

ORDINANCE NO. 8-80

Fixing and regulating the price that may be charged by Columbia Gas of Ohio, Inc., its successors or assigns, for gas to the Village of Spencer, Ohio, and to its inhabitants, for the period of Two (2) Years from and after the effective date of this ordinance.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SPENCER, OHIO:

SECTION 1: That, for the period of One (1) Year from and after the effective date of this ordinance, the maximum price which Columbia Gas of Ohio, Inc., its successors or assigns, shall be permitted to charge for and the minimum price at which it or they shall be required to furnish gas to the Village of Spencer, Ohio (Municipality), and to its inhabitants, shall be and the same is hereby fixed for each individual consumer, as follows:

A "Customer Charge" of \$4.25, per meter per month, regardless of gas consumed and 7.161¢ per 100 cubic feet, per meter per month, for all gas consumed.

A "Customer Charge" for each customer each month of Four Dollars and Twenty-five Cents (\$4.25) shall be made. If service under this rate schedule is discontinued at the request of customer, the Company shall not be under any obligation to resume service to the same customer on the same premises until the customer has made payment of an amount equal to the "Customer Charge" for each month of the intervening period, but not to exceed twelve (12) months.

From and after the expiration of the aforesaid One Year period and for a further period of One (1) Year thereafter, as follows:

A "Customer Charge" of \$4.46, per meter per month, regardless of gas consumed and 8.898¢ per 100 cubic feet, per meter per month, for all gas consumed.

A "Customer Charge" for each customer each month of Four Dollars and Forty-six Cents (\$4.46) shall be made. If service under this rate schedule is discontinued at the request of customer, the Company shall not be under any obligation to resume service to the same customer on the same premises until the customer has made payment of an amount equal to the "Customer Charge" for each month of the intervening period, but not to exceed twelve (12) months.

The above rates exclude gas costs and the Ohio Gross Receipts Tax. All bills rendered pursuant to this ordinance shall be adjusted to reflect the effect of the Ohio Gross Receipts Tax and are subject to decrease or increase in accordance with the 'Gas Cost Recovery' Provisions of the Company's Rules and Regulations, on file with the Public Utilities Commission of Ohio.

SECTION 2: That it is expressly conditioned the service to be rendered by said Company, its successors or assigns, pursuant to this ordinance shall be primarily for domestic and commercial purposes and that service shall not be extended to other consumers of different classes until after all reasonable requirements for domestic and commercial purposes are fully met, and this provision shall be binding upon said Company, its successors or assigns, during each month of each year; but during any month or year, subject to the foregoing limitations and after compliance with the foregoing provisions gas may be delivered to any other consumer and additional classes of consumers at such times and under such conditions and for such rates as may be agreed upon between the Company and such consumer or consumers.

SECTION 3: The terms and conditions of the service to be rendered shall conform with and be subject to the Rules and Regulations for furnishing gas service of the Company on file with and approved by the Public Utilities Commission of Ohio.

SECTION 4: That the gas furnished or delivered pursuant to the terms of this ordinance, by the said Company, shall have an average heating value of 1,000 British thermal units per cubic foot for any consecutive twelve (12) month period subject to a variance of not more than five (5) percent upward or downward.

SECTION 5: In the event the State of Ohio, or the Municipality, should hereafter impose a tax upon the Company that is not now imposed, or should hereafter increase the rate of any tax now imposed upon the Company above the tax rate now existing, other than the rate on property listed in the real estate tax list and duplicate, then the rates prescribed in Section 1 shall be increased to the extent necessary to compensate the Company for the increase in cost due to such new tax or higher tax rate. This shall be done in the following manner:

(a) If the new tax or higher tax rate is computed in direct relation to gas sold or revenues received for the sale of gas, the rates set forth herein shall be adjusted to the extent necessary to recompense the Company for the amount thereof.

(b) If the new tax or higher tax rate is not related directly to gas sold or to revenues received for the sale of gas, then the total dollar effect thereof upon the cost of serving gas by the Company in the Municipality shall be determined, based upon operations of the Company in the Municipality during the most recently available twelve month period ending on the last day of the December preceding the effective date of the new tax or higher tax rate; the total dollars so computed shall then be divided by the total sales made to the types of customers covered by this ordinance during the same twelve-month period and the rates prescribed herein shall be correspondingly adjusted.

The adjustment of the rates prescribed in this Ordinance, as provided in subparagraphs (a) and (b) above, shall be made by rounding the mathematical result of the computations so prescribed to the nearest one quarter cent ( $\frac{1}{4}$ ¢) per one thousand cubic feet.

The adjusted rate shall be placed in effect and shall apply to all meter readings occurring on and after the effective date of the statute, ordinance or resolution pursuant to which the new tax or increased tax rate is imposed.

Written notification of the adjustment shall be sent to the Clerk of Council of the Municipality as quickly as possible after the effect of the new tax or higher tax rate can be determined.

SECTION 6: That any ordinance or resolution, or part of an ordinance or resolution, inconsistent herewith, is, to the extent of such inconsistency, hereby repealed.

SECTION 7: That should any section or part of a section or provision of a section of this ordinance be declared void, the remainder of this ordinance shall not be affected thereby.

SECTION 8: That this ordinance shall become effective at the earliest date allowed by law, or upon the expiration of the current ordinance, whichever date is later; provided, however, that this ordinance shall have no force or effect whatsoever unless written acceptance of this ordinance is filed by the Company with the Clerk of Council of the Village of Spencer, Ohio, prior to the expiration of thirty (30) days from the date this ordinance is passed.

PASSED:

December 17, 1980

Sidney E. Long  
MAYOR

ATTEST:

Dorcas M. Way  
CLERK