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ELECTRIC UTILITY POLICY

The objective of the City of Banning Electric Utility (BEU) is to plan and carry out the development of the electric distribution of the city for the greatest benefit to the area and to the citizens of Banning. This includes providing dependable electric service to the residents of the City to the fullest extent possible consistent with overall sound business principles in planning, financing and construction of developments and in operation and maintenance of the electric distribution system.

It is recognized that the City Council is the governing body of the City and that they provide the utility services to the citizens of Banning. Throughout their direction, BEU is continually anticipating the electric service and related needs to the customers in the community and will be responsive to their needs and requirements. The accomplishment of these objectives will make the maximum benefits to the public realized.

GENERAL PROVISIONS

A. RATE APPLICABILITY AND RULES

These rules apply to the service area of the City of Banning Electric Utility (BEU) except as may be otherwise provided or prescribed by the City Council. In the event of any dispute as to rates or rules, the City Council of the City of Banning reserves the right to determine the applicability of the rate or rule in question.

B. SPECIAL CONDITIONS OF SERVICE

The BEU Deputy Director may establish and enforce charges for furnishing any installation of a character not adequately provided for by these rates and rules, provided that such charges shall be consistent with rates and charges prescribed here in.

NOTE

The provisions of these Rules and Regulations are intended to be in accordance with the latest revisions of the following regulations, but are not intended to be a substitute for said regulations:

- General Order 95, Rules for Overhead Electric Line Construction
- General Order 128, Rules for Construction of Underground Electric Supply and Communication Systems
- National Electric Code (NEC)
- National Electric Safety Code (NESC)
- American National Standard C84.1
- Electric Utility Service Equipment Requirements Committee (EUSERC) drawings and guidelines
- City of Banning Municipal Code Chapter 13.05

Service installations must meet the minimum requirements of the above regulations. When the requirements of BEU Rules and Regulations are more stringent than the above regulations, BEU Regulations will apply.

BEU Rules and Regulations are intended to assist Customers to understand the requirements to obtain service from BEU. BEU is not responsible for the incompleteness or inaccuracy of this document. Customers are advised to design their electrical systems in accordance with applicable codes.

ELECTRIC RULE NO. 1
DEFINITIONS

The following rules are effective within the City of Banning and areas served by BEU as approved by the City Council.

A. All rules herein set forth are subject at all times to change. A reasonable effort will be made to issue revised copies whenever any changes so require. Copies of the rules in effect will be kept up-to-date and on file in the offices of BEU and the City Clerk. Consumers or others contemplating any expenditure or activities governed by these rules should assure themselves that they have the latest correct information by visiting, telephoning or otherwise contacting BEU.

B. For the purpose of these rules, the following terms shall be construed to have the following meanings:

ADDED FACILITIES

The facilities provided by BEU at the request of an Applicant, which are over and above BEU standard facilities, including but not limited to Preferred/Emergency Service.

ADVANCED ELECTRIC METER

A meter that wirelessly transmits Customer electric consumption data for operation and billing purposes to BEU on a periodic or event-driven basis, including but not limited to specialty meters.

APPLICANT

The person, partnership, corporation, public agency, or other organization making application to BEU for electric service.

APPLICATION

A request for electric service made in person at the Commercial Office, or a written request for service, which shall include necessary fees to cover deposits, connection charges, or line extensions costs.

BANNING ELECTRIC UTILITY (BEU)

The City of Banning Electric Utility, a municipal utility supplying electric service within the City of Banning service territory.

BILLING DEMAND

The load or demand used for computing charges under rate schedules based on the size of the consumer's load characteristics. It may be connected load, the measured maximum demand, or a modification of either as provided for by the applicable rate schedule.

BILLING PERIOD

The time interval between two consecutive meter readings that are taken for billing purposes.

CITY

The City of Banning, a municipal corporation.

CITY COUNCIL

The governing body of the City of Banning, California.

CLASS OF SERVICE

The categories of electric service established by the various electric Rate Schedules.

COMMERCIAL SERVICE

Service to an enterprise engaged in the selling of, or manufacturing of, goods, and to the rendering of services, including housing service, such as hotels and apartments, and to educational service such as schools and colleges.

COMMERCIAL OFFICE

Offices of the City of Banning Electric Utility located at 176 E. Lincoln Street in Banning, California, Phone (951) 922-3260.

CONNECTED LOAD

The sum of the rated capacities of all of a consumer's equipment that can be connected to BEU lines at one time as more completely described in the rate schedules. Such capacities shall be the name plate ratings, or that capacity determined by meter consumption data.

CONNECTION CHARGE

Charges required for each application for service, or for service transfer.

CONSUMER AND/OR CUSTOMER

The person in whose name service is rendered as evidence by the signature on the application, contract, or agreement for service, or in the absence of a signed instrument by the receipt and payments of bills regularly issued in their name, regardless of the user of electric service. A Customer may also be a party with whom BEU is doing business, with or without a billing relationship, or who is receiving benefit of electric service under another party's name.

CONSUMER'S MAILING ADDRESS

The address as given in a consumer's application for service, or other address as may be given by the consumer to BEU to which any bill, notice or other communication is to be mailed, email, text, or other applicable medium.

CUSTOMER CHARGE

That portion of the charge for service which is a fixed amount without regard to connected load, demand, or energy consumption in accordance with the rate schedule.

DATE OF PRESENTATION

The date upon which a bill is mailed or delivered to the consumer by BEU.

DEMAND CHARGE

The portion of the charge for electric service which varies with the billing demand in accordance with the requirements of the applicable rate.

BEU CONVENIENCE

The term refers to the utilization under certain circumstances of facilities not ordinarily employed which contribute to the overall efficiency of the City's operation.

DEPUTY DIRECTOR

Deputy Director of Banning Electric Utility (BEU).

DISTRIBUTED ENERGY RESOURCE (DER):

Customer power generation and storage resources typically located on Customer Premises operated for the purpose of supplying all or a portion of the Customer electric load. DER consists of a range of small-scale modular devices designed to provide electricity and/or thermal energy. DER includes, but are not limited to, fossil and renewable energy technologies such as photovoltaic arrays, wind turbines, micro turbines, reciprocating engines, fuel cells, combustion turbines, steam turbines, energy storage devices such as batteries and flywheels, and combined heat and power systems.

DISTRIBUTED GENERATION RESOURCE:

A source of electricity utilizing small-scale renewable power generation technologies including, but not limited to, solar panels on the roofs of buildings and small wind turbines, which provide an alternative to or an enhancement of a traditional electric power system and reduce the amount of energy lost in transmitting electricity since power is generated near where it is used.

DISTRIBUTION LINES

Overhead pole lines and/or underground facilities consisting of conduit and cable which are operated at nominal distribution voltages.

DIVERSION (ENERGY DIVERSION)

Any activity described in California Penal Code section 498(b), as may be amended from time to time.

DOMESTIC SERVICE

Service for residential use at dwelling premises.

ENERGY CHARGE

That portion of the charge for electric service which varies with the quantity of energy consumed in accordance with applicable rate.

