

**AGENDA  
CITY OF LAKE WORTH BEACH  
ELECTRIC UTILITY CITY COMMISSION MEETING  
CITY HALL COMMISSION CHAMBER  
TUESDAY, AUGUST 27, 2019 - 6:00 PM**

1. **ROLL CALL:**
2. **PLEDGE OF ALLEGIANCE:** led by Commissioner Scott Maxwell
3. **AGENDA - Additions/Deletions/Reordering:**
4. **PRESENTATIONS:** (there is no public comment on Presentation items)
5. **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
6. **APPROVAL OF MINUTES:**
  - A. July 30, 2019 minutes
7. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
8. **NEW BUSINESS:**
  - A. Comcast Pole Attachment and Settlement Agreement
  - B. Resolution No. 46-2019 - Extending Deadline for Compliance with Interconnection Rules and Regulations
  - C. Resolution No. 45-2019 - Amending the rates, credits and billing for Net Metering Accounts
9. **ADJOURNMENT:**

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

## **EXECUTIVE BRIEF**

### **TITLE:**

Comcast Pole Attachment and Settlement Agreement

### **SUMMARY:**

Settlement Agreement with Comcast for unauthorized pole attachments and Pole Attachment Agreement with Comcast for the installation and maintenance of wireline and wireless communications equipment on the City's Utility Poles.

### **BACKGROUND AND JUSTIFICATION:**

City's Pole Attachment Agreements with the franchise Utility Agency Owners (UAO's) are not up to date and no longer reflect prevailing market rates. Accordingly, Staff initiated a review of the Agreements, conducted a pole attachment survey across City Electric Utility's entire service territory, and entered into negotiations with the attaching entities to establish new agreements.

On April 3, 2018, the City issued a Task Order to Wantman Group, Inc., (WGI) under RFQ 18-303 to complete an audit of the City's electric utility poles to quantify the number of UAO's attached to each pole. The results of the audit indicated that Comcast was currently attached to 7,313 utility poles although they were only being billed for 4,267 per previous the Pole Attachment Agreement. The audit and findings were shared with Comcast for review and/or concurrence.

Over the past year, the Electric Utility in conjunction with the City's legal team, has worked with Comcast on a Settlement Agreement in addition to a new Pole Attachment Agreement. The Settlement Agreement is to recover five years of back-rent for the additional 3037 unauthorized attachments at \$3.90 per pole for a total of \$59,397. In addition, the City will also be recovering \$50,000 as reimbursement to the City for Comcast's proportionate share of the WGI Audit costs. The one-time total cost to be paid to the City by Comcast for the Settlement Agreement is \$109,397.

The new Pole Attachment Agreement requires Comcast to pay the City \$12.50 per pole in 2019, and \$16.50 per pole for years 2020 through 2024. The new pole attachment rates were negotiated and market competitive based on a state-wide rate poll conducted by the Florida Municipal Electric Association ("FMEA"). As a result of the new pole attachment agreement, the revenues expected for FY2019 are \$91,412 and approximately \$120,664 for each of FY 2020 – 2024.

### **MOTION:**

Move to approve/disapprove Settlement Agreement and Pole Attachment Agreement with Comcast for unauthorized attachments and new Pole Attachment Agreement for FY 2019 in the amount \$200,809.

### **ATTACHMENT(S):**

Fiscal Impact Analysis  
Comcast Settlement Agreement  
Comcast Pole Attachment Agreement

**FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	\$200,809	\$120,664	\$120,664	\$120,664	\$120,664
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	\$200,809	\$120,664	\$120,664	\$120,664	\$120,664
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C.

Account Number	Account Description	Estimated Revenue	YTD Revenues	Agenda Revenue	Balance
401-0000-341.90-90	Government Charges & Fees Misc	\$223,444	\$202,171	\$200,809	\$402,980

D. Department Fiscal Review: Edward Liberty, Electric Utility Director

**AGENDA DATE:** August 27, 2019 – Electric Utility Meeting

## **EXECUTIVE BRIEF**

### **TITLE:**

Resolution No. 46-2019 – Extending Deadline for Compliance with Interconnection Rules and Regulations

### **SUMMARY:**

This resolution extends the deadline for existing Net Metering customers to comply with the requirements for interconnection including the submission of a signed interconnection agreement.

### **BACKGROUND AND JUSTIFICATION:**

On April 30, 2019, the City Commission adopted Resolution No. 15-2019 which implemented a four (4) month moratorium on new Net Metering Accounts. On June 4, 2019, the City Commission adopted Resolution No. 21-2019 which implemented rules and regulations for interconnection under the City's Net Metering Program including the creation of an interconnection agreement. Under Resolution No. 21-2019, all existing Net Metering Accounts (existing as of April 30, 2019) were required to submit the required documentation and signed interconnection agreements by August 30, 2019. The moratorium will end on August 30, 2019 and the Electric Utility does not want to extend the moratorium. At this time, the Electric Utility has contacted all existing Net Metering Accounts by registered, regular mail and/or telephone regarding the August 30, 2019 deadline and spoken with and met with over 30 existing Net Metering Account customers. At this time, approximately 21 of the existing 91 Net Metering Account customers have complied with the August 30, 2019 deadline. The Electric Utility would like to extend the compliance deadline to December 31, 2019 in order to continue working with the existing Net Metering Customers and obtain as much compliance as possible.

