

CHAPTER 14

NATURAL GAS REGULATIONS

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5-14-1: APPLICABLE TO:

The following rules or guidelines shall be applicable to natural gas distribution by the City of Mesa, except to the extent this Council or its designated representative may hereafter authorize exceptions to these rules in particular instances due to special circumstances. The Council or its designated representative shall require an application for such variation with justification for same to be presented in writing for consideration. (1455)

5-14-2: DEFINITIONS:

ALTERNATE FUEL CAPABILITIES: A situation where an alternate fuel could have been utilized, whether or not the facilities for such use have actually been installed; provided however, where the use of natural gas is for plant protection, feedstock, or process uses and the only alternate fuel is propane or other gaseous fuel, then the consumer will be treated as if he had no alternate fuel capability. (1455)

BOILER FUEL: Natural gas used as a fuel for the generation of steam or electricity, including the utilization of gas turbines for the generation of electricity. (1455)

COMMERCIAL CUSTOMERS: Customers engaged primarily in the sale of goods or services, including institutions and local, state, and federal government agencies, for uses other than those involving manufacturing or electrical power generation. (1455)

ESSENTIAL AGRICULTURAL USER: Uses of natural gas certified by the Secretary of Agriculture in accordance with Section 401(C) of the Natural Gas Policy Act of 1978. (1455)

ESSENTIAL INDUSTRIAL USER: To be designated as essential industrial process and feedstock uses when certified by the Secretary of Energy in accordance with Section 402 of the Natural Gas Policy Act of 1978. (1455)

FEEDSTOCK GAS: Natural gas used as a raw material for its chemical properties in creating an end product. (1455)

GENERAL SERVICE CUSTOMERS: Customers not qualifying as residential whose consumption has been less than the minimum for large general service customers. (3012)

IGNITION FUEL AND FLAME STABILIZATION: Natural gas used directly in an industrial use for ignition, start-up, testing, flame stabilization, and shutdown. (1455)

INDUSTRIAL CUSTOMERS: Customers engaged primarily in a process which creates or changes raw or unfinished materials into another form or product, including the generation of electric power. (1455)

INTERRUPTIBLE CUSTOMER: Any large nonresidential customer (commercial or industrial) using the City's natural gas service hereunder for any purpose where interruptibility is established by the applicable service agreement or rate schedule or by Council authorization. (1455)

LARGE GENERAL SERVICE CUSTOMERS: Customers not qualifying as residential whose consumption through one meter is estimated by the City to be both at least twenty-five thousand (25,000) therms in any one (1) month of a twelve- (12-) month period and at least two hundred and fifty thousand (250,000) therms in any consecutive twelve- (12-) month period. (1455,3012)

LARGE RESIDENTIAL CUSTOMERS: Customers who utilize gas service in apartment houses, mobile home parks, hotels, motels, clubs, and other establishments providing dwelling accommodations where more than one (1) dwelling unit is serviced through the same meter. (1455)

MCF: Thousand (1,000) cubic feet. (1455)

PLANT PROTECTION GAS: Minimum volumes required to prevent physical harm to the plant facilities or danger to plant personnel when such protection cannot be afforded through the use of an alternate fuel. This includes the protection of such material in process as would otherwise be destroyed but shall not include deliveries required to maintain plant production. For the purpose of this definition, propane and other gaseous fuels shall not be considered alternate fuels. The quantification of such load shall be a responsibility of the customer and must be to the satisfaction of the City in order to qualify for such classification treatment. (1455)

PROCESS GAS: Gas use for which alternate fuels are not technically feasible, such as in applications requiring precise temperature controls and precise flame characteristics. For the purpose of this definition, propane and other gaseous fuels shall not be considered alternate fuels. (1455)

RESIDENTIAL CUSTOMERS: Customers who utilize gas service in individually metered dwelling units for space heating, air conditioning, cooking, water heating, home compressor appliance for alternate use in motorized vehicles, and other residential uses. (1455,3834)

THERM: That amount of gas having a heating value of 100,000 BTU (British Thermal Units). (2985)

UNAUTHORIZED USE OF GAS: Unauthorized use of gas shall mean: (1455)

- (A) For any customer, the taking of unmetered gas by bypassing the meter or willfully modifying the gas meter so as to cause loss or reduction of registration. (1455)

