

## **Falcon Heights City Council Workshop**

**City Hall  
2077 W Larpenteur Ave.  
6:30 P.M.**

### **AGENDA Wednesday, December 7, 2016**

- 1) Non-Residential Parking on Garden Ave and Falcon Woods**
- 2) Xcel –Franchise Fee**

If you have a disability and need accommodation in order to attend this meeting, please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30 p.m. at 651-792-7600. We will be happy to help.

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	December 7, 2016
<b>Agenda Item</b>	Workshop #1
<b>Attachment</b>	Council Request
<b>Submitted By</b>	Sack Thongvanh, City Administrator

<b>Item</b>	Non-Residential Parking on Garden Ave and Falcon Woods
<b>Description</b>	<p>The City received a request from the majority of home owners along Garden Ave in the Falcon Woods area to post parking by permit only. Ms. Caywood and Ms. Lewis have received 87% approve by the residents on Garden Ave. If residents on Moore Street and Howell are included, it would be 79%.</p> <p>The application fee to designate “residential area” permit parking is \$200.</p> <p>Staff was directed from the November 2 City Council Workshop to evaluate cost and it has been estimated to cost \$1,500 to \$2,000 for materials and installation.</p>
<b>Budget Impact</b>	The cost for materials and installation is not in the 2016 and has not been included for the 2017 budget.
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>· Two Petitions and Testimonials</li> </ul>
<b>Action(s) Requested</b>	The City Administrator would look for direction on how to proceed.

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September 15, 2016

To: Sack Thongvanh

From: Janet Caywood  
Paula Lewis

RE: Non- Residential parking on Garden Ave./Falcon Woods

Dear Sack,

Enclosed are the 2 petitions and testimonials we have to support obtaining signs that will restrict parking of non-residents. We have pictures to show the congestion, and different modes of transportation used after parking along the residential streets. We can email those pictures to you.

You can see that we have 87% of the residents on Garden Ave. (the area mainly affected). As a courtesy to our neighbors we received support from a large number of residents on Moore and Howell. If you add in Howell and Moore the overall percent signed is 79%. We found no solicitation signs and a language barrier.

Please let us know if there is anything else we can provide you with to move forward on this matter.

Thank you for your consideration.

Janet Caywood

Paula Lewis

*Janet Caywood*  
*Paula M Lewis*

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## Testimonials

I saw a student changing clothes in front of my house and doing a quick wash up before getting in her car and leaving. Paula

During the winter with icy roads, I almost slid into a car parked across the street from my driveway as I backed out. Sandy

My lawn service can not park in front of my house due to student's parked there. Mary M.

I saw a U of M van drop off students in the evening at their parked cars on Garden Ave. Mary W.

We have many students using their bikes and skateboards as transportation to the university after parking on Garden Ave. Janet

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#1  
August 24, 2016

Falcon Woods Residents

RE: Non-residential parking.

As residents on Garden Avenue we are looking for your support in trying to control the non-resident parking on our block. Residents are experiencing 8-10 vehicles parked along both sides of the street in a concentrated area near the path from Garden Avenue to Prior Avenue for up to 10 hours Monday through Friday. The impact of the additional traffic is creating wear and tear on our streets at tax payers expense. Many of us feel this has become a not only a safety issue, but is also making it difficult for delivery services, trash removal, recycling pick-up, snow removal and street sweeping, lawn care, and parking for construction workers.

We are beginning a process of obtaining a petition with signatures of residential owners. The petition will be filed with the City of Falcon Heights that states "residents of a particular residential area are encountering serious problems because of excessive parking by persons who are associated with nearby nonresidential use".

Once signs are posted, street parking permits they can be obtained for our residents for a fee of \$15.00 per year, and a temporary 3 month permit for \$3.00 through City Hall.

If you have further questions please contact Paul Moretto at 651-644-5050. Please help us resolve this issue by signing the following petition.

Thank you for your support.

Petition: No non-permit parking Monday-Friday on Garden Avenue. (Example- 2 Hour Parking Monday-Friday 8 to 4 PM except by permit) "residents of a particular residential area are encountering serious problems because of excessive parking by persons who are associated with nearby nonresidential use".

NAME	ADDRESS
1. Janet Caywood	2018 Garden
2. Nick & Paula Lewis	2015 Garden
3. May n. Ward	1811 MOORE STREET
4. Kris Singer	1820 Moore St.
5. Selly Mack	2008 Garden Ave
6. Shep Traup	1978 Garden Ave
7. Deradine & Joel Shogen	1987 Garden Ave.
8. Tim Wong	1802 Moore
9. Becky Tracy	2007 Garden Ave
10. Nancy Donald	2038 Garden Ave.
11. Sandra Sechitt	2018 Garden Ave
12. Jan Swanson	1968 Garden Ave Falcon Hts.
13. Patty Behr Butler	1958 Garden Ave W.
14. Yano	1971 Garden Ave.

15. Sheau-Ping Hu

1810 Howell St. Falcon Hts.

16. Nicholas Hopper

1802 Howell St. Falcon Hts.

17. Susan Halvorsen

1998 Garden Ave Fth

18. Randal W. Peabody

1803 MOORE ST.

**NAME**

**ADDRESS**

19. Jane Bludsoe

1812 Moore St  
Falcon Hts MA

20.

21.

22.

23.

24.

25.

Petition: No non-permit parking Monday-Friday on Garden Avenue. (Example- 2 Hour Parking Monday-Friday 8 to 4 PM except by permit) "residents of a particular residential area are encountering serious problems because of excessive parking by persons who are associated with nearby nonresidential use".

## NAME

## ADDRESS

1. Melissa Jamoral 1842 Howell St
2. MARY SHAFER 1818 HOWELL ST.
3. Linda Barnes 1828 Moore
4. Asako Hirabayashi 1842 Moore St
5. RANDY SINGER 1853 MOORE ST
6. Michelle Carson 1845 Moore ST
7. Jerry Eide 1834 Howell st.
8. Louise Johnson 1988 Garden Ave
9. Donna Waykin 1854 Moore St. F.H.H.S
10. Erin Haan 1853 Howell St N
11. GAVIN HART 1837 MOORE ST
12. Jill Caspers 1827 Moore St.
- 13.
- 14.









This is what a Saturday looks like west to east on Garden Ave



View of 2028 Garden Ave from north to south on the week of August 25th

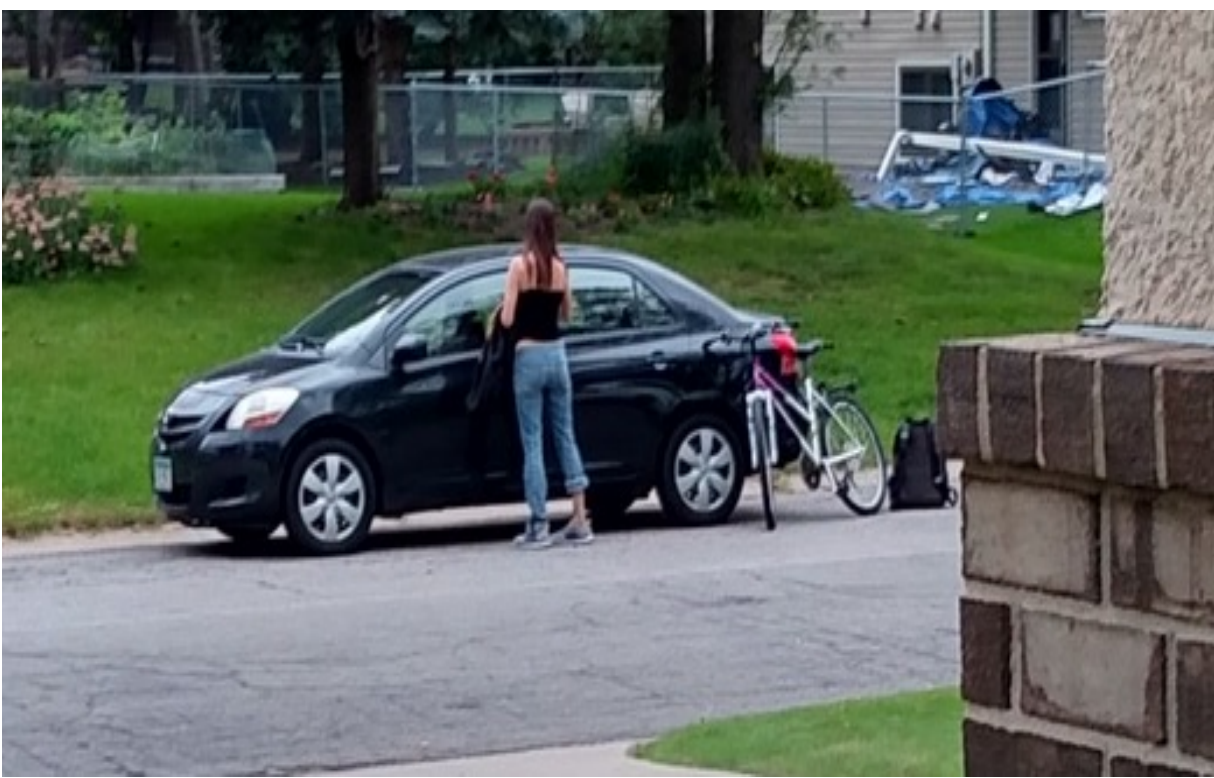


Students parking west to east on Garden Ave on the week day in Auust



Student parking on Garden Ave west to east in early September





Students often bring bikes in cars to ride down to the U.