### **MOTION:**

Move to approve/disapprove Resolution No. 46-2019 – Extending the Deadline for compliance with Interconnection Rules and Regulations.

### **ATTACHMENTS:**

Fiscal Impact Analysis n/a  
Resolution No. 46-2019

## **EXECUTIVE BRIEF**

**TITLE:**

Resolution No. 45-2019 - Amending the rates, credits and billing for Net Metering Accounts

**SUMMARY:**

Resolution amends the rates and credits paid for Net Metering Accounts and creates a billing procedure for the Net Metering Accounts.

**BACKGROUND AND JUSTIFICATION:**

Since approximately 2009, the City has developed and maintained a net metering program for its electric utility customers (the “Program”). The rates and credits paid under the Program have been adopted each year in the City’s annual rate resolution governing the Electric Utility with the most recent adoption being City Resolution No. 71-2018. On July 23, 2019, after the deferral of the matter due to a conflict of interest issue, the Electric Utility Advisory Board (EUAB) conducted a workshop to discuss the City’s Program and the rates and credits paid under the Program. On July 30, 2019, the City Commission heard a presentation from the Electric Utility on the City’s Program and the rates and credits paid under the Program; heard public comment on the same; and, engaged in a discussion of the issues. Based on the EUAB’s workshop and the City Commission’s discussion, revisions to the City’s Program rates, credits and billing procedure are being proposed in Resolution No. 45-2019. The following summarizes the changes Resolution No. 45-2019 proposes:

1. **Minimum Bill:** The Electric Utility assesses a monthly Minimum Bill amount for Residential Service (\$31.40), for Commercial Service (\$50.00) and for Commercial Demand Service (\$140.00) to those customers whose energy consumption does not exceed a set kWh per month usage threshold. For example, if a Residential Service customer does not consume more than approximately 215 kWh per month in usage of power from the City, that customer is assessed the Minimum Bill amount. In Resolution 34-2012, the City Commission waived the Minimum Bill amount for Net Metering Accounts (at that time there were six (6) Net Metering Accounts). Resolution 45-2019 will require all Net Metering Accounts to pay the Minimum Bill if their net consumption does not exceed the thresholds set forth for their applicable rate schedule.
  
2. **Payment for Excess Customer-Owned Renewable Generation:** The Electric Utility currently pays all Net Metering Accounts the City’s retail rate for all excess customer-owned renewable generation returned to the City’s system (based on the customer’s applicable rate schedule). For Residential Service, the City pays approximately \$0.10 for the first 1,000 kWh and \$0.13 thereafter for the excess energy; and, for Commercial Service, the City pays approximately \$0.11 for all kWh excess energy. Resolution 45-2019 will reduce the City’s payment to all Net

Metering Customers to the wholesale avoided energy cost rate per kWh which will include an applicable delivery voltage adjustment. The delivery voltage adjustment recognizes the costs saved by the City when excess energy from Net Metering Accounts is used to reduce the City's costs of energy delivery.

3. **New Billing Procedure:** Currently, the Electric Utility credits Net Metering Accounts for all excess energy on a monthly basis with the credit reducing the overall utility bill and a check is issued for any additional excess credits. Resolution 45-2019 will continue the practice of monthly credits for excess energy but only to reduce future month's energy consumption. Credits will no longer be issued on a monthly basis to reduce the entire utility bill. Further, on an annual basis, the City will true-up each Net Metering Account and issue a check on any excess credits not used during the preceding 12-months at the wholesale avoided energy cost rate which will include the applicable delivery voltage adjustment.

The proposed revisions are based in part on the City's commitment and statutory requirement to provide the Program for customer-owned renewable generation while maintaining its duty to establish just and equitable rates to be paid to the City for the use of the Electric Utility by each person, firm or corporation whose premises are served thereby. The proposed revisions are also based in part on public utilities' and municipal-owned utilities' practices with regards to excess energy received from customer-owned renewable generation while recognizing the financial investment made by existing Program participants and the need for the City's continued investment in its electric system. The City continues its commitment to promote, encourage and expand use of renewable energy resources, energy conservation and efficiency measures through the maintenance of the Program and the continued expansion of the City's acquisition of electrical energy from carbon-free sources - with a projected calendar year 2024 goal of 58% of its electrical energy from carbon-free sources.

**MOTION:**

Move to approve/disapprove Resolution No. 45-2019 Amending the rates, credits and billing for Net Metering Accounts.

**ATTACHMENTS:**

Fiscal Impact Analysis n/a  
Resolution No. 45-2019  
Resolution No. 71-2018 (current electric rates)  
Resolution No. 21-2019 (interconnection rules and agreement)  
Section 366.91, Florida Statutes  
Utility Net Metering Credit Summary  
Utility Net Metering Comparison  
Customers covered by 10kW  
Solar Customer Credit Summary 2013  
Customer bill  
Actual Customer Credits – 2018  
Accounts Increase

Florida PSC Rule 2008  
FPL Net Metering Application  
FPL Interconnection Tier 1  
FPL Interconnection Tier 2  
FPL Interconnection Tier 3  
FPL COG Rates