HP

Horsepower.

KW

Kilowatt.

KWH

Kilowatt-hour.

KVAR

KiloVAR, reactive power.

KVARH

KiloVAR-hour.

LINE EXTENSIONS

All material and equipment required to extend electric service to the consumer's point of delivery from BEU facilities.

MAXIMUM DEMAND

The average kilowatts during the specified time interval when the customer's use is greatest, as shown by meters installed by BEU.

METER

The instrument and related equipment used for measuring the amount of energy, or energy and demand delivered to the consumer. This does not include the instrument board or enclosures. Meters are the property of BEU.

MINIMUM CHARGE

The least amount for which service will be rendered for a billing period.

MULTIPLE FAMILY DWELLING

An apartment building, duplex, court, or any group of residential units upon a single premises, providing the residential units therein meet the requirements of single-family residences. Hotels, tourist camps, motels, trailer parks, consisting primarily of guest rooms, will not be classed as Multiple Family Dwellings.

NOMINAL VOLTAGE

The voltage value assigned to electric circuit or system to designate its voltage class.

PERMANENT SERVICE

Service which is of a permanent and continuous nature, and not subject to seasonal disconnects or temporary purposes.

PERSON

Any individual, corporation, partnership, public agency, or other organization operating as a single unit.

POINT OF CONNECTION / DELIVERY

The location on the consumer's premises, determined by BEU, in which connections are made between the consumer's equipment and the service of BEU.

POWER SERVICE

Service to any apparatus or equipment used for purposes other than lighting such as apparatus transforming electric energy into mechanical motion for manufacturing or pumping. This will include heating and lighting as required in the applicable rate.

PREMISES

All real property, buildings, and appurtenances occupied by an owner, lessee, or tenant as a dwelling or a business, commercial or industrial enterprise upon an integral parcel of land undivided by a street, highway or other public thoroughfare.

PULL BOX

An enclosure for joining conductors which also provides by its size, arrangement, and location the necessary facilities for pulling the conductors into place. This term as used here includes structures also known as "manhole", "hand hole", and "switch board pull section".

RATE SCHEDULES

May be one or more rates describing the charges and conditions for a class or type of service, service characteristics and the conditions required for the particular service.

SERVICE CHARGE

The charge for any services rendered by BEU, including cost of materials.

SERVICE CONDUCTORS OR CONNECTION

The group of conductors, whether overhead or underground, necessary to connect the service entrance conductors of the customer to BEU supply line, regardless of the location of BEU meters or transformers. Overhead Service Connection sometimes referred to as a "service drop", is the group of conductors between the customer's building or other permanent support and BEU adjacent pole. Underground Service Connection refers to the conductors that supply electrical power from BEU asset (a transformer, switch, manhole, handhole, etc.) to a customer's building or other permanent support.

SERVICE CONTRACT

A contract that a customer enters with BEU for any services rendered by BEU whether or not it requires the addition, relocation or removal of BEU physical assets.

SINGLE FAMILY DWELLING

A house, apartment or any other residential unit, having a kitchen and cooking facilities and is used by a single family for residential purposes only.

TEMPORARY SERVICE

Service to premises, or enterprises which are temporary in character, and where it is known that the service will be of limited duration not to exceed 18 months unless approved by BEU.

ELECTRIC RULE NO. 2
DESCRIPTION OF SERVICE

A. GENERAL

1. The character of service at any particular location should be ascertained before construction by inquiry at BEU Corporate Yard Office, 176 East Lincoln Street – Phone (951) 922-3260.
2. Service supplied will be alternating current at regulated frequency of 60 cycles. Voltage values stated herein are nominal and in some few instances reasonable variations may occur in actual values, as well as in other conditions of service stated herein.
3. At the option of BEU, any phase, voltage or demand specifications may be modified because of service conditions at the location involved.
4. Each service shall have a service main disconnecting device with an ampere rating equal to or less than the ampere rating of the terminating pull section or the service conductors. Where there are multiple services, the total ampere rating of all service main disconnecting devices including taps to the terminating pull section shall be equal to or less than the ampere rating of all service conductors.
5. All protection systems and conductor sizing and requirements shall be per NEC, and other applicable authorities recognized by BEU. All applicable codes shall be followed.

B. PHASE AND VOLTAGE SPECIFICATIONS

1. Standard Nominal Voltages
 - a. Distribution voltages: 120, 120/240, 120/208, 277/480, 7200/12470
 - b. All customer-owned utilization equipment must be designed and rated in accordance with utilization voltages specified by the American National Standard C84.1 for customer equipment to perform satisfactorily.
 - c. The utility system is designed and maintained to provide service voltage levels at the customer's main switch as specified by the American National Standard C84.1. BEU has no control over the customer's utilization voltage that results from voltage drop in customer's wiring.
 - d. While average voltages are maintained as described in Paragraph B.1.a above, it must be recognized that short term voltage excursions (transients) exceeding these levels can occur as the result of normal systems operations (circuit

switching, motor start-up, etc.). Equipment containing microprocessors or other sensitive electronic components can be damaged or otherwise rendered inoperative by such transients. It is the customer's responsibility to determine the suitability of the supplied power, and to provide any necessary power conditioning equipment.

2. Single Phase Service

Voltage	Minimum Load Allowed	Maximum Load Allowed
120 ¹	none	1 – 15 amp circuit or 1 – 20 amp circuit
120/240	None	400 amp main switch
240 ¹	None	400 amp main switch

¹Existing 120 or 240 volt services shall continue receiving service, however, all new single-phase services shall be 120/240 V.

- a. Single-phase service is supplied generally at 120/240 volts through three wires. Single-phase loads, when supplied at 120/240 volts must be reasonably balanced as between the two sides of the service with respect to the neutral wire.
- b. Single-phase loads with a service switch capacity of 400 amperes or less at 120/240 volts, normally will be supplied through one main meter. Where such service switch is in excess of 400 amperes, BEU engineers shall be consulted regarding metering requirements and related facilities, including switches and circuits.

3. Three Phase Service

Voltage	Minimum Load Allowed	Maximum Load Allowed	Maximum Capacity Allowed
240 ²	-	500 kVA	-
120/208	-	500 kVA	1500A
277/480	-	2500 KVA	3000A

²Existing 240 V service shall continue receiving service, however, all new three-phase services shall be 120/208 or 277/480 volts.

ALL OTHER VOLTAGES – CONSULT BEU

- a. Three-phase service is normally furnished through four wires at 120/208 volts or 277/480 volts. The load connected to a three-phase service shall be reasonably balanced as between phases. Note: Existing 240 V services shall continue receiving service, however all new three-phase services shall be 120/208 or 277/480 volts.
- b. BEU will furnish primary service (at 7200/12,470 volts, or other voltages as may be specified by BEU) only when, in its opinion, the size or special furnishing service on such basis.

C. MOTOR LOADS

1. Single-phase, 120/240 volt service may be supplied where the total motor load does not exceed 10 horsepower and the locked rotor current of the largest piece of equipment does not exceed 220 amperes.
2. Three-phase service shall be supplied for motor installations totaling more than 10 horsepower.
3. Three-phase 277/480 volt service may be supplied for motor installations where the aggregate load including other power is 50 hp or more. BEU may not be required to continue such service if connected load is reduced to below 50 hp.
4. All motors which may cause excessive voltage fluctuation must be equipped with approved corrective apparatus.

D. MOTOR PROTECTION AND EQUIPMENT

Customer motor equipment must conform with the following requirements:

1. Motors that cannot be safely subjected to full rated voltage upon starting or that drive machinery of such a nature that the machinery itself, or the product it handles will not permit the motor to resume normal speed upon the restoration of normal supply voltage shall be equipped with devices that will disconnect them from the line upon failure of supply voltage and that will prevent the automatic reconnection of the motors upon restoration of normal supply voltage.
2. All motors of 1 hp or larger shall be equipped with thermal relays fuses, or other automatic overcurrent interrupting devices to disconnect completely such motors from the line as protection against damage due to overheating.
3. Three-phase motors driving equipment such as elevators, hoists, tramways, cranes, conveyors, or any equipment which would create hazard to life in the event of

uncontrolled reversal of motor rotations, shall be equipped with reverse phase and open phase protection to disconnect completely the motors from the line in the event of phase reversal or loss of one phase.

4. All motors rated at 10 hp or more at 120/208volts three-phase and motors rated over 50 hp at 277/480 volt three-phase shall be controlled by reduced voltage starters.
5. Motors connected to a three-phase service shall include single-phasing detection and Tripping capabilities in their motor protection scheme.
6. Any machinery (such as wind machines) controlled with automatic reclosing switches must be equipped with suitable time-delay devices, such as hereinafter specified, at the customer's expense, to permit the required adjustment of the time of reclosure after interruption of service. A suitable time-delay device, within the meaning of this rule, is a relay or other type of equipment that can be present to delay with various time intervals the reclosing of the automatic switches (and the consequent starting up of the electric motors on the wind machines) and to stagger the reconnection of the load on BEU system, and such device must be constructed so as effectively to permit a variable overall time interval of not less than five minutes with adjustable time increments of not greater than ten seconds. The particular setting to be utilized for each separate installation is to be determined by BEU. Any such service may require the installation of a Power Quality Meter.

E. ALLOWABLE MOTOR STARTING CURRENTS

The starting current drawn from BEU lines shall be considered the nameplate locked rotor current or that guaranteed by the manufacturer.

At its option BEU may determine the starting current by test, using a stop ammeter with not more than 15% overswing or an oscillograph, disregarding the value shown for the first 10 cycles subsequent to energizing the motor. If the starting current for a single motor exceeds the value stated in the following tables, reduced voltage starting or other suitable means must be employed, at the customer's expense, to limit the current to the value specified.

Table 1 Alternating Current – Single Phase Motors		
Rated Size	Allowable Locked Rotor Currents	
	120	240 V
1 hp and less	-	36 amperes
1 1/2 hp		48 amperes
2 hp		60 amperes
3 hp		80 amperes
5 hp		120 amperes
7 ½ hp		170 amperes
10 hp		220 amperes

Table 2 Alternating Current – Three Phase Motors		
Rated Size	Allowable Locked Rotor Currents	
	208 V	480 V
3 hp	71 amperes	32 amperes
5 hp	102 amperes	46 amperes
7 1/2 hp	140 amperes	63 amperes
10 hp	179 amperes	81 amperes
15 hp	257 amperes	116 amperes
20 hp	321 amperes	145 amperes
25 hp	404 amperes	183 amperes
30 hp	481 amperes	218 amperes
40 hp	641 amperes	290 amperes
50 hp	802 amperes	363 amperes
60 hp		435 amperes
75 hp		535 amperes
100 hp		725 amperes

F. MISCELLANEOUS POWER LOADS / INTERFERENCE WITH SERVICE

- Power equipment may be added and operated on the regular service meter, provided the starting and stopping or fluctuating load characteristics do not cause objectionable voltage fluctuation in any service rendered by BEU. The use of power equipment on service meters must have the approval of BEU. BEU may require that any customers whose load is unusually intermittent or subject to violent fluctuations such as hoists, welders, x-ray equipment, furnaces or motors with high starting current, which may impair the service to other customers shall install at their own expense suitable equipment to limit the voltage fluctuations caused by the equipment involved. Failure to comply may result in discontinuation of service.

2. Prior to the installation of any new electric arc furnace or design modification of an existing furnace, the customer shall provide basic design information for the installation to aid BEU in determining a method of service and the allowable level of load fluctuations.
3. Any customer who superimposes a current of any frequency upon any part of their electrical system, other than the current supplied by BEU, shall, at their own expense, prevent the transmission of such current beyond their electrical system and get approval from BEU.

G. ADDED FACILITIES

Added facilities are facilities provided by BEU which are in addition to, or in substitution for, the standard facilities which the utility would normally install. When a customer makes written application for added facilities and the installation of such facilities is under the following conditions:

The customer is responsible for the cost of the installation and removal of added equipment and the equipment normally supplied. Any increase in cost will be added to these charges.

H. REVENUE INSUFFICIENT TO WARRANT EXPENSE

Whenever the estimated annual revenue, in the opinion of BEU, from a proposed new service, or a proposed increase in load on an existing service, or from a proposed renewal following discontinuance thereof, does not justify the additional investment necessary for local distribution facilities, then BEU may require contributions in whole or in part relative thereto, or may require suitable guarantees which will warrant making expenditure for the service.

I. UNDERGROUND SERVICE MANDATORY

Installation of electrical distribution service facilities for all new, relocated or rebuilt residential, commercial and industrial services shall be underground unless otherwise approved by BEU.

J. WAVE FORM AND POWER FACTOR

BEU may require that the wave form and power factor of current drawn by a customer's equipment of any kind be in conformity with good engineering practice (greater than 90% leading or lagging). The customer shall be responsible for the cost of installation of BEU Power Quality Meter to verify power quality. BEU shall charge power factor correction (kVAR) charge until the issue is corrected.

K. SELF-GENERATION PROGRAM

Applicable to all end-use Eligible Customer-Generators; an Eligible Customer Generator is a residential, commercial, industrial, or agricultural Customer who uses a Renewable Electrical Facility, or a combination of those facilities, that is located on the Customer's owned, leased, or rented premises, and is interconnected and operates in parallel with BEU distribution facilities. The primary intent of such generation is to offset part or all of the Customer's own electrical requirements on the premises with a capacity of the total demand not exceeding 100% of the customer historical consumption. For a Customer who does not meet the historical consumption requirement, the allowable capacity of self-generation shall be per BEU sizing requirement.

All generation equipment which may cause excessive voltage fluctuation must be equipped with approved corrective apparatus.

All existing customers who wish to participate in self-generation program shall comply with NEC codes to properly size their service panel, buss and feeder conductors when integrating the alternative source to their loads including derating their system where applicable.