A student who dropped off by a University vehicle (she is changing as she does daily from coveralls) on early September week day.

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## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	December 7, 2016
<b>Agenda Item</b>	Workshop #2
<b>Attachment</b>	Council Request
<b>Submitted By</b>	Sack Thongvanh, City Administrator

<b>Item</b>	Xcel Franchise Fee
<b>Description</b>	<p>Jake Sedlacek, Manager of Community Relations and Economic Development for Xcel Energy will make a presentation to the City Council regarding the adoption and implementation of a utility franchise fee.</p> <p>The City of Falcon Heights have many limitations on revenue sources due to the nature and make-up of the community. An estimate of 2/3 of property/land owned within the boundaries of Falcon Heights are not taxable because of their non-profit status or as an educational institution.</p>
<b>Budget Impact</b>	
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>· Supporting Documents from Xcel Energy</li> </ul>
<b>Action(s) Requested</b>	The City Administrator would look for direction on how to proceed.

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# Utility Franchise Fees

Some cities have imposed franchise fees on their energy providers as part of utility franchise agreements. As allowed by the Minnesota Public Utilities Commission, franchise fees levied on us are passed on directly to our customers within a city. This fee is itemized on our customer bills as a City Fee.

A franchise fee can only be implemented if it is allowed by the city's existing franchise agreement with us. If a community determines that a franchise fee is appropriate, there are several guiding principles that we follow in discussing fee options.

- Franchise fees are set forth in a fee ordinance authorized by, but separate from, the franchise agreement.
- An equivalent fee must be placed on all energy suppliers serving the city.
- We will not be subject to permit fees while franchise fees are in effect.
- We will prepare fee schedule options for the amount of revenue sought by the city.
- The fee is calculated as a flat fee, per premise and is applied equally for all customers in a given rate class.
- Fees are paid to the city on a quarterly basis.

## Franchise Fee Considerations

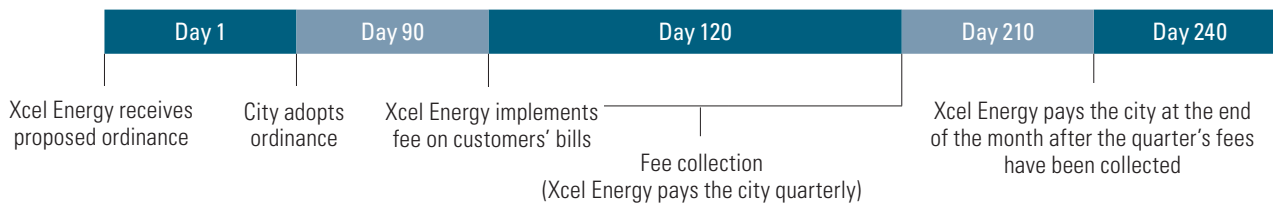
As in any case where a city is considering a new revenue source, we urge careful consideration of the possible negative impacts of a franchise fee since they increase the cost of energy for all customers in that city.

## Timeline

Implementing franchise fees is a complex process that requires adequate time for system programming and testing. Here's a typical sequence of events:

- City provides us with written notice of intent to enact a fee prior to formal consideration.
- City and Xcel Energy negotiate the fee.
- In order to meet the PUC's requirements, the approved fee ordinance must be received by us at least 90 days before the anticipated start of fee collection.
- We collect the fee from our customers monthly and transfer it to the city on a quarterly basis.

## Sample Timeline



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# Utility Franchise Agreements

## The Basics of Utility Service

Electric and natural gas utility companies provide essential services to the public. Minnesota has designated electric utility service providers for each part of the state. These utilities have the exclusive authority and obligation to provide service to all customers in their designated service territories.

State law allows utilities to use public rights of way to locate poles, wires and natural gas pipes. Public rights of way typically include public roads, highways, streets, bike lanes and sidewalks. Local governments have the responsibility to manage the rights of way and have an interest in where the utilities locate their facilities.

## Utility Franchise Agreements

A franchise agreement sets expectations between a city and Xcel Energy, including how we construct, operate and maintain our equipment located in the public rights of way. Franchise agreements can also address things like roadway restoration when a utility project has been completed. In addition to the conditions in franchise agreements, cities may require utilities to obtain permits for work within the right of way.

Franchise agreements do not set energy goals, determine the mix of energy resources used by a utility, set energy prices or service standards. Those policy decisions are made by the Minnesota legislature and regulated by the Minnesota Public Utilities Commission and cannot be included in franchise agreements.

## Xcel Energy Franchise Agreements

We have more than 350 franchise agreements in Minnesota. These shared agreements enhance strong working relationships with the communities we serve by providing clear expectations while supporting consistent and efficient operations and service.

In some cases, a city may choose to establish a franchise fee as part of the franchise agreement. This is done in cooperation with Xcel Energy and is executed through a separate ordinance, which can be implemented at any time during the life of the franchise agreement. In those cases, we collect the fee from our customers and transfer it to the city on a quarterly basis.



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**City of Falcon Heights, MN  
Franchise Fee Estimate – Gas and Electric  
May 2016**

The following information is being provided to assist your community in discussions regarding franchise fees. **Given market sensitivity to electric and gas rates, we strongly encourage the city to reach out to residents and businesses regarding franchise fees.**

- Information based on a one-year average, ending April 2016.
- Fee amounts are rounded to the nearest \$0.25 and applied as a flat fee.
- The table below shows the fee that would be reflected on a customer's monthly bill.
- Franchise fees must be applied equally to all energy providers.
- Franchise Fees are collected in lieu of any other permit fees.
- Xcel Energy retains no portion of a franchise fee.

**Franchise Fee: Gas**

Customer class	Monthly Fee
Residential	\$1.50
Commercial Non Demand	\$8.00
Commercial Demand	NA
Small Interruptible	NA
Medium and Large Interruptible	NA
Firm Transportation	NA
Interruptible Transportation	NA

Estimated Annual Revenue: \$45,660

**Franchise Fee: Electric**

Customer class	Monthly Fee
Residential	\$2.00
Small C&I – Non Demand	\$3.00
Small C&I – Demand	\$21.00
Large C&I	\$200.00
Street Lighting	\$12.00
Municipal Pumping	NA

Estimated Annual Revenue: \$84,096

Please let me know what further questions I can answer about franchise fees and the implementation process.

**Jake Sedlacek**

Manager, Community Relations and Economic Development  
jake.sedlacek@xcelenergy.com  
651.458.1228

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**FRANCHISE AND OTHER CITY FEES**

Section No. 5  
 Original Sheet No. 93.1a

Franchise and other city fees, as designated below will be included in the customers' monthly bills computed under the indicated rate classes and effective in the following Minnesota communities:

The Company remits 100% of these fees collected from ratepayers to the local government unit.  
 — Indicates fee is not applied

Franchise Fees									
City	Residential	Small C&I Non-demand	Small C&I Demand	Large C&I	Public Street Lighting	Municipal Pumping Non-demand	Municipal Pumping Demand	Effective Date	Expiration Date
Deephaven	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	04/2002	11/02/2030
Dilworth	\$2.60	\$6.00	\$21.00	\$136.50	—	\$6.00	\$21.00	01/2011	05/10/2018
Eagle Lake	\$0.50	\$0.50	\$0.50	\$0.50	—	—	—	10/2012	05/06/2032
Eden Prairie	\$2.50	\$3.00	\$10.00	\$45.00	—	—	—	10/2012	06/18/2032
Edina	\$1.95	\$3.40	\$9.50	\$40.50	—	—	—	03/2016	11/03/2035
Excelsior	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50	11/2012	08/02/2032

(Continued on Sheet No. 5-93.2)

**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 14th Revised Sheet No. 93.2

Franchise and other city fees, as designated below will be included in the customers' monthly bills computed under the indicated rate classes and effective in the following Minnesota communities:

The Company remits 100% of these fees collected from ratepayers to the local government unit.  
 — Indicates fee is not applied