- (B) For an interruptible gas service customer, the taking of gas on any day in excess of the maximum daily contract quantity specified in the gas service contract between the City and customer. (1455)
- (C) For any customer subjected to curtailment during a curtailment period, the taking of gas in excess of a daily variable entitlement specified by the City and based upon the customer's priority class and the curtailment imposed upon the City by its general gas supplier, El Paso Natural Gas Company. (1455)
- (D) For any customer with a maximum monthly quantity specified in the gas service contract between the City and the customer, the taking of gas in any billing period in excess of the maximum monthly quantity. (1455)

5-14-3: SERVICE AND CURTAILMENT PRIORITIES:

- (A) In times of shortages of gas deliveries on the El Paso System which have the effect of impairing the City's ability to render service in satisfaction of all its customer requirements, interruption or curtailment of service by the City shall, to the extent feasible, be effected in inverse order of the following priorities: (1455)
 - 1. Priority 1A: Residential customers. (1455)
 - 2. Priority 1B: Large residential customers. (1455)
 - 3. Priority 1C: Small commercial customers. (1455)
 - 4. Priority 2A: Essential agricultural uses. (1455)
 - 5. Priority 2B: Essential industrial uses. (1455)
 - 6. Priority 2C: Large commercial uses and industrial uses for ignition fuel and flame stabilization, plant protection, feedstock, and process uses not specified in priority 2B. (1455)
 - 7. Priority 3: Industrial customers and all industrial requirements not specified in priority 2. (1455)
 - 8. Priority 3A: Interruptible customers. (1455)
- (B) The customer during a curtailment period may utilize its allotted gas in the manner it desires as long as the requested load curtailment is met. Any gas taken in excess of two percent (2%) of its allotment shall be considered unauthorized use of gas. (1455)
- (C) In establishing a procedure to effect curtailments in accordance with the terms of this Chapter, the City may develop a plan whereby it may on occasion administer curtailments to customers within a given priority class on any other than a strict pro rata basis, provided that the burden of such curtailments on an aggregate basis shall be as equitable as possible among such customers. (1455)
- (D) In the event of a partial or total failure in gas supply or a partial or total failure in the facilities of the City which threatens to impair the ability of the City to maintain the integrity of its system, the City may, during such emergency period, apportion its available supply of gas or its deliverability capacity therefore among the demands of its customers or a portion thereof in the most reasonable and practical manner possible. In such event the City shall have the right to shut off, discontinue, re-establish, or continue service to one (1) or more classes of customers, or a portion thereof, irrespective of the priority of preference provisions hereinabove specified in Section 5-14-3(A). (1455)

5-14-4: CONDITION GOVERNING EXTENSIONS OF NATURAL GAS MAINS AND SERVICES:

The following policy governs the extension of distribution facilities to customers whose requirements are deemed by the City to be usual and reasonable in nature. (1455)

(A) Residential Gas Service. (1455)

1. Free extensions on a footage basis will be made if all the following conditions exist: (1455)
 - (a) The service can be installed in a normal manner from an existing natural gas main adjacent to the service address. (1455)
 - (b) The proposed extension is for service lines only, and such service line does not cross any street or highway pavement wider than seventy feet (70') or any freeway or railroad right-of-way. (1455)
 - (c) The gas will be used for a minimum of two (2) of the following types of permanently installed appliances: home heating, water heating, cooking (must include the oven), clothes drying, pool heating, and spa heating or one (1) home compressor appliance used to compress natural gas for alternate fuel use in motorized vehicles. (1455,2985,3834)
 - (d) The proposed extension does not exceed seventy feet (70') for two (2) gas appliances, one hundred fifteen feet (115') for three (3) gas appliances, or one hundred fifty feet (150') for four (4) gas appliances as measured from the property line to the meter set along the route of construction required. Appliances must be as specified in (A)1(c). (1455,2985)
2. A nonrefundable contribution in aid of construction over the free extension allowance will be required: (1455)
 - (a) If the proposed service exceeds the seventy-foot (70') limit for two (2) gas appliances, one hundred fifteen-foot (115') limit for three (3) gas appliances, or one hundred fifty-foot (150') limit for four (4) gas appliances. (1455,2985)
 - (b) For all footage beyond the shortest practical route to the nearest practical point of delivery on each customer's premises as determined by the City. (1455,2985)
3. The currently effective cost of the service extension will be required for a service which does not comply with all of the foregoing provisions of (A)1(c). (1455,2985)