Parallel Generation with facilities for generation of electric energy, full time or intermittently, may utilize the energy for their own purpose in accordance with the following:

1. Customers generating equipment must be located on the premises being served by the generation equipment.
2. Customer shall install and maintain automatic disconnect switches and other control equipment as required by BEU.
3. All energy generated in excess of the customer's requirements on the premises where the generation equipment is located shall be purchased by BEU in accordance with applicable rates.

ELECTRIC RULE NO. 3
APPLICATION FOR SERVICE

A. APPLICATION DATA

Each applicant for electric service in the City of Banning and contiguous territory, served by BEU is required to sign an application on a form provided by the City's Utility Billing and will be required to furnish the following items before service can be provided as needed. Mailing address is:

City of Banning Utility Billing
99 East Ramsey Street, PO Box 985, Banning, CA 92220
Phone: (951) 922-3185

1. Name and address of applicant.
2. Name and address of property owner.
3. Driver License Numbers of applicants.
4. Social Security Numbers of applicants.
5. Address of premises to be served.
6. Provide the number of units if applicable.
7. Service use.
8. Complete new service questionnaire with load calculations.
9. Information required to establish credit. Rule No.5.
10. Any other reasonable information BEU may require to provide service.
11. Pay applicable fees as required.

This application is merely a request for service and does not in itself bind BEU to serve, except under reasonable conditions, nor does it bind the applicant to take service for a longer period than the minimum requirements of the rate.

B. INDIVIDUAL LIABILITY FOR JOINT SERVICE

Two or more people who jointly apply for service on one application or contract shall be jointly and severally liable there under and shall be billed by a single bill for each billing period, bill provided to the person designated on the application to receive the bill.

Whether or not BEU obtains a joint application for service, all adults who occupy the Premises and receive the benefit of service are responsible jointly and severally for the payment of the bills for utility services used, unless BEU, in writing, acknowledges that one or more of the adult occupants is not responsible. Those receiving benefit of service at the Premises may include the Applicant, i.e. the Customer of record, and/or a number of other adults, such as in the case with multiple roommates. When the Applicant, i.e., the Customer of record vacates the Premises, the remaining adults, who benefited from the utility services, can be held liable for the utility billings incurred during the period they resided at the Premises. BEU may deny or discontinue service for nonpayment of a

delinquent bill when BEU determines that the Applicant or one or more of the adults, or roommates continue to occupy the Premises. In addition, BEU may deny or discontinue service to an Applicant at a new address, if a delinquent utility billing remains unpaid from a prior service address, in which BEU has determined that the Applicant was a roommate.

C. CHANGE IN CUSTOMER'S EQUIPMENT OR OPERATIONS

A customer who is planning changes in the number, size or type of utilization of equipment, or of operation changes which will change the demand on the service equipment, shall notify BEU in advance as to the nature of the change and to the extent of the change. Applicants shall submit load change by completing BEU Service Questionnaire (NSQ).

D. INSPECTION

Before service may be connected to a new building, or to existing service equipment which may have been altered or modified, a complete and approved inspection must be made by the authorities having jurisdiction.

E. CUSTOMER PAYMENT RESPONSIBILITIES

No new service will be extended to premises until all previous delinquencies on that premises have been paid.

No service will be extended to a customer at a new location until all bills at a prior address have been paid in full.

F. CONNECTION PERIOD

Electric service will be connected within two working days after an account has been established.

Any connections or reconnections made on weekends, holidays, or after hours shall be charged additional fees.

ELECTRIC RULE NO. 4
CONTRACTS

- A. A contract or agreement to take and pay for service will not be required as a condition precedent to service except:
 - 1. When required by a provision in the tariff schedule.
 - 2. When it is necessary to install a line extension.
 - 3. When it is necessary for BEU to make major expenditures to increase the capacity of the existing service equipment.
- B. A contract or agreement to pay for use, installation, or removal of facilities will be required:
 - 1. When the provisions of the tariff schedule so specify, in which case the term of the contract will be governed.
 - 2. Where an applicant or customer desires new or increased distribution facilities for temporary service, in which case BEU may require a cash payment in advance or otherwise for the estimated installed cost plus the estimated cost of removal, less the estimated salvage cost of the facilities necessary for providing service in accordance with Rule No. 12 (Temporary Service).
 - 3. Where any person, customer, or otherwise desires BEU to modify, rearrange, relocate, or remove any of its facilities, if BEU agrees to make such changes, it may require the person or party making the request for the changes to be made to agree to pay BEU in advance or otherwise, the cost to BEU to make the changes.

ELECTRIC RULE NO. 5
ESTABLISHMENT AND RE-ESTABLISHMENT OF CREDIT

Each applicant for electric service, either domestic or commercial, shall be required to make a cash deposit in accordance with Rule No. 6 or establish credit by one or more of the following.

A. ESTABLISHMENT OF CREDIT – DOMESTIC SERVICE

1. If applicant is in possession of, or is acquiring, a deed to the property to be served.
2. If applicant has been a city utility customer for one year or more within the past two years with an acceptable payment record, with billing amount of previous utility service equal to 50 percent or more of the estimated billing amount for the new service.
3. The previous electric service was not disconnected by BEU during the last twelve (12) months due to non-payment or Diversion (as defined below).

Diversion: If an applicant has committed any form of Diversion (as defined below), BEU may require a deposit, and this deposit shall be referred to herein as the Diversion Deposit. For this rule and Rule No. 6, Diversion shall mean any activity described in California Penal Code section 498(b), as may be amended from time to time. This security shall be in the form of cash, certificate of deposit, or acceptable form of payment, and the amount of this security shall equal that amount prescribed in Rule No. 6. The Diversion Deposit is a deposit which is separate from the Service deposit.

4. If applicant has two years or more of recent stable employment with one company, plus two acceptable answers to the following credit validation questions:
 - (a) Checking accounts.
 - (b) Credit cards or charge accounts.
 - (c) Phone number.
5. Any other forms that the City deems acceptable for creditworthiness.

B. ESTABLISHMENT OF CREDIT – OTHER THAN DOMESTIC SERVICE

1. If an applicant (other than a corporation) is in possession of, or is acquiring, a deed to the property to be served.
2. If applicant has been a utility customer for a similar type of service for one year or more within the past two years with an acceptable payment record, provided that the periodic bill for such service was equal to at least 50 percent of that estimated for the new service, and provided further that the credit of the applicant is unimpaired in the opinion of the City.

3. If an applicant furnishes a guarantee satisfactory to the City to secure payment of bills for service.
4. If applicant provides a surety bond or a Certificate of Deposit in lieu of cash deposit as prescribed in Rule No. 6.
5. Provide a cash deposit at least twice the estimated average monthly bill but not less than the deposit stated in Rule No. 6

C. RE-ESTABLISHMENT OF CREDIT – ALL CLASSES OF SERVICE

1. An applicant who previously has been a customer of the City and whose service has been discontinued by the City during the past twelve months of that prior service because of non-payment of bills, will be required to re-establish credit by depositing the amount prescribed in Rule No. 6, and by paying bills regularly due, except, an applicant for domestic service will not be denied service for failure to pay such bills for other classes of service.
2. Any customer who has had service disconnected for non-payment and has had their deposit returned previously will be required to pay all due bills, re-establish credit and make a deposit as required by Rule No. 6.
3. Any customer who has had service discontinued at their request and desires service after a six (6) month period must make a deposit as required in Rule No. 6 and re-establish credit.