Franchise Fees									
City	Residential	Small C&I Non-demand	Small C&I Demand	Large C&I	Public Street Lighting	Municipal Pumping Non-demand	Municipal Pumping Demand	Effective Date	Expiration Date
Faribault <sup>1</sup>	\$1.35	\$1.60	\$32.00	\$280.00	—	—	—	01/2006	11/08/2024
Forest Lake	\$4.00	\$2.50	\$18.50	\$75.00	\$7.50	\$2.50	\$18.50	05/2013	01/27/2033
Golden Valley	\$2.00	\$2.00	\$22.50	\$206.00	—	—	—	01/2013	12/17/2027
Goodview	\$2.75	\$3.00	\$25.00	\$110.00	\$25.00	\$2.50	\$10.00	07/2006	04/30/2026
Grant	\$2.35	\$2.00	\$14.00	\$75.00	\$2.00	\$2.00	\$2.00	01/2015	12/01/2023
Hayfield	\$2.00	\$2.00	\$2.00	\$2.00	\$2.00	\$2.00	\$2.00	01/2015	04/17/2031
Henderson	\$3.00	\$3.00	\$3.00	\$3.00	—	—	—	04/2012	08/16/2031
Hopkins	\$2.20	\$3.85	\$15.50	\$105.50	—	—	—	01/2014	12/31/2018
Landfall Village	\$2.25	\$4.75	\$14.00	\$65.00	\$15.50	—	—	04/2014	12/10/2033
Lexington	\$2.25	\$3.75	\$25.00	\$130.00	\$3.75	\$3.75	\$25.00	11/2012	10/05/2031
Lindstrom	\$2.50	\$5.00	\$24.00	\$70.00	\$7.00	\$7.00	\$7.00	04/2016	12/17/2028
Little Canada	\$2.75	\$5.25	\$40.00	\$230.00	\$15.50	\$2.00	\$3.00	07/2010	08/26/2023
Madison Lake	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	05/2013	02/03/2033
Mahtomedi	\$1.30	\$1.38	\$14.40	\$110.28	\$12.71	\$0.63	\$14.84	01/2005	10/18/2024
Mankato	\$1.00	\$1.55	\$16.50	\$223.00	\$1.00	\$0.25	\$1.00	02/2015	09/21/2034
Mantorville	\$2.00	\$2.00	\$2.00	\$2.00	\$2.00	\$2.00	\$2.00	11/2012	08/12/2032
Maplewood	\$1.25	\$2.50	\$15.00	\$112.50	\$1.25	\$1.25	\$1.25	12/2013	09/26/2024

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<sup>1</sup> Faribault: The franchise fee excludes invoices to the city for street lighting and municipal pumping.

(Continued on Sheet No. 5-93.3)

Date Filed: 01-22-16 By: Christopher B. Clark Effective Date: 04-01-16  
 President, Northern States Power Company, a Minnesota corporation  
 Docket No. E,G999/CI-09-970 Order Date: 03-23-11

**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 11th Revised Sheet No. 93.3

Franchise and other city fees, as designated below will be included in the customers' monthly bills computed under the indicated rate classes and effective in the following Minnesota communities:

The Company remits 100% of these fees collected from ratepayers to the local government unit.  
 — Indicates fee is not applied

Franchise Fees									
City	Residential	Small C&I Non-demand	Small C&I Demand	Large C&I	Public Street Lighting	Municipal Pumping Non-demand	Municipal Pumping Demand	Effective Date	Expiration Date
Minneapolis	4.5%	5.0% <100 kW	5.0% <100 kW	3.0% ≥100 kW at primary or higher voltage  5.0% ≥100 kW at secondary voltage	5.0%	5.0%	5.0%	01/2015	10/16/2024
Minnetonka	\$2.50	\$4.50	\$4.50	\$4.50	—	\$4.50	\$4.50	11/2007	08/09/2018
Monticello	\$1.95	\$5.50	\$31.00	\$190.00	\$12.00	\$12.00	\$31.00	06/2007	05/31/2027
Mound	\$2.75	\$2.75	\$2.75	\$2.75	\$2.75	\$2.75	\$2.75	01/2015	12/31/2016
Mounds View	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	01/2016	12/31/2016
New Brighton	\$0.0047 per kWh	\$0.0043 per kWh	\$0.0033 per kWh	\$0.0017 per kWh	\$0.0054 per kWh	\$0.0046 per kWh	\$0.0033 per kWh	03/2016	11/25/2022
New Hope	\$1.50	\$4.50	\$9.00	\$36.00	\$4.50	\$4.50	\$4.50	07/2011	06/26/2031
New Richland	\$1.00	\$1.00	\$1.00	\$1.00	—	—	—	02/2013	07/11/2024
Newport	\$1.00	\$1.50	\$14.00	\$70.00	\$5.00	\$1.00	\$10.00	01/2011	10/18/2026

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(Continued on Sheet No. 5-93.4)

Date Filed: 12-09-15 By: Christopher B. Clark Effective Date: 03-01-16  
 President, Northern States Power Company, a Minnesota corporation  
 Docket No. E,G999/CI-09-970 Order Date: 03-23-11

**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 16th Revised Sheet No. 93.4

Franchise and other city fees, as designated below will be included in the customers' monthly bills computed under the indicated rate classes and effective in the following Minnesota communities:

The Company remits 100% of these fees collected from ratepayers to the local government unit.  
 — Indicates fee is not applied

Franchise Fees									
City	Residential	Small C&I Non-demand	Small C&I Demand	Large C&I	Public Street Lighting	Municipal Pumping Non-demand	Municipal Pumping Demand	Effective Date	Expiration Date
North Mankato	\$1.00	\$1.55	\$16.50	\$223.00	\$17.62	\$1.46	\$12.30	04/2015	10/05/2034
Oakdale	\$1.50	\$3.00	\$10.00	\$8.00	\$6.00	\$2.00	\$8.00	11/2013	10/27/2023
Osseo	\$1.28	\$2.07	\$17.57	\$102.65	\$6.20	\$0.45	\$2.55	03/2012	10/26/2023
Owatonna	\$0.0016 per kWh Customer peak demand less than 100 kW in calendar year \$0.0014 per kWh Customer peak demand greater than 100 kW in calendar year							01/2003	04/01/2022
Plymouth	\$2.00	\$3.00	\$10.00	\$40.00	—	—	—	05/2014	07/09/2027
Prior Lake	\$1.50	\$5.00	\$10.00	\$50.00	—	—	—	07/2006	03/19/2026
Richmond	\$1.00	\$1.00	\$1.00	\$1.00	—	—	—	05/2013	05/03/2031
Richfield	\$4.10	\$12.50	\$30.00	\$185.00	—	—	—	04/2014	03/12/2027
Robbinsdale	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	06/2015	07/01/2017
Rogers	\$5.00	\$7.00	\$45.00	\$210.00	\$17.00	\$12.00	\$65.00	01/2016	11/22/2024
Sartell <sup>1</sup>	See fee schedule below.							01/2007	12/31/2023
Sauk Rapids	4.0% Customers who purchase \$50,000 or less in calendar year 1.5% That part which exceeds \$50,000 in calendar year							02/2016	06/15/2023
Shoreview	\$2.50	\$3.00	\$30.00	\$310.00	—	—	—	10/2013	07/17/2031

<sup>1</sup> Sartell: Effective with January of the respective years, the monthly franchise fee will be as follows:

- |                 |        |                 |        |                 |        |
|-----------------|--------|-----------------|--------|-----------------|--------|
| • 2007 and 2008 | \$2.50 | • 2013 and 2014 | \$3.25 | • 2019 and 2020 | \$4.00 |
| • 2009 and 2010 | \$2.75 | • 2015 and 2016 | \$3.50 | • 2021 and 2022 | \$4.25 |
| • 2011 and 2012 | \$3.00 | • 2017 and 2018 | \$3.75 | • 2023          | \$4.50 |

(Continued on Sheet No. 5-93.5)

Date Filed: 11-17-15 By: Christopher B. Clark Effective Date: 02-01-16  
 President, Northern States Power Company, a Minnesota corporation  
 Docket No. E,G999/CI-09-970 Order Date: 03-23-11

**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 12th Revised Sheet No. 93.5

Franchise and other city fees, as designated below will be included in the customers' monthly bills computed under the indicated rate classes and effective in the following Minnesota communities:

The Company remits 100% of these fees collected from ratepayers to the local government unit.  
 — Indicates fee is not applied

Franchise Fees									
City	Residential	Small C&I Non-demand	Small C&I Demand	Large C&I	Public Street Lighting	Municipal Pumping Non-demand	Municipal Pumping Demand	Effective Date	Expiration Date
South St. Paul <sup>1</sup>	4.0%	4.0%	4.0%	4.0%	—	—	—	07/2015	04/05/2030
Spicer	\$1.00	\$1.00	\$8.00	\$8.00	—	—	—	02/2013	10/01/2032
Spring Lake Park	\$0.80	\$1.20	\$8.50	\$50.00	—	—	—	04/2015	01/04/2035
St. Cloud <sup>2</sup>	3.0%	3.0%	3.0%	3.0%	—	—	—	09/2007	08/31/2027
St. Joseph	\$1.00	\$1.75	\$10.00	2% purchase ≤\$100,000 in calendar year  1.5% that part >\$100,000 in calendar year	\$8.00	\$1.00	\$10.00	02/2004	11/19/2023
St. Louis Park	\$3.25	\$6.50	\$30.00	\$105.00	—	\$6.00	\$30.00	02/2015	12/31/2016
St. Michael	\$3.50	\$2.50	\$2.50	\$10.00	\$10.00	\$2.50	\$10.00	05/2011	11/24/2023
St. Paul <sup>3</sup>	See fee schedule in the Notes section on the following sheets.							11/2006	08/31/2026
St. Paul Park	\$1.50	\$2.00	\$25.00	\$335.00	\$10.00	\$1.00	\$5.00	08/2005	05/15/2025
Stillwater	\$2.00	\$2.50	\$18.00	\$125.00	\$4.00	\$2.00	\$18.00	06/2015	02/16/2035

<sup>1</sup> South St. Paul: The franchise fee excludes rate schedules for highway lighting, municipal street lighting, municipal water pumping, municipal traffic signals, municipal fire sirens, and municipal sewage disposal service.

