

ORDINANCE NO. 23-01

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT
REVISING ELECTRIC RATE STRUCTURE**

Section 1. Purpose and Authority. The purpose of this ordinance is to add Section 7.D to Ordinance 21-02 for customers that receive electric service from Kirkwood Meadows Public Utility District ("District"). The District Board of Directors adopts this ordinance pursuant to Government Code section 66018, Public Utilities Code sections 16461 and 16467 through 16472, and other applicable laws.

Section 2. Findings. The District Board of Directors finds as follows:

- A) In 2007, the Alpine County Local Agency Formation Commission authorized the District to provide electric service within its service area. In 2009, the District Board of Directors adopted Ordinance No. 09-02 authorizing the acquisition of Mountain Utilities' ("MU") electric and propane gas systems and approving an Asset Purchase Agreement with MU. The District adopted Ordinances 11-01, 13-01, 14-04, 14-06, 16-01, 21-02, and 22-01 which each successively revised electric rates and rate structures.
- B) Per Ordinance 21-02, the District does not provide a method to petition the Board for an AMU reduction due to unique, demonstrable circumstances that may justify a change in AMU.

The Board has determined that it is desirable to create an AMU appeal process for these situations.

Section 3. Ordinance 21-02 Shall be Amended to Read as Follows:

Section 7. EDU Calculation

D) AMU Appeal Process

- 1) The customer must present a unique, demonstrable, and quantifiable circumstance that, to a reasonable person, justifies a change in their currently assessed AMU.
- 2) The customer must complete a Petition for Electric AMU Change form and pay the associated fees, which may be amended from time to time.
 - i) The form shall permit the customer to recommence the three-year AMU calculation period beginning with a full AMU year.
 - ii) The AMU calculation for the first year would utilize a new beginning year, selected by the customer, but no earlier than April 1, 2020, and after the date of the circumstance identified above.
In each subsequent year the customer's AMU will be calculated until there are three full years of usage at which time their EDU would be set as noted above.
- 3) The General Manager shall review all petitions and make a determination on the request within 30 days of submission.
 - i) Should the General Manager approve the Petition, the customer's AMU shall be modified no later than the second subsequent regular electric billing cycle after approval.

- ii) Should the General Manager reject the Petition, the customer may appeal to the Board of Directors. An appeal shall be set for a public hearing at a regular Board meeting, within 60 days of rejection.
 - iii) If the appeal is successful, the customer's AMU shall be modified no later than the second subsequent regular electric billing cycle after successful appeal.
 - iv) There shall be no remedy from an unsuccessful appeal to the Board of Directors.
 - v) Resubmission of Petitions previously denied shall be summarily rejected.
- 4) An AMU Change shall not entitle the customer to a refund of any District electric rates, charges, or fees already billed and/or collected prior to the approval of the AMU Change.
- 5) A Petition for AMU Change may not be submitted more frequently than every 5 years per parcel.

Section 4. Effective Date. The changes set forth above shall take effect August 1, 2023.

Section 5. Posting. Within 23 days after the date of passage of this ordinance, the Secretary of the Board of Directors shall post a copy of this ordinance in at least three public places in the District.

Section 6. Superseder. This ordinance adds Section 7.D to Ordinance 21-02.

PASSED AND ADOPTED by the Board of Directors of the Kirkwood Meadows Public Utility District on the 14th day of July, 2023 by the following vote:

AYES: President Epstein, Directors Mitarotonda, Perroud, Dornbrook.

NOES:

ABSTAIN: Director Schroeder.

ABSENT:



President, Board of Directors

Attest:



Secretary, Board of Directors

**KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT
CUSTOMER PETITION FOR ELECTRIC AMU CHANGE
(\$300 PETITION FEE / \$150 APPEAL FEE)**

OWNER: _____

PROPERTY ADDRESS: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

ASSESSOR PARCEL #: _____

EXPLANATION OF REASON FOR REQUEST: (Your request should demonstrate an unique, demonstrable, and quantifiable circumstance that justifies a change in your current AMU. Please attach all pertinent back-up, calculations, invoices, etc. in support of you petition.)

By signing this form, I represent that all assertions, claims, and supporting documents are correct and true to the best of my actual knowledge. I understand that should my Petition be approved, it will not entitle me to a refund of any District electric rates, charges, or fees already billed and/or collected prior to the approval of the AMU Change and that my new AMU shall be modified no later than the second subsequent regular electric billing cycle after approval.

SIGNATURE: _____ DATE: _____

FOR DISTRICT USE ONLY

Petition Fee Received:	General Manager: Approved / Rejected DATE:
Appeal Fee Received:	
Board Appeal: Yes / No	Board Action: Approved / Rejected DATE: