

Available in the Municipality where distribution mains are adjacent to the premises to be served.

APPLICABILITY

Applicable to gas service required for any purpose by an individual customer on one premise when supplied at one point of delivery.

NET MONTHLY BILL

Computed in accordance with the following charges:

First	1,000 cubic feet,	at 14.84¢ per 100 cubic feet
Next	9,000 cubic feet,	at 11.94¢ per 100 cubic feet
Next	40,000 cubic feet,	at 11.74¢ per 100 cubic feet
Additional	cubic feet,	at 9.70¢ per 100 cubic feet

Plus or minus an adjustment per Mcf determined in accordance with "Escalator Adjustment" set forth in Section 3 herein.

Minimum: $2.00 per meter.

When bills are rendered for more than one whole month the number of cubic feet in each block of the rate and the minimum charge shall be multiplied by the number of months in the billing period.

Recorded on Page 162
in Minute book

PAYMENT

The Net Monthly Bill is payabe within 14 days from date. When not so paid, the Gross Monthly Bill, which is the Net Monthly Bill plus 3% is due and payable.

TERM OF SERVICE

One year, terminable thereafter on 10 days' written noitce by either Customer or Company.

SERVICE REGULATIONS

The supplying of, and billing for, service and all conditions applying thereto, are subject to the Company's Service Regulations currently effective, as filed with The Public Utilities Commission of Ohio.

Section 2. The rates and charges for gas shall in no event be higher than the rates specified herein, except as may be modified by Section 3 herein.

Section 3. Escalator Adjustment.

(A) At the end of each calendar quarter or whenever a change occurs after April 30, 1972 in city gate tariff rates put into effect by a major supplier or whenever a change occurs after April 30, 1972 in federal, state or local taxes caused by the imposition of new taxes or changes in tax rates, the Company, as soon as practical, shall submit to the Mayor of the City a report setting forth the change in cost of gas or taxes or both, per Mcf of Company-wide firm gas sales, which shall be determined as follows:

(1) The effect per Mcf sales of a change in cost of gas shall be determined by:

(a) the application of the currently effective tariffs to:

(i) the Company's most recent billing demands, applicable to each respective tariff, after the deduction of demands directly assigned to the Company for use in electric generation, and

(ii) the average monthly volume of gas purchased, applicable to each such respective tariff, by the Company during the most recently available 12 months period after the deduction of off-peak gas sales and gas used as fuel by the Company for electric generation including unaccounted for gas in proportion to total sales;

(b) in consideration of the fact that additional residential customers can only be accepted by increased use of propane or other feed stock gas, the Company has submitted to the Public Utilities Commission of Ohio (PUCO) in Case No. 36,586, the following Propane and Other Feed Stock Escalator Adjustment:

"adding the average monthly cost of propane or other feed stock used in the production of gas during the most recently available 12 months period as recorded on Company's books in FPC account #728, less the calculated amount used in production of gas for sale to off peak and other special contract customers, to the cost of gas as determined in (a) above."

If the above escalator provision is accepted by the PUCO in Case No. 36,586, this provision shall be made effective in this Ordinance for the remaining term and shall be made effective within 60 days after the date such escalator becomes effective in accordance with PUCO Order in Case No. 36,586. Provided, however, that in the event that the PUCO accepts a different version of Propane and Other Feed Stock Escalator Adjustment than the above escalator wording, and such different escalator adjustment is deemed by the City to be reasonable, this subsection 4(A)(b) shall be reopened and such different escalator adjustment shall be made effective for the remaining term of this ordinance, effective as stated above:

(c) dividing the average monthly cost of gas calculated in (a) and (b) above by the average monthly volume of gas sales during the twelve month period after the deduction of off-peak sales, sales under other special contracts and gas used as fuel by the Company for electric generation, and comparing the resulting quotient to the pro-forma average cost per Mcf of firm gas sales as of April 30, 1972. The difference so derived to the nearest 0.1¢ shall represent the effect of change(s) in gas cost per Mcf of sales. The pro-forma average cost of gas as of April 30, 1972 calculated in accordance with (a) herein is 61.61¢ per Mcf. In the event that the Propane and Other Feed Stock Escalator Adjustment proposed in Case No. 36,586 under (b) above becomes effective, the pro-forma average cost of gas as of April 30, 1972 calculated in accordance with (a) and (b) herein is 62.02¢ per Mcf. In the event that some other Propane and Other Feed Stock Escalator Adjustment becomes effective, the average cost of gas as of April 30, 1972 will be determined in accordance with such other escalator adjustment.

(2) The effect per Mcf gas sales of an imposition of new taxes or changes in tax rates shall be determined by:

(a) computing the dollar increase or decrease in operating revenue deductions of the entire gas department of the Company for the most recently available 12 months caused by all such impositions of new taxes or changes in tax rates which have occurred since April 30, 1972, and

(b) dividing such dollar amount by Company wide Mcf gas sales during such period and the quotient so derived, carried out to the nearest 0.1¢, shall represent the adjustment per Mcf gas sales resulting from such imposition of new taxes or changes in tax rates.

(3) The rates as stated in this Ordinance shall be decreased or increased, effective with final meter readings taken fifteen days following the end of the calendar quarter or with gas delivered to customers on or after the effective date of a change in city gate tariffs or taxes, by application of an Escalator Adjustment for the combined decrease or increase in cost of gas or taxes as determined in (1) and (2) above. When meter readings are not available the gas volume for the meter reading period will be prorated by the number of days in the period.