<sup>2</sup> St. Cloud: The franchise fee for residential heating customers will be 1.5% during the months of November – April.

<sup>3</sup> St. Paul: The monthly franchise fee will be as stated on the following sheets. The residential service franchise fee will be as stated except during the months of November - April when there will be no fee. The fee shall not exceed \$620,000 during any calendar year from any large commercial and industrial customer qualifying for service on the Competitive Market Rider. The schedule on the following sheets show the meter, energy, and demand factor for each year of the St. Paul franchise and for each of the customer classifications.

(Continued on Sheet No. 5-93.6)

Date Filed: 10-28-15 By: Christopher B. Clark Effective Date: 01-01-16  
 President, Northern States Power Company, a Minnesota corporation  
 Docket No. E,G999/CI-09-970 Order Date: 03-23-11

**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 3rd Revised Sheet No. 93.6

Notes:  
<sup>3</sup> St. Paul (continued)

Customer Class	Meter Factor - Monthly Charge per Account					
	Start Date End Date	1-Nov-2006 31-Oct-2008	1-Nov-2008 31-Oct-2010	1-Nov-2010 31-Oct-2012	1-Nov-2012 31-Oct-2014	1-Nov-2014 31-Oct-2016
Residential (May - October)		\$2.63	\$2.70	\$2.77	\$2.84	\$2.91
Small Commercial & Industrial						
Non-Demand		\$2.96	\$3.09	\$3.22	\$3.35	\$3.48
Firm Secondary		\$2.96	\$3.09	\$3.22	\$3.35	\$3.48
Firm Primary		\$2.96	\$3.09	\$3.22	\$3.35	\$3.48
Interruptible Secondary		\$2.96	\$3.09	\$3.22	\$3.35	\$3.48
Interruptible Primary		\$2.96	\$3.09	\$3.22	\$3.35	\$3.48
Large Commercial & Industrial						
Special		\$5.04	\$5.11	\$5.18	\$5.25	\$5.32
Firm Secondary		\$5.04	\$5.11	\$5.18	\$5.25	\$5.32
Firm Primary		\$5.04	\$5.11	\$5.18	\$5.25	\$5.32
Firm Trans. Transf.		\$5.04	\$5.11	\$5.18	\$5.25	\$5.32
Interruptible Secondary		\$5.04	\$5.11	\$5.18	\$5.25	\$5.32
Interruptible Primary		\$5.04	\$5.11	\$5.18	\$5.25	\$5.32
Interruptible TT		\$5.04	\$5.11	\$5.18	\$5.25	\$5.32
Standby Service		None	None	None	None	None
Public Street & Highway Lighting		\$6.74	\$6.81	\$6.88	\$6.95	\$7.02
Small Municipal Pumping						
Non-Demand		\$2.96	\$3.09	\$3.22	\$3.35	\$3.48
Demand Secondary		\$2.96	\$3.09	\$3.22	\$3.35	\$3.48
Demand Primary		\$2.96	\$3.09	\$3.22	\$3.35	\$3.48
Large Municipal Pumping						
Demand Primary (Sec cust)		\$2.96	\$3.09	\$3.22	\$3.35	\$3.48
Fire and Civil Defense Siren Service		\$2.96	\$3.09	\$3.22	\$3.35	\$3.48

(Continued on Sheet No. 5-93.7)

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**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 3rd Revised Sheet No. 93.7

Notes:  
<sup>3</sup> St. Paul (continued)

Customer Class	Meter Factor - Monthly Charge per Account					
	Start Date End Date	1-Nov-2016 31-Oct-2018	1-Nov-2018 31-Oct-2020	1-Nov-2020 31-Oct-2022	1-Nov-2022 31-Oct-2024	1-Nov-2024 31-Aug-2026
Residential (May - October)		\$3.03	\$3.15	\$3.27	\$3.40	\$3.54
Small Commercial & Industrial						
Non-Demand		\$3.62	\$3.76	\$3.91	\$4.07	\$4.23
Firm Secondary		\$3.62	\$3.76	\$3.91	\$4.07	\$4.23
Firm Primary		\$3.62	\$3.76	\$3.91	\$4.07	\$4.23
Interruptible Secondary		\$3.62	\$3.76	\$3.91	\$4.07	\$4.23
Interruptible Primary		\$3.62	\$3.76	\$3.91	\$4.07	\$4.23
Large Commercial & Industrial						
Special		\$5.53	\$5.75	\$5.98	\$6.22	\$6.47
Firm Secondary		\$5.53	\$5.75	\$5.98	\$6.22	\$6.47
Firm Primary		\$5.53	\$5.75	\$5.98	\$6.22	\$6.47
Firm Trans. Transf.		\$5.53	\$5.75	\$5.98	\$6.22	\$6.47
Interruptible Secondary		\$5.53	\$5.75	\$5.98	\$6.22	\$6.47
Interruptible Primary		\$5.53	\$5.75	\$5.98	\$6.22	\$6.47
Interruptible TT		\$5.53	\$5.75	\$5.98	\$6.22	\$6.47
Standby Service		None	None	None	None	None
Public Street & Highway Lighting		\$7.30	\$7.59	\$7.90	\$8.21	\$8.54
Small Municipal Pumping						
Non-Demand		\$3.62	\$3.76	\$3.91	\$4.07	\$4.23
Demand Secondary		\$3.62	\$3.76	\$3.91	\$4.07	\$4.23
Demand Primary		\$3.62	\$3.76	\$3.91	\$4.07	\$4.23
Large Municipal Pumping						
Demand Primary (Sec cust)		\$3.62	\$3.76	\$3.91	\$4.07	\$4.23
Fire and Civil Defense Siren Service		\$3.62	\$3.76	\$3.91	\$4.07	\$4.23

(Continued on Sheet No. 5-93.8)

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**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 3rd Revised Sheet No. 93.8

Notes:  
<sup>3</sup> St. Paul (continued)

Customer Class	Energy Factor - Monthly Charge per kWh					
	Start Date End Date	1-Nov-2006 31-Oct-2008	1-Nov-2008 31-Oct-2010	1-Nov-2010 31-Oct-2012	1-Nov-2012 31-Oct-2014	1-Nov-2014 31-Oct-2016
Residential (May - October)		\$0.0094	\$0.0095	\$0.0096	\$0.0097	\$0.0098
Small Commercial & Industrial						
Non-Demand		\$0.0040	\$0.0040	\$0.0040	\$0.0040	\$0.0040
Firm Secondary		\$0.0018	\$0.0018	\$0.0018	\$0.0018	\$0.0018
Firm Primary		\$0.0018	\$0.0018	\$0.0018	\$0.0018	\$0.0018
Interruptible Secondary		\$0.0018	\$0.0018	\$0.0018	\$0.0018	\$0.0018
Interruptible Primary		\$0.0018	\$0.0018	\$0.0018	\$0.0018	\$0.0018
Large Commercial & Industrial						
Special		\$0.0028	\$0.0028	\$0.0028	\$0.0028	\$0.0028
Firm Secondary		\$0.0013	\$0.0013	\$0.0013	\$0.0013	\$0.0013
Firm Primary		\$0.0013	\$0.0013	\$0.0013	\$0.0013	\$0.0013
Firm Trans. Transf.		\$0.0013	\$0.0013	\$0.0013	\$0.0013	\$0.0013
Interruptible Secondary		\$0.0013	\$0.0013	\$0.0013	\$0.0013	\$0.0013
Interruptible Primary		\$0.0013	\$0.0013	\$0.0013	\$0.0013	\$0.0013
Interruptible TT		\$0.0013	\$0.0013	\$0.0013	\$0.0013	\$0.0013
Standby Service		None	None	None	None	None
Public Street & Highway Lighting		\$0.0040	\$0.0040	\$0.0040	\$0.0040	\$0.0040
Small Municipal Pumping						
Non-Demand		\$0.0040	\$0.0040	\$0.0040	\$0.0040	\$0.0040
Demand Secondary		\$0.0018	\$0.0018	\$0.0018	\$0.0018	\$0.0018
Demand Primary		\$0.0018	\$0.0018	\$0.0018	\$0.0018	\$0.0018
Large Municipal Pumping						
Demand Primary (Sec cust)		\$0.0018	\$0.0018	\$0.0018	\$0.0018	\$0.0018
Fire and Civil Defense Siren Service		\$0.0018	\$0.0018	\$0.0018	\$0.0018	\$0.0018