(B) Gas Service for Residential Subdivisions, Large Residential Customers, Commercial Customers, Essential Agricultural, and Industrial Users (Priorities 1A and 1B and Priorities 2A, 2B, and 2C). (1455)

1. Free extension of the gas facilities will be made by the City provided the customer's annual revenue, less the cost of the natural gas (as estimated by the City), is equal to or exceeds one-fifth (1/5) of the cost of the extension facilities, including meters, regulators, and allocated system costs. (1455,1946)

In the case of an extension for a group of residential customers, the developer or responsible party must agree to have a minimum number of residences as determined in the revenue study and in compliance with Section 5-14-4(A) connected to the City's gas system. Failure to comply with this requirement will result in a penalty equal to the cost of a residential water service connection for each residence below the required number. (1455)

2. Extensions over the free limits will be made to customers provided such customers will sign an extension agreement and make a nonrefundable contribution cost so that the remainder satisfies the requirements of (B)1. (1455)

(C) Other Customers (Not Qualified Under A or B). (1455)

Customers requiring more than fifty (50) M.C.F. in any one day. (1455)

When the forecasted supply of natural gas is adequate, a customer who requires in excess of fifty (50) M.C.F. in any one (1) day may, at the City's option, have distribution facilities extended provided such customer will sign an extension agreement and make a nonrefundable contribution in aid of construction equal to the total cost of the extension, including allocated system costs, required system improvements, and local costs including gas meters and service regulators. (1455)

In addition, the following general conditions will apply to all new gas main extensions: (1455)

1. Extensions of the City gas facilities, in all circumstances, are subject to the availability of adequate capacity and suitable pressure at the beginning point of an extension. (1455)
2. The extension must be designed and constructed for operation at standard pressures used by the City in the area in which the extension is located. (1455)
3. All easements or rights-of-way required by the City for any portion of the extension which is either on a customer's premise or other private property, or both, shall be furnished to the City without cost. (1455)
4. All construction, including that for which customers have made contributions, will be owned, operated, and maintained by the City. (1455)
5. (a) Measurement must be made along the proposed route of construction. (1455)
 - (b) The extension must be a branch from, the continuation of, or an addition to one of the City's existing distribution lines. (1455)
6. The City will not undertake the initiation of natural gas service to new areas which are within its existing area of service but which are separated from its existing distribution facilities by any substantial distance without due consideration of its ability to meet its forecasted load requirements based upon its present and anticipated gas supply and consideration of such other factors as may be approved in the circumstances. (1455)

(D) Any increase in load not in accordance with the above rules may be considered unauthorized use of gas. (1455,2985)

5-14-5: NO VIOLATION OF PUBLIC SERVICE OBLIGATIONS:

The foregoing rules applicable to the City of Mesa are adopted by order of the Mesa City Council. The City of Mesa shall have no liability or obligation arising out of any refusal or curtailment or interruption or cessation of service effected or refused in accordance with the foregoing rules. (1455)

5-14-6: NOTICE TO CUSTOMERS AND SAFETY RULES:

To the extent practicable, the City shall attempt to give notice of pending effectuating curtailments or interruptions of gas service and re-establishment or recommencement of gas service following curtailments or interruptions; the City shall comply with all applicable safety rules, regulations, standards, and procedures, including those in effect under the National Pipeline Safety Act. (1455)

5-14-7: EMERGENCY SITUATION; PRIORITIES:

In emergencies arising from unforeseen causes beyond the City's reasonable control, including decrease or interruption of gas supply to or in the City's system or any part thereof due to the line breaks, line freezes, equipment malfunctions, or other similar casualty, the City shall take whatever steps it deems necessary or appropriate to protect the public health and safety. Subject thereto, the City shall, when and to the extent feasible, attempt to follow the respective priorities hereinabove set out. (1455)

5-14-8: PENALTY FOR UNAUTHORIZED USE:

If unauthorized use of gas occurs under the terms contained herein, the customer shall be subject to the section and title "Unauthorized Use of Gas" in the Terms and Conditions for the Sale of Utilities in the ordinance setting utility rates. (1455)

CHAPTER 15**CHARITABLE SOLICITATIONS**

(Repealed by 2383)

CHAPTER 16**USE TAX**

(Repealed by 2175)