

UTILITIES - SERVICES

Chapter 638 GAS LIMITED INTERRUPTIBLE RATES LARGE VOLUME USERS

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Article 1
CONSENT

638.1.1 Order - Ontario Energy Board - general rate
The Corporation of the City of Brantford hereby consents to the making of an Order by the Ontario Energy Board fixing and approving with respect to the Municipality as optional to the company's general rate schedule from time to time in effect in the Municipality, the Limited Interruptible Industrial and Commercial Rate specified and applicable in the manner more particularly set forth in this Chapter. By-law 64-70, 13 April, 1970.

Article 2
INTERPRETATION

638.2.1 Contract year - defined
"contract year" means a period of 365 consecutive days beginning on the day agreed upon by the company and the consumer as set forth in a contract for the sale of gas by the company to the consumer pursuant to this rate schedule, or on any anniversary of such date, provided, however, that any such period which contains the 29th day of the month of February shall consist of 366 consecutive days.

638.2.2 Month - defined

“month” means a period beginning at 8:00 a. m. local time on the first day of a calendar month and ending at 8:00 a. m. local time on the first day of the following calendar month.

638.2.3 Day- defined

“day” means a period of 24 consecutive hours beginning at 8:00 a. m. local time.

638.2.4 Contracted demand - defined

“contracted demand” means the maximum volume of gas the company is obligated to deliver to the consumer on any one day as specified in the individual contract between the company and the consumer.

638.2.5 Btu - defined

“Btu” means British thermal unit, and is the amount of heat required to raise the temperature of one pound of water one degree Fahrenheit at sixty degrees Fahrenheit.

638.2.6 Total heating value - defined

“total heating value”, when applied to a cubic foot of gas, means the number of Btu produced by the combustion, in a recording calorimeter at constant pressure, of the amount of gas which would occupy a volume of one cubic foot at a temperature of sixty degrees Fahrenheit, if saturated with water vapour, and under a pressure equal to that of thirty inches of mercury at thirty-two degrees Fahrenheit and under standard gravitational force (acceleration 980. 665 cm. per second per second) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of the gas and air, and when the water formed by combustion is condensed to the liquid state.

Article 3

RATE - EXTENDED - PROVISIONS

638.3.1 Adequate supply - gas - over existing requirements

The rate specified in Article 4 hereof shall only be extended where the company has at the consumer’s premises an adequate supply of gas over the requirements of its then existing consumers.

638.3.2 Gas - use - industrial - commercial - contract

The rate specified in Article 4 hereof shall only be extended to a consumer of the company who uses gas for industrial or commercial purposes and enters into a contract with the company for a supply of gas for a minimum period of one contract year at a daily contracted demand of not less than 300 Mcf, which contract shall provide that deliveries of gas thereunder shall be subject to interruption or curtailment by the company on such limited number of days in each contract year, and on such notice by the company to the consumer, as shall be specified in the contract.

638.3.3 Gas - resold - directly - indirectly - prohibited

The rate specified in Article 4 hereof shall only be extended upon condition that no such gas shall be resold, directly or indirectly, by the consumer.

638.3.4 Bills - rendered - payment - penalty

The rate specified in Article 4 hereof shall only be extended upon the understanding that bills shall be rendered by the company on or before the tenth day of each month and payment thereof shall be due within fifteen (15) days of the date of rendering and if not so paid, the consumer shall then pay the company a penalty of ten percent (10%) of the net amount of the bill rendered.

638.3.5 Standby fuel supply - required

The rate specified in Article 4 hereof shall only be extended if the consumer has a standby fuel supply to utilize during periods of interruption or curtailment of service under any contract entered into pursuant to this rate schedule.

**Article 4
RATE - SPECIFICATIONS**

638.4.1 Negotiated - between company - consumer

The price of all gas delivered by the company to the consumer under such contract shall be negotiated between the company and the consumer provided that such price shall not exceed seventy-five cents per Mcf nor be less than fifty cents (\$.50) per Mcf.

638.4.2 Negotiation - considerations

The price shall be negotiated on the basis of the following considerations:

- (a) the volume of gas for which the consumer is willing to contract;

- (b) the load factor of the consumers' anticipated gas consumption;
- (c) the cost of the facilities which the Company must install to provide service; and
- (d) the term of the contract.

Article 5

CONDITIONS - CONTRACTS - SALE OF GAS

638.5.1 All contracts - requirements

All contracts for the sale of gas by the company to consumers pursuant to this rate schedule shall be subject to the conditions set out in Sections 638.5.2 through 638.5.4 inclusive.

638.5.2 Minimum volume - calculation

In any contract year the consumer shall purchase from the company, or in any event pay for if available and not accepted by the consumer, a minimum volume of gas equal to the sum of the contracted demands in effect during such contract year, each multiplied by the number of days in such contract year on which it was in effect and such sum further multiplied by a fraction, the numerator of which is one hundred and fifty (150) and the denominator of which is three hundred and sixty-five (365). In the event that any such contract year includes the 29th day of the month of February, the denominator of such fraction in respect of such contract year shall be three hundred and sixty-six (366).

638.5.3 Excess volume - Unauthorized Over-Run Gas

If on any day during the months of November to March, both inclusive, in any contract year the consumer shall take a volume of gas in excess of the contracted demand then in effect by more than five per cent (5%) of such contracted demand then such volume of gas in excess of one hundred and five per cent (105%) of such contracted demand shall be construed as Unauthorized Over-Run Gas. In the event the consumer on any day during the months of November to March, both inclusive, as aforesaid, takes a volume of gas constituting Unauthorized Over-Run Gas, the consumer shall pay the company at the company's authorized regular rate for the volume of such Unauthorized Over-Run Gas, provided that the Company may agree to exempt the consumer from liability hereunder, and charge the consumer for such Unauthorized Over-Run Gas the price agreed upon pursuant to this rate schedule as provided in the contract in respect of such limited period of time as may be reasonably required by the consumer to test gas-fired equipment.

638.5.4 Average total heating value - calculation

The contracted demand, the price and the annual minimum bill provided for in any contract entered into between the company and a consumer pursuant to this rate schedule shall contemplate gas deliveries thereunder which shall have a nominal monthly average total heating value of not less than one thousand (1000) Btu per cubic foot. In the event that the average total heating value of the gas per cubic foot in any one month falls below one thousand (1000) Btu per cubic foot, an adjustment shall be made in the total amount of the bill otherwise payable for such month. Such adjustment shall be determined by multiplying said amount so otherwise payable by a fraction, the numerator of which is the monthly arithmetical average total heating value per cubic foot of gas so determined and the denominator of which is one thousand (1000). Such adjustment shall be reflected in the bill rendered for such month and the adjusted amount shall be the amount paid by the consumer for that month. In the event that the consumer should be obligated to pay for any gas not actually taken in any contract year, in respect of a month during such year in which no deliveries of gas were made to the consumer, the average total heating value of such gas shall be assumed to be the average total heating value per cubic foot of the gas delivered to the consumer during the immediately preceding month in which deliveries of gas were taken. By-law 64-70, 13 April, 1970; Schedule 'A'.