(Continued on Sheet No. 5-93.9)

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**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 3rd Revised Sheet No. 93.9

Notes:  
<sup>3</sup> St. Paul (continued)

Customer Class	Energy Factor - Monthly Charge per kWh					
	Start Date End Date	1-Nov-2016 31-Oct-2018	1-Nov-2018 31-Oct-2020	1-Nov-2020 31-Oct-2022	1-Nov-2022 31-Oct-2024	1-Nov-2024 31-Aug-2026
Residential (May - October)		\$0.0102	\$0.0106	\$0.0110	\$0.0115	\$0.0119
Small Commercial & Industrial						
Non-Demand		\$0.0042	\$0.0043	\$0.0045	\$0.0047	\$0.0049
Firm Secondary		\$0.0019	\$0.0019	\$0.0020	\$0.0021	\$0.0022
Firm Primary		\$0.0019	\$0.0019	\$0.0020	\$0.0021	\$0.0022
Interruptible Secondary		\$0.0019	\$0.0019	\$0.0020	\$0.0021	\$0.0022
Interruptible Primary		\$0.0019	\$0.0019	\$0.0020	\$0.0021	\$0.0022
Large Commercial & Industrial						
Special		\$0.0029	\$0.0030	\$0.0031	\$0.0033	\$0.0034
Firm Secondary		\$0.0014	\$0.0014	\$0.0015	\$0.0015	\$0.0016
Firm Primary		\$0.0014	\$0.0014	\$0.0015	\$0.0015	\$0.0016
Firm Trans. Transf.		\$0.0014	\$0.0014	\$0.0015	\$0.0015	\$0.0016
Interruptible Secondary		\$0.0014	\$0.0014	\$0.0015	\$0.0015	\$0.0016
Interruptible Primary		\$0.0014	\$0.0014	\$0.0015	\$0.0015	\$0.0016
Interruptible TT		\$0.0014	\$0.0014	\$0.0015	\$0.0015	\$0.0016
Standby Service		None	None	None	None	None
Public Street & Highway Lighting		\$0.0042	\$0.0043	\$0.0045	\$0.0047	\$0.0049
Small Municipal Pumping						
Non-Demand		\$0.0042	\$0.0043	\$0.0045	\$0.0047	\$0.0049
Demand Secondary		\$0.0019	\$0.0019	\$0.0020	\$0.0021	\$0.0022
Demand Primary		\$0.0019	\$0.0019	\$0.0020	\$0.0021	\$0.0022
Large Municipal Pumping						
Demand Primary (Sec cust)		\$0.0019	\$0.0019	\$0.0020	\$0.0021	\$0.0022
Fire and Civil Defense Siren Service		\$0.0019	\$0.0019	\$0.0020	\$0.0021	\$0.0022

(Continued on Sheet No. 5-93.10)

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**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 3rd Revised Sheet No. 93.10

Notes:  
<sup>3</sup> St. Paul (continued)

Customer Class	Demand Factor - Monthly Charge per kW					
	Start Date End Date	1-Nov-2006 31-Oct-2008	1-Nov-2008 31-Oct-2010	1-Nov-2010 31-Oct-2012	1-Nov-2012 31-Oct-2014	1-Nov-2014 31-Oct-2016
Residential (May - October)		None	None	None	None	None
Small Commercial & Industrial						
Non-Demand		None	None	None	None	None
Firm Secondary		\$1.10	\$1.10	\$1.10	\$1.10	\$1.10
Firm Primary		\$1.06	\$1.06	\$1.06	\$1.06	\$1.06
Interruptible Secondary		\$1.10	\$1.10	\$1.10	\$1.10	\$1.10
Interruptible Primary		\$1.06	\$1.06	\$1.06	\$1.06	\$1.06
Large Commercial & Industrial						
Special		None	None	None	None	None
Firm Secondary		\$1.10	\$1.10	\$1.10	\$1.10	\$1.10
Firm Primary		\$1.06	\$1.06	\$1.06	\$1.06	\$1.06
Firm Trans. Transf.		\$1.06	\$1.06	\$1.06	\$1.06	\$1.06
Interruptible Secondary		\$0.81	\$0.81	\$0.81	\$0.81	\$0.81
Interruptible Primary		\$0.71	\$0.71	\$0.71	\$0.71	\$0.71
Interruptible TT		\$0.51	\$0.54	\$0.57	\$0.60	\$0.63
Standby Service		\$0.30	\$0.33	\$0.36	\$0.39	\$0.42
Public Street & Highway Lighting		None	None	None	None	None
Small Municipal Pumping						
Non-Demand		None	None	None	None	None
Demand Secondary		\$1.10	\$1.10	\$1.10	\$1.10	\$1.10
Demand Primary		\$1.06	\$1.06	\$1.06	\$1.06	\$1.06
Large Municipal Pumping						
Demand Primary (Sec cust)		\$1.06	\$1.06	\$1.06	\$1.06	\$1.06
Fire and Civil Defense Siren Service		\$1.06	\$1.06	\$1.06	\$1.06	\$1.06

(Continued on Sheet No. 5-93.11)

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**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 3rd Revised Sheet No. 93.11

Notes:  
<sup>3</sup> St. Paul (continued)

Customer Class	Demand Factor - Monthly Charge per kW					
	Start Date End Date	1-Nov-2016 31-Oct-2018	1-Nov-2018 31-Oct-2020	1-Nov-2020 31-Oct-2022	1-Nov-2022 31-Oct-2024	1-Nov-2024 31-Aug-2026
Residential (May - October)		None	None	None	None	None
Small Commercial & Industrial						
Non-Demand		None	None	None	None	None
Firm Secondary		\$1.14	\$1.19	\$1.24	\$1.29	\$1.34
Firm Primary		\$1.10	\$1.15	\$1.19	\$1.24	\$1.29
Interruptible Secondary		\$1.14	\$1.19	\$1.24	\$1.29	\$1.34
Interruptible Primary		\$1.10	\$1.15	\$1.19	\$1.24	\$1.29
Large Commercial & Industrial						
Special		None	None	None	None	None
Firm Secondary		\$1.14	\$1.19	\$1.24	\$1.29	\$1.34
Firm Primary		\$1.10	\$1.15	\$1.19	\$1.24	\$1.29
Firm Trans. Transf.		\$1.10	\$1.15	\$1.19	\$1.24	\$1.29
Interruptible Secondary		\$0.84	\$0.88	\$0.91	\$0.95	\$0.99
Interruptible Primary		\$0.74	\$0.77	\$0.80	\$0.83	\$0.86
Interruptible TT		\$0.66	\$0.68	\$0.71	\$0.74	\$0.77
Standby Service		\$0.44	\$0.45	\$0.47	\$0.49	\$0.51
Public Street & Highway Lighting		None	None	None	None	None
Small Municipal Pumping						
Non-Demand		None	None	None	None	None
Demand Secondary		\$1.14	\$1.19	\$1.24	\$1.29	\$1.34
Demand Primary		\$1.10	\$1.15	\$1.19	\$1.24	\$1.29
Large Municipal Pumping						
Demand Primary (Sec cust)		\$1.10	\$1.15	\$1.19	\$1.24	\$1.29
Fire and Civil Defense Siren Service		\$1.10	\$1.15	\$1.19	\$1.24	\$1.29

(Continued on Sheet No. 5-93.12)

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**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 6th Revised Sheet No. 93.12

Franchise and other city fees, as designated below will be included in the customers' monthly bills computed under the indicated rate classes and effective in the following Minnesota communities:

The Company remits 100% of these fees collected from ratepayers to the local governmental unit.  
 — Indicates fee is not applied

Franchise Fees									
City	Residential	Small C&I Non-demand	Small C&I Demand	Large C&I	Public Street Lighting	Municipal Pumping Non-demand	Municipal Pumping Demand	Effective Date	Expiration Date
Watertown	\$3.00	\$4.50	\$16.00	\$51.00	—	\$13.50	\$21.00	04/2010	04/10/2027
Wayzata	\$2.06	\$4.64	\$4.64	\$15.45	\$1.03	\$1.03	\$1.03	03/2011	11/30/2026
White Bear Lake	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	05/1998	05/01/2018
Winona	4.0% 1.5%	Customers who purchase \$100,000 or less in calendar year That part which exceeds \$100,000 in calendar year						06/2003	06/15/2023
Winsted	\$2.00	\$2.00	\$2.00	\$2.00	—	—	—	05/2012	12/19/2031

(Continued on Sheet No. 5-93.13)

Date Filed: 11-04-13 By: Christopher B. Clark Effective Date: 11-01-15  
 President and CEO of Northern States Power Company, a Minnesota corporation  
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**FRANCHISE AND OTHER CITY FEES**

Section No. 5  
 2nd Revised Sheet No. 93.13

Franchise and other city fees, as designated below will be included in the customers' monthly bills computed under the indicated rate classes and effective in the following Minnesota communities:

The Company remits 100% of these fees collected from ratepayers to the local government unit.\*  
 (U) Indicates unincorporated community

Other City Fees			
City	Description	Effective Date	Expiration Date
West St. Paul	Pursuant to city code, the Company collects a 5.26% of gross earnings tax derived from the sale of electricity within the City of West St. Paul excluding electric energy supplied to the City for municipal services. The amount collected is remitted to the City of West St. Paul.	12/1996	--
<b>FEES NOT REMITTED DIRECTLY TO CITY</b>			
Baker (U)	The Company collects a fee of \$3.25 per residential and small commercial and industrial customer in the community of Baker for energy usage and maintenance on community street lighting. The amount collected is applied to Baker's street lighting bill.	03/1994	--

\*Except Baker. See above.