ELECTRIC RULE NO. 6
DEPOSITS

A. DEPOSIT REQUIRED

1. The amount of deposit required to establish or re-establish credit is twice the estimated average monthly bill, but in no case less than \$150.

For Diversion Deposits, the deposit shall be twice the amount of the estimated loss to BEU resulting from the Diversion, but in no case shall the amount be less than \$250.

2. If at any time the City of Banning Utility Billing determines the lack of a deposit or that the amount of an existing deposit no longer equals the amount of deposit required, it may require the Customer to provide a deposit or an increase in the amount of the existing deposit. A reevaluation of the deposit amount will be triggered when a customer has more than one occurrence of late payment, returned items (including, but not limited to, bad checks and reversed credit card charges), or Diversion.

B. RETURN OF DEPOSIT

1. Upon discontinuance of service, the City shall refund the customer's deposit or the balance in excess of the unpaid bills for service.
2. After the customer has paid bills for service for twelve (12) consecutive months without having had more than one notice mailed on an overdue bill, the City will refund the deposit or credit towards future utility bills.
3. BEU will only make refunds of deposits to those Customers appearing on BEU account. There shall be no interest paid on deposits.

ELECTRIC RULE NO. 7
NOTICES

A. NOTICES TO CUSTOMERS

When notices from BEU to a customer are required, they will be sent to the customer address as given in a consumer's application for service, or other address as may be given by the consumer to BEU to which any bill, notice or other communication is to be sent, such as mail, email, text, or other applicable medium. Except in emergencies, BEU may give oral notices.

B. NOTICES FROM THE CUSTOMERS TO BEU

Notices from the customers to BEU may be given by written communication mailed to BEU Office or may be given orally by the customer or their authorized agent at BEU Office, except when written notice is specified in tariff schedules.

BEU Corporate Yard Office
176 East Lincoln Street, Banning CA, 92220
Phone: (951) 922-3260

For billing questions/concerns:

City of Banning Utility Billing
99 East Ramsey Street, Banning, CA 92220
Tel.: (951) 922-3185
Email: ubweb@banningca.gov

ELECTRIC RULE NO. 8
RENDERING AND PAYMENT OF BILLS
(Resolution 1986-42)

A. METER READINGS

1. Meters shall be read as nearly as possible at regular intervals. Such regular meter readings normally shall be monthly or bi-monthly but may be at other intervals as established at the discretion of BEU.
2. If for any of the following reasons the meter cannot be read, KWH consumption will be estimated.
 - a. Unmetered service.
 - b. Meter is inaccessible or cannot be read.
 - c. Meter fails to register correctly.

B. ESTIMATED KWH CONSUMPTION

Whenever BEU is unable to obtain meter readings, the KWH consumption will be estimated by BEU as follows:

1. Previous consumption by metered service to the premises; or
2. The average consumption for the corresponding billing periods during which the meter is known to have registered correctly; or
3. The consumption as registered by a substitute meter; or
4. By considering the nature of use, volume of business, seasonal demand, any other factors that may assist in determining such consumption.

C. BI-MONTHLY BILLING

When meters are read bi-monthly for the convenience of BEU the charge for service rendered in each two-month period shall be computed by doubling the customers service charge and by doubling the monthly quantities in each rate block and applying the rate thereto.

D. PRORATION OF BILLS

Rate schedules stated on a monthly basis are related to a thirty-day consumption interval as a standard month. Whenever actual meter read intervals differ from a standard thirty-day period, bills related thereto computed from monthly schedules are subject to proration on a thirty-day basis. In computing and rendering regular bills, minor variances

between actual read intervals and any established regular read interval need not be considered, in accordance with the following:

Where bills are regularly rendered monthly, computation from monthly rate schedules may be made directly, whenever actual read intervals do not vary by more than five (5) days (greater or lesser) from the standard thirty-day interval.

E. READINGS OF SEPARATE METERS NOT COMBINED

For the purpose of computing charges, each meter upon the consumer's premises shall be considered separately, and readings of two or more meters shall not be combined as equivalent to measurement through one meter, except as may be authorized by BEU.

F. TIME AND MANNER OF PAYING BILLS

Bills are due and payable on presentation and become delinquent twenty (20) days after mailing. After a bill is delinquent, BEU may discontinue electric service and turn off the electricity after giving appropriate written notice in accordance with Rule No. 9. Charges for connection or reconnection of service, payments for deposits or to reinstate deposits, and the entire delinquent bill shall be paid in full before service shall be connected or reconnected.

G. ENERGY BILL ASSISTANCE

1. BEU offers Low Income Assistance Program for qualified Customers that grants discount in their utility bill. Customers need to apply for this program by completing City of Banning Low Income Assistance Application. Contact information to request application forms is:

City of Banning Electric Utility, Public Benefits
176 E. Lincoln St, Banning, CA 92220
Tel.: (951) 922-3260
Email: PublicBenefits@banningca.gov

2. BEU offers eligible Customers discount through the City of Banning Medical Discount Application for electrically operated life-support devices and for medically required additional cooling and/or heating. Customers can apply for this assistance by completing the Medical Discount Application. Contact information to request application forms is:

City of Banning Electric Utility, Public Benefits
176 E. Lincoln St, Banning, CA 92220
Tel. : (951) 922-3260
Email : PublicBenefits@banningca.gov

H. LEVEL PAYMENT

The City Banning Utility Billing offers certain eligible Customers participation in a level pay program which allows an eligible Customer to have level payments over a twelve-month period ("Level Pay"). Customers must meet the City of Banning Level Pay Plan Program Terms and Conditions to qualify. Contact information to request application forms is:

City of Banning Level Pay Plan Program
99 East Ramsey Street, Banning, CA 92220
Tel.: (951) 922-3185
Email: ubweb@banningca.gov

I. RETURN PAYMENT

The City of Banning Utility Billing will assess a return item charge for any form of payment that is returned from the bank for any reason. If the returned item was returned for payment on a prior 48-hour notice of disconnection, service may be terminated without further notice.

J. PENALTY FOR NONPAYMENT OF BILL

The City of Banning Utility Billing will assess a basic penalty for nonpayment of a bill in the amount of \$18 per delinquent bill. BEU may discontinue service if a customer has more than two (2) delinquent bills in a 12 month period.

ELECTRIC RULE NO. 9
DISCONTINUANCE AND RESTORATION OF SERVICE

A. PAST DUE BILLS

Bills rendered will be considered past due if not paid within 20 days after date of presentation.

