

## Ordinance 2024-2

### SHORT TITLE:


AN ORDINANCE AMENDING PROVO CITY CODE REGARDING THE SALE OF  
ELECTRICITY AT FAST-CHARGING STATIONS FOR ELECTRIC VEHICLES.  
(23-085)

### I PASSAGE BY MUNICIPAL COUNCIL

#### ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY	✓		
CW 2	GARY GARRETT	✓		
CD 1	CRAIG CHRISTENSEN	✓		
CD 2	GEORGE HANDLEY	✓		
CD 3	BECKY BOGDIN	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	RACHEL WHIPPLE	✓		
TOTALS		7		

This ordinance was passed by the Municipal Council of Provo City, on the 9<sup>th</sup> day of January 2024,  
on a roll call vote as described above. Signed this 25th day of January 2024.

  
\_\_\_\_\_  
Chair

### II APPROVAL BY MAYOR

This ordinance is approved by me this 25th day of January 2024.

  
\_\_\_\_\_  
Mayor

## Ordinance 2024-2

### III

#### CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the

25th day of January 2024 and was published on the Utah Public Notice Website on the

10<sup>th</sup> day of January 2024. I hereby certify and attest that the foregoing constitutes a true and

accurate record of proceedings with respect to Ordinance Number 2024-2.



A handwritten signature in cursive script, reading "Heidi Allman", is written over a horizontal line.

City Recorder

ORDINANCE 2024-2.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING THE  
SALE OF ELECTRICITY AT FAST-CHARGING STATIONS FOR ELECTRIC  
VEHICLES. (23-085)

RECITALS:

It is proposed that Section 12.02.010, regarding the maximum rates for the resale of electricity, be amended to exempt electric vehicle charging; and

The City's current cap on rates for the resale of electricity does not incentivize fast-charging companies to establish services in Provo; and

Provo's Energy Department has requested this change to encourage fast-charging station companies to establish charging stations in Provo; and

Provo's Energy Department has also requested approval of a new Public DC Fast Charger Transitional Rate for sale of power to qualifying commercial customers for their fast-charging stations; and

On December 12, 2023 and January 9, 2024, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) the proposed actions should be approved as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah ordains as follows:

PART I:

Provo City Code Section 12.02.010 is amended as follows:

**12.02.010 Rates and Charges**

...

(2) *Resale of Power.* Except as provided in this Section, ~~t~~The rates fixed by the Municipal Council for the sale of electricity shall be the maximum rates for which electricity may be sold within the City. It shall be unlawful for any person to charge or otherwise resell electrical energy

transmitted or distributed by the City of Provo at a rate in excess of that provided by the Municipal Council for the applicable class of service, [except for the resale of electricity at fast-charging stations for electric vehicles](#).

...

## PART II:

The Electric Service Schedule shown in Exhibit A and titled General Service – Public DC Fast Charger Transitional Rate – TOU (Commercial) No. 2.1 is approved.

## PART III:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.
- C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.
- D. The Municipal Council directs that the official copy of Provo City Code be updated to reflect the provisions enacted by this ordinance.

66 **EXHIBIT A**

67  
68 **PROVO CITY ENERGY DEPARTMENT**  
69 **ELECTRIC SERVICE SCHEDULE**  
70

71 **GENERAL SERVICE – PUBLIC DC FAST CHARGER TRANSITIONAL RATE - TOU**  
72 **(COMMERCIAL)**  
73 **NO. 2.1**  
74

75  
76 **AVAILABILITY**

77 This schedule is available at any point on the Energy Department electric system where  
78 facilities of adequate capacity and standard general service distribution voltages are  
79 available. This schedule shall be available to non-residential customers taking service for  
80 electric vehicle charging stations separately metered from other electric service on  
81 Schedule 2. Customer charging sites must be broadly available to the general public and  
82 must include at least one direct current (DC) fast charger. This schedule shall be  
83 available to up to 10 customers on a first come, first served basis, and upon the  
84 installation of required Time-of-Day metering equipment. If such installation may be  
85 delayed due to installation schedules or limited availability of such metering equipment,  
86 customers shall be placed on a prioritized list for service as such installation schedules  
87 or metering equipment become available.  
88

89 **APPLICATION**

90 This optional schedule is for electric service used exclusively for commercial purposes in  
91 conjunction with Schedule 2 for Public DC Fast Charging Electric Vehicles.  
92

93 **CHARACTER OF SERVICE**

94 Service under this schedule shall be single-phase, 60 Hertz, alternating current at the  
95 Energy Department's available standard general service distribution voltages. At the  
96 option of the Energy Department, three-phase service may be provided. All service  
97 required on the premises by the customer will be supplied through one meter. Resale  
98 service is permitted under this schedule.  
99

100 **MONTHLY RATE**

101 The monthly billing for electric service, excluding charges for other utility services and  
102 taxes, shall be the sum of the following charges:  
103

104 <b>Customer Service Charge:</b>	\$30.76 per Service Connection
105 <b>On-Peak Energy Charge:</b>	\$0.3600 per kW/h
106 <b>Off-Peak Energy Charge:</b>	\$0.1209 per kW/h

107

108 **ON AND OFF-PEAK TIME PERIODS**

109 On-Peak 3:00 pm to 8:00 pm, Monday through Friday, except holidays.



Off-Peak All other times.

Holidays include only New Year's Day, President's Day, Memorial Day, Independence Day,  
(RATE NO. 2.1 CONTINUED)

Pioneer Day, Labor Day, Thanksgiving Day, and Christmas Day. When a holiday falls on a  
Saturday or Sunday, the Friday before the holiday (if the holiday falls on a Saturday) or the  
Monday following the holiday (if the holiday falls on a Sunday) will be considered a holiday and  
consequently off-peak.

#### MINIMUM CHARGE

The minimum monthly charge shall be the Customer Charge listed above under the  
monthly rate section.

#### SPECIAL CONDITIONS

1. Billing under this schedule shall begin for the Customer following installation  
of the time-of-use meter and the initial meter reading.
2. At the option of the Customer, service may be provided under the otherwise  
applicable General Service Schedule.
3. A DC Fast Charger is defined for the purposes of eligibility on this rate  
schedule as a charging station with a DC connection that has been designed to  
recharge the battery of an electric vehicle.
4. An electric vehicle charging site is considered to be broadly available to the  
general public for the purposes of eligibility on this rate schedule if it is  
available for use by any driver and is capable of charging more than one make  
of automobile. Eligibility and acceptance of a customer for service under this  
rate schedule is subject to review and approval by the City.
5. The City reserves the right to terminate service under this schedule if it finds  
that excessive fees imposed by the charging station owner result in the  
charging station not being broadly available, per the requirements of this  
schedule.
6. The Energy Department will not accept enrollment for accounts that have:
  - a. Time-payment agreement in effect
  - b. Received two or more final disconnect notices
  - c. Been disconnected for non-payment within the last 12 months

#### TAX ADJUSTMENTS

The amount computed at the above monthly rate shall be subject to taxes, assessments  
and surcharges imposed by Provo City or any governmental authority authorized to levy  
said taxes, assessments, or surcharges.

#### TERMS AND CONDITIONS

152 Service under this schedule will be in accordance with the Energy Department's electric  
153 service standards and policies and terms and conditions set forth by the Department's  
154 standard application requirements and Provo City Ordinances, including any future  
155 additions or amendments.