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**FRANCHISE AND OTHER CITY FEES**

Section No. 5  
 13th Revised Sheet No. 44.1

Franchise and other city fees, as designated below will be included in the customers' monthly bills computed under the indicated rate classes and effective in the following Minnesota communities:

The Company remits 100% of these fees collected from ratepayers to the local government unit.

— Indicates fee is not applied

\* May include Negotiated Transportation Service. Any future NTS customer in a franchise city without a specific NTS franchise rate will be billed the Firm Transportation franchise fee.

Franchise Fees									
City	Residential	Commercial Firm - Non-demand	Commercial Firm - Demand	Small Interruptible	Medium & Large Interruptible	Firm Transportation*	Interruptible Transportation	Effective Date	Expiration Date
Afton	\$2.00	\$4.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	01/2005	08/16/2024
Barnesville	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	02/2015	10/13/2034
Baxter	\$2.00	\$7.00	\$65.00	\$65.00	\$65.00	\$65.00	\$65.00	09/2016	06/20/2019
Bayport	\$1.25	\$10.00	\$25.00	\$10.00	\$50.00	\$10.00	\$10.00	01/2014	05/04/2028
Big Lake	\$4.00	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00	10/2014	07/23/2020
Centerville	\$4.00	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00	05/2016	01/26/2036
Chisago City	\$1.00	\$3.00	\$35.00	\$30.00	\$30.00	\$30.00	\$30.00	06/2009	12/31/2029
Cottage Grove	\$1.65	\$4.95	\$8.25	\$16.50	\$24.75	\$24.75	\$24.75	01/2010	11/04/2023
Delano	\$0.0391 per therm	\$0.0391 per therm	\$0.0391 per therm	\$0.0391 per therm	\$0.0391 per therm	\$0.0391 per therm	\$0.0391 per therm	01/2003	--
East Grand Forks	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	12/2005	12/19/2025
Faribault <sup>1</sup>	\$1.62	\$3.78	\$32.40	\$91.80	\$270.00	—	—	01/2006	11/08/2024
Forest Lake	\$3.00	\$7.50	\$15.00	\$75.00	\$15.00	\$15.00	\$15.00	05/2013	01/27/2033
Goodview	\$2.35	\$3.50	\$55.00	\$30.00	—	—	—	07/2006	04/30/2026
Kandiyohi	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	04/2014	12/01/2033
Lake City	2.0%	2.0%	\$0.005 per therm	\$0.005 per therm	\$0.005 per therm	\$0.005 per therm	\$0.005 per therm	05/2016	04/30/2017
Lindstrom	\$2.00	\$8.00	—	\$65.00	—	—	—	04/2016	02/18/2029
Maplewood	\$2.50	\$6.00	\$75.00	\$50.00	\$100.00	—	—	10/2015	12/31/2035
Moorhead	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	06/2015	02/08/2035

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<sup>1</sup> Faribault: The franchise fee excludes the city, invoices to the city, or meters on city facilities or property.

(Continued on Sheet No. 5-44.2)

**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 10th Revised Sheet No. 44.2

Franchise and other city fees, as designated below will be included in the customers' monthly bills computed under the indicated rate classes and effective in the following Minnesota communities:

The Company remits 100% of these fees collected from ratepayers to the local government unit.

— Indicates fee is not applied

\* May include Negotiated Transportation Service. Any future NTS customer in a franchise city without a specific NTS franchise rate will be billed the Firm Transportation franchise fee.

Franchise Fees									
City	Residential	Commercial Firm - Non-demand	Commercial Firm - Demand	Small Interruptible	Medium & Large Interruptible	Firm Transportation*	Interruptible Transportation	Effective Date	Expiration Date
Mounds View	4%	4%	4%	4%	4%	4%	4%	01/2016	12/31/2016
New Brighton	\$0.030 per therm	\$0.022 per therm	\$0.004 per therm	\$0.010 per therm	\$0.006 per therm	\$0.005 per therm	\$0.005 per therm	03/2016	11/25/2022
Newport	\$1.00	\$5.00	\$10.00	\$15.00	\$15.00	\$15.00	\$15.00	01/2011	10/18/2026
North St. Paul	2.75%	2.75%	\$0.005 per therm	\$0.005 per therm	\$0.005 per therm	\$0.005 per therm	\$0.005 per therm	12/1998	09/07/2018
Oakdale	\$1.50	\$5.00	\$8.00	\$17.00	\$17.00	\$17.00	\$17.00	11/2013	10/27/2023
Sauk Rapids	\$3.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	02/2016	06/15/2023
Shoreview	\$1.30	\$8.00	\$112.00	\$100.00	\$100.00	\$100.00	\$100.00	10/2013	07/17/2031
South St. Paul	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	07/2000	06/30/2015
Spicer	\$0.50	\$1.50	-	-	-	-	-	02/2013	10/01/2032
St. Augusta	\$3.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	06/2010	03/01/2030

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(Continued on Sheet No. 5-44.3)

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**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 3rd Revised Sheet No. 44.3

Franchise and other city fees, as designated below will be included in the customers' monthly bills computed under the indicated rate classes and effective in the following Minnesota communities:

The Company remits 100% of these fees collected from ratepayers to the local government unit.

— Indicates fee is not applied

\* May include Negotiated Transportation Service. Any future NTS customer in a franchise city without a specific NTS franchise rate will be billed the Firm Transportation franchise fee.

Franchise Fees									
City	Residential	Commercial Firm – Non-demand	Commercial Firm – Demand	Small Interruptible	Medium & Large Interruptible	Firm Transportation*	Interruptible Transportation	Effective Date	Expiration Date
St. Cloud <sup>1</sup>	3.0%	3.0%	3.0%	3.0%	—	3.0%	3.0% small	09/2007	08/31/2027
St. Joseph	\$1.00	\$1.75	\$10.00	\$0.005 per therm	\$0.005 per therm	\$0.005 per therm	\$0.005 per therm	02/2004	11/19/2023
St. Paul <sup>2</sup>	See fee schedule in the Notes section on the following sheets.							11/2007	08/31/2026
St. Paul Park	\$1.50	\$4.00	\$30.00	\$15.00	\$335.00	\$150.00	\$15.00	08/2005	05/15/2025
Stillwater	\$1.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	06/2015	02/16/2035

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<sup>1</sup> St. Cloud: The franchise fee for residential heating customers will be 1.5% during the months of November – April.

<sup>2</sup> St. Paul: The monthly franchise fee will be as stated below. The residential service franchise fee will be as stated except during the winter months, November - April when there will be no fee. The fee shall not exceed \$50,000 during any calendar year from any negotiated transportation service customer. The schedules below show the meter and demand factor for each year of the St. Paul franchise and for each of the customer classifications.