B. NONPAYMENT OF BILLS

1. If City of Banning Utility Billing has not received payment by the due date, first past due notice shall be provided to the Customer. If City of Banning Utility Billing has not received payment by the due date of the first past due notice, a final past due and discontinuance of service notice shall be provided to the Customer in the ways noted in Rules No. 7. When a bill for utility service has become past due and a discontinuance of service notice for nonpayment has been issued, service will be discontinued if the bill is not paid within the time required by such notice. Customer deposit to establish credit will not be used as payment to avoid discontinuance of service.
2. A customer's service may be discontinued for nonpayment of a bill for service previously rendered them at any location served by BEU provided such bill is not paid within 5 days after presentation of a notice that present service will be discontinued for nonpayment of bills for other classes of service.
3. If a customer is receiving more than one service, any or all services may be discontinued when any service, regardless of location, is discontinued for nonpayment. However, domestic service will not be discontinued because of nonpayment of bills for other classes of service.

C. UNSAFE EQUIPMENT

BEU may refuse or discontinue service to a customer if any part of their wiring or other equipment, or the use thereof, shall be determined by BEU, to be unsafe or in violation of applicable laws, ordinances, rules or regulations of public authorities, or if any condition existing upon the customer's premises shall be thus determined to endanger BEU service facilities, until it shall have been put in a safe condition or the violation remedied.

BEU does not assume any responsibility for inspecting or repairing a customer's behind the meter wiring or other equipment or any part thereof and assumes no liability, therefore.

D. SERVICE DETRIMENTAL TO OTHER CUSTOMERS

BEU will not provide service to utilizing equipment, the operation of which will be detrimental to the service of BEU or its other customers and will discontinue electric service to any customer who shall continue to operate such equipment after having been given notice by BEU to cease so doing.

E. FRAUD

The BEU may refuse or discontinue service if the acts of the customer or the conditions upon their premises are such as to indicate to it any intent to defraud BEU.

F. FAILURE TO ESTABLISH OR RE-ESTABLISH CREDIT

If, for an applicant's convenience, BEU should provide service before credit is established or should continue service to a customer when credit has not been re-established in accordance with Rule No. 5, and they fail to establish or re-establish their credit, the customer fails to make a cash deposit, BEU may discontinue service.

G. NONCOMPLIANCE

Except as otherwise specifically provided in this Rule No. 9, BEU may discontinue service to a customer for non-compliance with tariff schedules if, after written notice of at least 5 days, the customer has not complied with the notice. BEU may dispense with the giving of such notice in the event there exists in BEU opinion a dangerous or unsafe condition, thus rendering the immediate discontinuance of service to the premises imperative.

H. CUSTOMER'S REQUEST FOR SERVICE DISCONTINUANCE

When a customer desires to terminate their responsibility for service, they shall give BEU not less than two days' signed notice, either in person or by mail, of their intentions and state the date on which they wish the termination to become effective. A customer will be held responsible for all services furnished at the premises until two days after receipt of such notice by BEU or until the date of termination specified in the notice, whichever date is later.

I. RESTORATION OF SERVICE RECONNECTION CHARGE

1. BEU will require a re-connection charge based on the cost associated with the work including labor and resources for each service disconnected, before restoring service that has been discontinued for any reason as required by Rule No. 9. Additional charges may apply for same day service.

2. In the event of unauthorized service reconnection after it has been disconnected, BEU may disconnect the service on the pole or remove its service equipment. In order for the service to be re-connected, the customer may be required to comply with the following:
 - a. Re-establish credit.
 - b. Make a deposit equal to three times the average monthly bill of the customer, which in no case shall be less than twice the required minimum deposit.
 - c. Pay charges for labor, material and equipment required to restore service.
 - d. Pay all delinquent bills.
3. Reconnection of service shut off for non-compliance with BEU Rules and Regulations shall be in accordance with Rule 3.

ELECTRIC RULE NO. 10
ADJUSTMENT OF CUSTOMER BILLING
(Resolution 2019-54)

The Banning Electric Utility ("Utility") intends to provide timely and accurate billing. As a publicly owned and operated not-for-profit retail electrical energy distribution provider, the Utility is a customer centric organization. Occasionally, customers or the Utility may question billing accuracy. This rule and regulation document specifies the process for resolving erroneous billing and billing adjustments.

A. GENERAL

1. The customer or the Utility may cause an electric bill to be reviewed for timeliness, accuracy, applicable tariff and utility charges, or electric service characteristics. The Utility monitors correctness through quality control practices. Customers may question bill correctness by phone, in-person, or in writing within ten (10) days of the bill date. Utility billing staff are responsible for addressing the review and responding to customer inquiries within ten (10) business days. Billing staff will keep the customer apprised of the review status in the event that in-field inspection, equipment testing or replacement, or ongoing system monitoring necessitate an extension of the review period.
2. The customer is invited to review their electrical energy bills in detail and ask as many questions necessary to understand the utility charges and service(s) being provided by the Utility. However, a customer asking for a review of the billing and a potential billing adjustment does not guarantee that an adjustment will be made. A customer may dispute a utility charge on a bill but is expected to pay all portions of their bill not in dispute. Further, in the case of meter accuracy concerns, the customer will be granted one (1) free meter test at the discretion of the Utility Billing Manager. A meter test fee, determined by the Utility, shall be charged for repeated meter test requests. The customer or their representative are encouraged to witness meter test. Test result within 2% of accuracy is acceptable and does not need replacement of a meter.
3. Utility charges are made up of a variety of billing determinates including, but not limited to number of days, kWh, kVA, kVAR, service charge, meter charge, public benefit charge, street or security light charges, and discounts (low-income, medical, economic development). The quantities, the prices, or the arithmetical calculations may be in question. Also, electrical service characteristics (i.e. service voltages) may change, or other rate options may occur causing reclassification to be made affecting the billing outcomes.
4. As a result of the review, bills may be recalculated, corrected, modified, or adjusted. The Utility shall provide actual quantities as the basis for adjusting bills where possible. Other

factors such as historical consumption trends, engineering load estimates, or published electrical consumption norms may be used as the basis for adjusting the billing determinates and recalculating a bill for adjustment consideration. The Utility retains the right to establish the quantities and prices used for the billing determinates for adjustment consideration.

B. ADJUSTMENTS

1. *Undercharges:* Where the Utility undercharges a customer for electrical energy services, the Utility may render an adjustment for the amount of the undercharge. The lookback period for residential undercharges is three (3) months and for all other classes of revenue the undercharges cannot exceed the term of the fiscal period or one (1) year whichever the lesser. Adjustments and payment arrangements for any undercharges may be considered at the discretion of the Utility Billing Manager.
2. *Overcharges:* Where the Utility overcharges a customer for electrical energy services, the Utility shall issue a refund or credit to the customer for the amount of the overcharge. The lookback period for all classes of revenue is three (3) years, unless the Electric Utility Deputy Director determines circumstances to warrant a longer lookback period, but not to exceed five (5) years.
3. *Appeals:* A customer may appeal any decisions of the Utility Billing Manager by phone, in-person, or in writing to the Electric Utility Deputy Director, within 10 business days of the rendered decision. The Electric Utility Deputy Director may defer any appeal to the office of the City Manager or City Council for consultation or final disposition.