(B) When accumulated refunds, applicable to the ordinance period or any preceding period, received by the Company from its gas suppliers are sufficient to indicate that a change in Refunding Rate per Mcf will occur, the Company will:

(1) Summarize the demand, commodity and interest received portions of the refund amounts. Should a refund amount be received by the Company with undesignated dollars, such amount shall be treated as a commodity portion.

(2) Allocate the interest as between commodity and demand on the basis of the demand and/or commodity portion of dollars received.

(3) Calculate the Off-Peak Refunding Rate per Mcf as follows:

(a) divide the commodity portion (including allocated interest received) by the total Mcf of gas sales for the prior 12-month period. The resulting quotient, rounded to the nearest one-tenth cent, shall represent the Off-Peak Refunding Rate per Mcf.

(b) calculate the total refund for off-peak customers by multiplying the Off-Peak Refunding Rate per Mcf times the total prior 12-month period Mcf off-peak sales.

(4) Calculate the Firm Use Refunding Rate per Mcf as follows:

(a) deduct from the total refund dollars received by Company the total refund due the off-peak customers as calculated in (3) (b) above to determine the portion of the refunds applicable to firm sales. Divide the firm sales portion (including allocated interest received and any amounts carried forward from prior refunds) by the total Mcf of gas sales, less sales to off-peak and other special contract customers, for the prior 12-month period. The resulting quotient rounded to the nearest one-tenth cent, shall represent the Firm Use Refunding Rate per Mcf.

(b) reduce the rate as stated in the applicable rate sheets by subtracting the Firm Refunding Rate per Mcf from the Escalator Adjustment per Mcf to be applied to firm gas sales until the total net refund determined above, less the amount applicable to interdepartmental sales, has been substantially distributed. The refund amount applicable to interdepartmental sales shall be determined by application of the Firm Refunding Rate per Mcf to the interdepartmental sales volume for the prior 12-month period.

(c) amounts not distributed or amounts over distributed under (b) above, due to the impracticability of distributing the exact amount of the total net refund available, shall be carried forward and added to, if under distributed, or subtracted from, if over distributed, future refunds and distributed as provided in (4) (a) and (b) above.

(d) Company may use its discretion in determining whether to initiate a new effective Refunding Rate or to extend the refund period at current rates where the Refunding Rate determined in (4) (a) above is less than 0.1¢ per Mcf or where a short term variation in the Net Rate Adjustment per Mcf can be avoided in consideration of a recent or impending change either in the Escalator Adjustment or Refunding Rate.

For the purposes of this Section, the term "off-peak" sales shall mean gas sold at special contract off-peak rates and subject to interruption by the Company.

As of the effective date of this ordinance, the Company shall be permitted to increase the rates as stated in this ordinance by the latest Escalator Adjustment computed under the provisions of the preceding paragraphs of this Section, which increase will remain in effect except as rates are modified by the computation provided for in the preceding paragraphs of this Section.

Section 4. If any residential or small general service customer, because of absence or otherwise, shall notify the Company in writing to shut off the supply of gas, the Company shall make no minimum charge for any full meter reading period during the time the gas is shut off; provided, however, that any such customer who shall order the same service discontinued and reconnected within a period of 1 year shall be subject to a charge of $3.00.

The Company may charge and collect in advance the sum of $3.00 for reconnecting a customer's service after the service has been discontinued because of non-payment of bill when due. The Company shall not discontinue service or shut off gas under authority of Ohio Revised Code Section 4933.12 for non-payment of a bill before affording the customer 3 working days, after 24 hours notice, in which to make payment of the bill or have the customer's complaint, on which payment is disputed, reviewed by the Company. In case the service is discontinued because of fraudulent use of the Company's service, the Company may charge and collect the sum of $3.00 and in addition thereto, the expenses incurred by the Company by reason of such fraudulent use, together with an estimated bill for gas used, before the service is reconnected.

If at the time of reconnection of gas service, as herein provided, the Company should also reconnect customer's electric service for which reconnection charge is payable, the charge for reconnecting the gas service shall be $2.00.

Section 5. The Company shall have the right to establish billing districts for the purpose of reading meters and rendering bills to customers at various dates, and to designate and establish from time to time, the places where payment of bills by customers shall be made.

The Company may, at its option, read meters and render bills monthly, bi-monthly or quarterly. When meters are read and bills rendered other than monthly, the time related units contained in the foregoing rates and charges such as energy blocks, minimum or other charges, shall be billed in accordance with the number of billing months in the meter reading interval.

The Company may issue interim bills based on average normal usage instead of determining actual usage by reading the meter. Interim bills will be considered payable by the due date and if not then paid will be handled in the same manner as all other bills; provided, however, partial payment of any unpaid service charges previously billed and other billed items, will avoid the delayed payment charge on the interim bill. Interim bills may also be used when access to Company's meter cannot be obtained or emergency conditions exist. The Company may continue monthly meter reading upon a Customer's request.

In no case shall a meter be read at intervals less frequent than 6 months, except where access to Company's meter cannot be obtained or emergency conditions exist.

Section 6. This ordinance and the rates provided herein may be terminated at any time on or after the first anniversary of the effective date of the ordinance by either the Municipality or the Company, by serving 120 days written notice of such intention to terminate upon the other party.

Section 7. This ordinance shall take effect and be in force from and after the earliest period allowed by law, and upon written acceptance by the Company filed with the Clerk of Council, becomes a valid and binding contract by and between the VILLAGE OF HAMERSVILLE, Ohio, and the Company.

Passed Jan 8 th A.D., 1973

Mayor

Attest: Margaret Wilson

I, Margaret Wilson, Clerk of the VILLAGE OF HAMERSVILLE, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 270, passed by Council of said VILLAGE on the 8th day of Jan

Margaret Wilson
Clerk