(Continued on Sheet No. 5-44.4)

Date Filed: 03-16-15 By: Christopher B. Clark Effective Date: 06-01-15  
 President, Northern States Power Company, a Minnesota corporation  
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**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 Original Sheet No. 44.4

Notes:  
<sup>2</sup> St. Paul:

Customer Class	Meter Factor - Monthly Charge per Account					
	Start Date	1-Nov-2006	1-Nov-2008	1-Nov-2010	1-Nov-2012	1-Nov-2014
End Date	31-Oct-2008	31-Oct-2010	31-Oct-2012	31-Oct-2014	31-Oct-2016	
Residential (May - October)	\$3.70	\$3.70	\$3.70	\$3.70	\$3.70	\$3.70
Small Commercial Firm	\$3.72	\$3.72	\$3.72	\$3.72	\$3.72	\$3.72
Large Commercial Firm	\$3.72	\$3.72	\$3.72	\$3.72	\$3.72	\$3.72
Small Commercial Demand Billed	\$3.72	\$3.72	\$3.72	\$3.72	\$3.72	\$3.72
Large Commercial Demand Billed	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17
Small Interruptible	\$8.17	\$8.17	\$8.17	\$8.17	\$8.17	\$8.17
Medium Interruptible	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17
Large Interruptible	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17
Large Firm Transportation	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17
Interruptible Transportation - Small	\$8.17	\$8.17	\$8.17	\$8.17	\$8.17	\$8.17
Interruptible Transportation - Medium	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17
Interruptible Transportation - Large	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17	\$11.17
Negotiated Transportation *	-	-	-	-	-	-
Start Date	1-Nov-2016	1-Nov-2018	1-Nov-2020	1-Nov-2022	1-Nov-2024	
End Date	31-Oct-2018	31-Oct-2020	31-Oct-2022	31-Oct-2024	31-Aug-2026	
Residential (May - October)	\$3.85	\$4.00	\$4.16	\$4.33	\$4.50	
Small Commercial Firm	\$3.87	\$4.02	\$4.18	\$4.35	\$4.53	
Large Commercial Firm	\$3.87	\$4.02	\$4.18	\$4.35	\$4.53	
Small Commercial Demand Billed	\$3.87	\$4.02	\$4.18	\$4.35	\$4.53	
Large Commercial Demand Billed	\$11.62	\$12.08	\$12.56	\$13.07	\$13.59	
Small Interruptible	\$8.50	\$8.84	\$9.19	\$9.56	\$9.94	
Medium Interruptible	\$11.62	\$12.08	\$12.56	\$13.07	\$13.59	
Large Interruptible	\$11.62	\$12.08	\$12.56	\$13.07	\$13.59	
Large Firm Transportation	\$11.62	\$12.08	\$12.56	\$13.07	\$13.59	
Interruptible Transportation - Small	\$8.50	\$8.84	\$9.19	\$9.56	\$9.94	
Interruptible Transportation - Medium	\$11.62	\$12.08	\$12.56	\$13.07	\$13.59	
Interruptible Transportation - Large	\$11.62	\$12.08	\$12.56	\$13.07	\$13.59	
Negotiated Transportation *	-	-	-	-	-	

\*Franchise fee is based on customer's prior rate schedule before transferring to this service. If none, the Large Interruptible Transportation Service fee applies.

(Continued on Sheet No. 5-44.5)

Date Filed: 07-06-10 By: Judy M. Pofert Effective Date: 03-23-11  
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 Docket No. E,G999/CI-09-970 Order Date: 03-23-11

**FRANCHISE AND OTHER CITY FEES (Continued)**

Section No. 5  
 Original Sheet No. 44.5

Notes:  
<sup>2</sup> St. Paul: (continued)

Customer Class	Volume Factor - Monthly Charge per Therm				
	Start Date	1-Nov-2006	1-Nov-2008	1-Nov-2010	1-Nov-2012
End Date	31-Oct-2008	31-Oct-2010	31-Oct-2012	31-Oct-2014	31-Oct-2016
Residential (May - October)	\$0.0467	\$0.0635	\$0.0806	\$0.0977	\$0.1148
Small Commercial Firm	\$0.0489	\$0.0509	\$0.0529	\$0.0549	\$0.0569
Large Commercial Firm	\$0.0489	\$0.0509	\$0.0529	\$0.0549	\$0.0569
Small Commercial Demand Billed	\$0.0489	\$0.0509	\$0.0529	\$0.0549	\$0.0569
Large Commercial Demand Billed	\$0.0254	\$0.0274	\$0.0294	\$0.0314	\$0.0334
Small Interruptible	\$0.0275	\$0.0295	\$0.0315	\$0.0335	\$0.0355
Medium Interruptible	\$0.0084	\$0.0089	\$0.0094	\$0.0099	\$0.0104
Large Interruptible	\$0.0084	\$0.0089	\$0.0094	\$0.0099	\$0.0104
Large Firm Transportation	\$0.0254	\$0.0274	\$0.0294	\$0.0314	\$0.0334
Interruptible Transportation - Small	\$0.0275	\$0.0295	\$0.0315	\$0.0335	\$0.0355
Interruptible Transportation - Medium	\$0.0084	\$0.0089	\$0.0094	\$0.0099	\$0.0104
Interruptible Transportation - Large	\$0.0084	\$0.0089	\$0.0094	\$0.0099	\$0.0104
Negotiated Transportation *	-	-	-	-	-
Start Date	1-Nov-2016	1-Nov-2018	1-Nov-2020	1-Nov-2022	1-Nov-2024
End Date	31-Oct-2018	31-Oct-2020	31-Oct-2022	31-Oct-2024	31-Aug-2026
Residential (May - October)	\$0.1194	\$0.1242	\$0.1291	\$0.1343	\$0.1397
Small Commercial Firm	\$0.0592	\$0.0615	\$0.0640	\$0.0666	\$0.0692
Large Commercial Firm	\$0.0592	\$0.0615	\$0.0640	\$0.0666	\$0.0692
Small Commercial Demand Billed	\$0.0592	\$0.0615	\$0.0640	\$0.0666	\$0.0692
Large Commercial Demand Billed	\$0.0347	\$0.0361	\$0.0376	\$0.0391	\$0.0406
Small Interruptible	\$0.0369	\$0.0384	\$0.0399	\$0.0415	\$0.0432
Medium Interruptible	\$0.0108	\$0.0112	\$0.0117	\$0.0122	\$0.0127
Large Interruptible	\$0.0108	\$0.0112	\$0.0117	\$0.0122	\$0.0127
Large Firm Transportation	\$0.0347	\$0.0361	\$0.0376	\$0.0391	\$0.0406
Interruptible Transportation - Small	\$0.0369	\$0.0384	\$0.0399	\$0.0415	\$0.0432
Interruptible Transportation - Medium	\$0.0108	\$0.0112	\$0.0117	\$0.0122	\$0.0127
Interruptible Transportation - Large	\$0.0108	\$0.0112	\$0.0117	\$0.0122	\$0.0127
Negotiated Transportation *	-	-	-	-	-

\*Franchise fee is based on customer's prior rate schedule before transferring to this service. If none, the Large Interruptible Transportation Service fee applies.

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 President and CEO of Northern States Power Company, a Minnesota corporation  
 Docket No. E,G999/CI-09-970 Order Date: 03-23-11

ELECTRIC FRANCHISE ORDINANCE

ORDINANCE NO. \_\_\_\_\_.

CITY OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, MINNESOTA

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, D/B/A XCEL ENERGY, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF \_\_\_\_\_, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES.

THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, MINNESOTA, ORDAINS:

**SECTION 1. DEFINITIONS.**

For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

- 1.1 **City.** The City of \_\_\_\_\_, County of \_\_\_\_\_, State of Minnesota.
- 1.2 **City Utility System.** Facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including sewer and water service, but excluding facilities for providing heating, lighting or other forms of energy.
- 1.3 **Commission.** The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all, or part of the authority to regulate electric retail rates now vested in the Minnesota Public Utilities Commission.
- 1.4 **Company.** Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy, its successors and assigns.
- 1.5 **Electric Facilities.** Electric transmission and distribution towers, poles, lines, guys, anchors, conduits, fixtures, and necessary appurtenances owned or operated by Company for the purpose of providing electric energy for public use.
- 1.6 **Notice.** A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the General Counsel, 414 Nicollet Mall, 5<sup>th</sup> Floor, Minneapolis, MN 55401. Notice to the City shall be mailed to the City Administrator, City Hall, \_\_\_\_\_. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.
- 1.7 **Public Ground.** Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.

1.8 **Public Way.** Any street, alley, walkway or other public right-of-way within the City.

## **SECTION 2. ADOPTION OF FRANCHISE.**

2.1 **Grant of Franchise.** City hereby grants Company, for a period of 20 years from the date passed and approved by the City, the right to transmit and furnish electric energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Electric Facilities in, on, over, under and across the Public Grounds and Public Ways of City, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to ordinance and to the further provisions of this franchise agreement.

2.2 **Effective Date: Written Acceptance.** This franchise agreement shall be in force and effect from and after passage of this Ordinance, its acceptance by Company, and its publication as required by law. The City, by Council resolution, may revoke this franchise agreement if Company does not file a written acceptance with the City within 90 days after publication.

2.3 **Service and Rates.** The service to be provided and the rates to be charged by Company for electric service in City are subject to the jurisdiction of the Commission. The area within the City in which Company may provide electric service is subject to the provisions of Minnesota Statutes, Section 216B.40.

2.4 **Publication Expense.** The expense of publication of this Ordinance will be paid by City and reimbursed to City by Company.

2.5 **Dispute Resolution.** If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used, or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

## **SECTION 3. LOCATION, OTHER REGULATIONS.**

3.1 **Location of Facilities.** Electric Facilities shall be located, constructed and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System previously installed therein. Electric Facilities shall be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance and location of Electric Facilities shall be subject to permits if required by separate ordinance and to other reasonable regulations of the City to the extent not inconsistent with the terms of this franchise agreement. Company may abandon underground

Electric Facilities in place, provided at the City's request, Company will remove abandoned metal or concrete encased conduit interfering with a City improvement project, but only to the extent such conduit is uncovered by excavation as part of the City improvement project.