C. ADJUSTMENT EXCLUSIONS

The point of demarcation at which problems in billing can be resolved by adjustment in utility bills is the Utility's electrical metering device. After the metering device, on the customer's side, a billing adjustment is not warranted due to any improper customer wiring, blown fuses, an un-energized conductor, inaccessible meter, failure of the customer to notify the Utility of changes in the customer's equipment or operation, failure of the customer to take advantage of a rate or condition of service for which the customer is eligible, or failure to issue a bill due to a natural disaster such as fire, earthquake, flood, or severe thunderstorm.

D. UNAUTHORIZED OR UNSAFE USE

1. Adjustments for overcharges shall not be granted if the Utility determines there has been unauthorized use in the use of energy for noncompliance with the Utility's tariffs or applicable law. Disallowance of adjustment shall occur for such actions, but is not limited to, meter tampering, power theft, unauthorized connection or reconnection, fraud, or

intentional or unintentional use of energy whereby the Utility is denied full compensation for electric service provided.

2. Where the Utility determines that there has been unauthorized use of electric service, the Utility may bill the customer for the estimate of such unauthorized use. However, such estimated bill shall indicate unauthorized use for the most recent three (3) years and, separately, unauthorized use beyond the three (3) year period for collection as provided by law. Nothing in this Rule shall be interpreted as limiting the Utility's rights under any provisions of any applicable law.
3. The Utility may recover from the customer the associate costs resulting from the unauthorized use including both investigative and equipment damage costs. Investigative costs include time and material spent on investigation, bookkeeping, and costs of gathering evidence. Equipment damage costs include the cost to replace the Utility-owned equipment damaged by the customer.
4. Where the Utility determines unauthorized use is occurring, the Utility may refuse or discontinue service without further notice. The Utility may provide written or telephonic notice prior to discontinuation of service when the Utility determines circumstances allow for such notice.
5. If any part of the customer's wiring or any other equipment, or the use thereof, is determined by the Utility or any other authorized agency to be unsafe or in violation of applicable laws, ordinances, rules or regulation of public authorities, or is in such condition as to endanger the Utility's service facilities, the Utility may discontinue service without further notice. The Utility may provide written or telephonic notice prior to discontinuation of service when the Utility determines circumstances allow for such notice. The Utility does not assume any responsibility for inspecting or repairing the customer's wiring or other equipment or any part thereof and assumes no liability therefor. The Utility will not provide service to any equipment, the operation of which will be detrimental to the service of the Utility or its other customers and will discontinue electric service to any Customer who continues to operate such equipment after having been given written or telephonic notice by the Utility to cease doing so.
6. The Utility may also discontinue service in accordance with the provisions of its tariffs and applicable laws, for nonpayment of a delinquent billing for unauthorized use and for associated costs, including nonpayment under a payment agreement. In any case, the Utility will use the appropriate notifications to the customer typical of the situation.

E. LIMITATION ON ADJUSTMENTS

1. For any adjustment in billing not defined or considered in this rule, the Utility is not required to adjust the bill. However, any billing adjustment not specifically covered in the tariffs for an undercharge or overcharge shall not exceed three (3) years.
2. The collection limitation provisions of this Rule shall not apply to situations where it is determined that diversion is involved. In cases of diversion, the City shall have the legal right to recover, from any Customer, who caused or benefited from such diversion or other unauthorized use the total estimated amount of the undercharge, including the direct access energy supply component and all associated costs incurred during the investigation of the diversion, for the full period of the investigation and the diversion or other unauthorized use.

F. REPORTING

All billing adjustments greater than \$5,000 or three (3) years will be reported to City Council.

ELECTRIC RULE NO. 11
RATES

A. EFFECTIVE RATES

The rates to be charged by and paid to BEU for electric service will be the rates legally adopted by Resolution of the City Council of Banning, California. A complete copy of the tariff schedules will be maintained for public inspection at BEU, Corporate Office.

B. NEW OR REVISED RATES

Should new or revised rates be established after the time application is made, BEU will, within a reasonable time, use such means as practical to bring them to the attention of the customers who may be affected by them.

C. CHANGE OF RATE SCHEDULE.

1. A change to another applicable rate schedule will be made only when BEU makes the change due to incorrect rate assignment.
2. Changes will be made if:
 - a. The change is made to or from a new or revised rate schedule.
 - b. There has been a change in the customer's operating conditions for that service which, in the opinion of BEU, justifies the change.
 - c. The customer has made the request in writing, by submitting to BEU a new NSQ.

ELECTRIC RULE NO. 12
TEMPORARY SERVICE

A. DEFINITIONS

Event Service as herein considered refers to electricity for fairs, circuses, bazaars, temporary restaurants such as food trucks, and other establishments not of a permanent nature.

Temporary Construction Service refers to electricity supplied for construction sites for a duration no longer than 18 months unless a valid construction permit allows it.

Temporary electric service also refers to a service connection which is subject to removal or relocation in the future.

BEU shall furnish temporary service at a service point location determined by BEU.

B. USES AND APPLICATIONS

BEU shall, if in its opinion the furnishing of such service will not cause undue hardship upon it or its existing consumers, furnish temporary service under the following conditions:

1. Except as otherwise specifically provided in the following paragraphs, charges shall be made in advance to cover the estimated or actual net cost of installation and removal of facilities necessary to furnish the temporary service.
2. Where service is to be supplied either overhead or underground and the main switch or breaker of the temporary service equipment does not exceed 200 amperes and can be supplied from existing facilities. An estimated charge shall be made for 120/240 volts, 3-wire, single phase service per NSQ. Any exception shall be determined by BEU.
3. Each applicant for temporary service shall be required to pay BEU in advance the estimated cost for installing and removing the service and to make the required deposit for service as required by Rules and Regulations No. 6, or otherwise to secure in a manner satisfactory to BEU, the payment or any bills which may accrue by reason of such service so furnished or supplied.
4. Nothing in this rule shall be construed as limiting or in any way affecting the right of BEU to collect from the consumer any other or additional sum of money which may become due and payable to BEU from the consumer by reason of the temporary service furnished or to be furnished hereunder.

5. The Temporary Construction Service shall remain in effect for as long as a valid construction permit allows. Notwithstanding the foregoing, BEU may immediately discontinue Temporary Service to the Customer if the Customer fails to comply with the Rates, Rules and Regulations or applicable law, codes, guidelines, and standards; uses the Temporary Service for other than the intended purpose; or connects a power source without BEU prior written approval.
6. BEU facilities that are frequently used for Event Services by the city or other customers can be maintained in place for future use at BEU discretion.