3.2 Field Locations. Company shall provide field locations for its underground Electric Facilities within City consistent with the requirements of Minnesota Statutes, Chapter 216D.

3.3 Street Openings. Company shall not open or disturb any Public Ground or Public Way for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb any Public Ground or Public Way without permission from the City where an emergency exists requiring the immediate repair of Electric Facilities. In such event Company shall notify the City by telephone to the office designated by the City as soon as practicable. Not later than the second working day thereafter, Company shall obtain any required permits and pay any required fees.

3.4 Restoration. After undertaking any work requiring the opening of any Public Ground or Public Way, Company shall restore the same, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for one year thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground or Public Way in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.4, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way.

3.5 Avoid Damage to Electric Facilities. Nothing in this Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Electric Facilities while performing any activity.

3.6 Notice of Improvements. The City must give Company reasonable notice of plans for improvements to Public Grounds or Public Ways where the City has reason to believe that Electric Facilities may affect or be affected by the improvement. The notice must contain: (i) the nature and character of the improvements, (ii) the Public Grounds and Public Ways upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Ground or Public Way is involved, the order in which the work is to proceed. The notice must be given to Company a sufficient length of time in advance of the actual commencement of the work to permit Company to make any necessary additions, alterations or repairs to its Electric Facilities.

3.7 Shared Use of Poles. Company shall make space available on its poles or towers for City fire, water utility, police or other City facilities upon terms and conditions acceptable to Company

whenever such use will not interfere with the use of such poles or towers by Company, by another electric utility, by a telephone utility, or by any cable television company or other form of communication company. In addition, the City shall pay for any added cost incurred by Company because of such use by City.

#### **SECTION 4. RELOCATIONS.**

4.1 Relocation of Electric Facilities in Public Ways. If the City determines to vacate a Public Way for a City improvement project, or at City's cost to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Electric Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in Section 4.3, Company shall relocate its Electric Facilities at its own expense. The City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Electric Facilities, which was made at Company expense, the City shall reimburse Company for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Electric Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

4.2 Relocation of Electric Facilities in Public Ground. City may require Company, at Company's expense, to relocate or remove its Electric Facilities from Public Ground upon a finding by City that the Electric Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground.

4.3 Projects with Federal Funding. City shall not order Company to remove or relocate its Electric Facilities when a Public Way is vacated, improved or realigned for a right-of-way project or any other project which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation are first paid to Company. The City is obligated to pay Company only for those portions of its relocation costs for which City has received federal funding specifically allocated for relocation costs in the amount requested by the Company, which allocated funding the City shall specifically request. Relocation, removal or rearrangement of any Company Electric Facilities made necessary because of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the rights herein granted to Company are valuable rights.

4.4 No Waiver. The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Company for installations within a Company right-of-way acquired by easement or prescriptive right before the applicable Public Ground or Public Way was established, or Company's rights under state or county permit.

## **SECTION 5. TREE TRIMMING.**

Company may trim all trees and shrubs in the Public Grounds and Public Ways of City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of any Electric Facilities installed hereunder, provided that Company shall save the City harmless from any liability arising therefrom, and subject to permit or other reasonable regulation by the City.

## **SECTION 6. INDEMNIFICATION.**

6.1 Indemnity of City. Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the Public Grounds and Public Ways. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner, of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

6.2 Defense of City. In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City and Company, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

## **SECTION 7. VACATION OF PUBLIC WAYS.**

The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. Except where required for a City improvement project, the vacation of any Public Way, after the installation of Electric Facilities, shall not operate to deprive Company of its rights to operate and maintain such Electric Facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

## **SECTION 8. CHANGE IN FORM OF GOVERNMENT.**

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

## **SECTION 9. FRANCHISE FEE.**

9.1 Fee Schedule. During the term of the franchise hereby granted, and in lieu of any permit or other fees being imposed on Company, the City may impose on Company a franchise fee, for the sole purpose of recovering the cost to maintain and operate streets, sidewalk, and trails, by collecting the amounts indicated in a Fee Schedule set forth in a separate ordinance from each customer in the designated Company Customer Class.

9.2 Separate Ordinance. The franchise fee shall be imposed by separate ordinance duly adopted by the City Council, which ordinance shall not be adopted until at least 60 days after written notice enclosing such proposed ordinance has been served upon Company by certified mail. The fee shall not become effective until the beginning of a Company billing month at least 90 days after written notice enclosing such adopted ordinance has been served upon Company by certified mail. Section 2.5 shall constitute the sole remedy for solving disputes between Company and the City in regard to the interpretation of, or enforcement of, the separate ordinance. No action by the City to implement a separate ordinance will commence until this Ordinance is effective. A separate ordinance which imposes a lesser franchise fee on the residential class of customers than the maximum set forth in Section 9.1 above shall not be effective against Company unless the fee imposed on each other customer classification is reduced proportionately in the same or greater amount per class as the reduction represented by the lesser fee on the residential class.

9.3 Terms Defined. For the purpose of this Section 9, the following definitions apply:

9.3.1 “Customer Class” shall refer to the classes listed on the Fee Schedule and as defined or determined in Company’s gas tariffs on file with the Commission.

9.3.2 “Fee Schedule” refers to the schedule in Section 9.1 setting forth the various customer classes from which a franchise fee would be collected if a separate ordinance were implemented immediately after the effective date of this franchise agreement. The Fee Schedule in the separate ordinance may include new Customer Class added by Company to its gas tariffs after the effective date of this franchise agreement.

9.4 Collection of the Fee. The franchise fee shall be payable quarterly and shall be based on the amount collected by Company during billing months during the period for which payment is to be made by imposing a surcharge equal to the designated franchise fee for the applicable customer classification in all customer billings for gas service in each class. The payment shall be due the last business day of the month following the period for which the payment is made. The franchise fee may be changed by ordinance from time to time; however, each change shall meet the same notice requirements and not occur more often than annually and no change shall require a collection from any customer for gas service in excess of the amount specifically permitted by this Section 9. The time and manner of collecting the franchise fee is subject to the approval of the Commission. No franchise fee shall be payable by Company if Company is legally unable to first collect an amount equal to the franchise fee from its customer in each applicable class of customers by imposing a surcharge in Company’s applicable rates for gas service. Company may pay the City the fee based upon the surcharge billed subject to subsequent reduction to account for uncollectible, refunds and correction of erroneous billings. Company agrees to make its records available for inspection by the City at reasonable times provided that the City and its designated representative agree in writing not to disclose any information which would indicate the amount paid by any



identifiable customer or customers or any other information regarding identified customers. In addition, the Company agrees to provide at the time of each payment a statement summarizing how the franchise fee payment was determined, including information showing any adjustments to the total surcharge billed in the period for which the payment is being made to account for any uncollectibles, refunds or error corrections.

9.5 Equivalent Fee Requirement. The separate ordinance imposing the fee shall not be effective against Company unless it lawfully imposes and the City monthly or more often collects a fee or tax of the same or greater equivalent amount on the receipts from sales of the energy within the City by any other energy supplier, provided that, as to such a supplier, the City has the authority to require a franchise fee or to impose a tax. The “same or greater equivalent amount” shall be measured, if practicable, by comparing amounts collected as franchise fee from each similar customer, or by comparing, as to similar customers the percentage of the annual bill represented by the amount collected for franchise fee purposes. The franchise fee or tax shall be applicable by the amount collected for franchise fee purposes. The franchise fee or tax shall be applicable to energy sales for any energy use related to heating, cooling or lighting, or to run machinery and appliances, but shall not apply to energy sales for the purposes of providing fuel for vehicles. If the Company specifically consents in writing to a franchise or separate ordinance collecting or failing to collect a fee from another energy supplier in contravention of this Section 9.5, the foregoing conditions will be waived to the extent of such written consent exceeds the following amounts:

Customer Class	Electric Franchise Fee Amount Per Premise
Rate Classification	
Residential	\$
Small C&I Non Demand	\$
Small C&I Demand	\$
Large C&I	\$
Street Lighting	\$

**SECTION 10. PROVISIONS OF ORDINANCE.**

10.1 Severability. Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

10.2 Limitation on Applicability. This Ordinance constitutes a franchise agreement between the City and Company as the only parties, and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

**SECTION 11. AMENDMENT PROCEDURE.**

Either party to this franchise agreement may at any time propose that the agreement be amended to address a subject of concern and the other party will consider whether it agrees that the amendment is mutually appropriate. If an amendment is agreed upon, this Ordinance may be

amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within 90 days after the date of final passage by the City of the amendatory ordinance.

**SECTION 12. PREVIOUS FRANCHISES SUPERSEDED.**

This franchise supersedes any previous electric franchise granted to Company or its predecessor.