ELECTRIC RULE NO. 13
SHORTAGE OF SUPPLY AND INTERRUPTION OF DELIVERY

A. INTERRUPTION OF DELIVERY

1. BEU shall exercise reasonable diligence and care to furnish and deliver a continuous and sufficient supply of electric energy to all consumers and to avoid any shortage or interruption of service. However, BEU does not guarantee delivery and shall not be liable for interruptions or insufficiency of supply, or any loss or damage occasioned thereby.
2. BEU will not be liable regardless of its acts or omissions for (a) variations in the quality of electricity supplied or any damage or loss resulting therefrom; (b) the failure to supply a continuous or sufficient supply of electricity or any damage or loss resulting therefrom; or (c) damage or loss caused by shortages, interruptions, spikes, surges, situations that affect the regional or local electric utility grid, or other electricity delivery problems.
3. If the operations, repairs, or improvements of BEU electrical facilities, a contingency or an emergency result in interruption in the delivery of electricity to Customers, BEU may provide notice of such interruption when such notice is reasonably possible. If the Customer experiences three or more sustained outages within a twelve (12) month timeframe, BEU will prioritize the investigation into Customer's electric service.

B. TEMPORARY SUSPENSION OF SERVICE

BEU reserves the right to suspend temporarily the delivery of electric energy whenever it may be necessary for the purpose of making repairs, improvements to its system, or public safety purposes. The making of such repairs or improvements will be carried out as rapidly as is feasible and, whenever possible, at such times as shall cause the least inconvenience to the consumers. In all cases of such interruptions of service, BEU shall make a reasonable attempt to give advance notice to the consumers who may be affected.

C. SHORTAGE OF SUPPLY

In the event of any actual or threatened shortage of electric energy and during the period of such shortage, BEU shall apportion the available supply of electricity among its consumers in the most equitable manner possible to continue service fairly and without discrimination, except that preference shall be given to such service as is essential to the public interest and to the preservation of life and health.

ELECTRIC RULE NO. 14
ELECTRIC DISTRIBUTION LINE EXTENSIONS
(Resolutions 1977-64, 1979-32, 1981-66, 1984-27, 1989-39)

APPLICABILITY:

Extensions of distribution lines necessary to furnish permanent electric service to applicants will be made by BEU in accordance with the following provisions. BEU shall not be required to serve any Applicant from Distribution Line Extension facilities that are not owned, operated, or maintained by BEU. BEU shall not be obligated to provide services and facilities in excess of the Applicant's load demand requirements.

Line extensions shall be underground. New feeder and distribution lines in existing overhead areas shall be installed underground. However, BEU shall have the discretion to place infrastructure on an existing pole line if necessary.

A. GENERAL

1. DISTRIBUTION LINE EXTENSION BASIS

- a. BEU will make extensions of its lines and facilities to a customer where the estimated revenue to be received from a service will provide an adequate and continuous return on the investment. BEU reserves the right to determine, finally, the advisability and legality of making any extension. Extensions made by BEU shall be and remain permanently the property of BEU.
- b. OWNERSHIP: The Distribution Line Extension facilities installed under the provisions of this rule, all installation of material by applicants and non-refundable advances, will upon completion become the property of BEU, and shall be owned, operated, and maintained by BEU.
- c. APPLICANT RESPONSIBILITY: Applicant shall be responsible for the labor, equipment and material costs of a Line Extension and related rights-of-way dedications that are necessary and reasonably related to furnishing electric service to their project. These costs include, but are not limited to, those related to the preparation of designs and plans, inspection, document review and plan check, right-of-way dedication, materials, installation, and construction.

BEU reserves the right to install all or part of the line extension civil work, at the expense of the applicant. A Line Extension Agreement must be signed granting BEU the contract to execute the work.

- d. BEU has the right to remove or replace at the Customer's expense any of its assets that is identified to have been installed in excess of the Customer's load requirement at any time after such a case is revealed.

2. DISTRIBUTION LINE EXTENSION LOCATIONS

- a. RIGHTS OF WAY: BEU will own, operate, and maintain Distribution Line Extension facilities only:
 - 1. Along public streets, roads, highways and other publicly dedicated ways and places which BEU has the legal right to occupy
 - 2. On public lands and private property across which rights of way and permits satisfactory to BEU may be obtained without cost to or condemnation by BEU.
- b. Applicant hereby grants BEU the rights of way and easements for the Distribution Line Extension over the most practical and acceptable route within Applicant's property. Where formal rights of way, easements, land leases, or permits are required by BEU for installation of facilities on or over Applicant's property, or the property of others, Applicant understands and agrees that BEU shall not be obligated to install the Distribution Line Extension for the Project unless and until any necessary permanent rights of way, easements, land leases, and permits satisfactory to BEU are granted to or obtained for BEU without cost to or condemnation by BEU.

3. CIRCUIT LENGTH

The length of the line extension to be used in computing the contribution by an applicant shall be measured along the most practical route of the line to be built as determined by BEU. The extension must be from a continuation of, or an addition to, an existing BEU facility.

a. PRIMARY LINES

Primary line extensions are considered the high voltage circuits from the point of origin to the distribution transformers.

b. SECONDARY LINES

Secondary lines are considered the low voltage lines from the distribution transformer to the pull box or pole.

c. SERVICE LINES

Service lines are the lines, whether overhead or underground, necessary to connect the service entrance conductors of the Customer to BEU supply line. An overhead service line sometimes referred to as "service drop", is the group of conductors between the Customer's building or other permanent support (service point) and

BEU adjacent pole. The Customer is responsible for installing the conductors from the meter socket to the service point in accordance with all applicable laws, ordinances, rules, and regulations including those governing clearances and points of attachment. Once BEU meter is installed, access to those conductors is permitted only with approval of BEU.

The size and type of transformers used shall be determined by BEU.

4. CONTRACTS

A contract between BEU and Applicant shall be executed detailing scope of work, the responsibilities of each party, timeline of execution of line extension, and other applicable terms and conditions before any line extension work can begin. Each line extension contract is Applicant specific furnished by BEU. BEU has the right to modify the contract at any time if conditions change after the contract has been signed. In such cases, the applicant can either terminate the contract or sign a new contract. If the contract is terminated, BEU has the right to deduct the cost of work (expenses) from the portion of the project executed thus far.

BEU reserves the right to determine, finally, the advisability and legality of making any extension. Extensions made by BEU shall be and remain permanently the property of BEU.

The customer or developer shall execute a contract for the service to be supplied when required by BEU before starting construction.

5. ADVANCES

As shall be specified in the contract, a non-refundable or refundable advance shall be required prior to the start of construction. A refundable advance will be returned to the applicant without interest in the form of credit to the Customer's monthly bill if applicable, or as documented in the line extension agreement, in accordance with the applicable rules and regulations.

6. UNUSUAL CONDITIONS

In unusual circumstances when the application of this policy is deemed impractical by BEU, a special study will be made of the conditions to determine the basis on which service may be rendered.

7. EQUIPMENT NOT INCLUDED

The installation and cost of transformers, meters and service conductors are not included in the extension charges unless specified.

8. EQUIPMENT LOCATION

Service, meter and transformer location will be determined by BEU prior to installation. Failure to obtain approval from BEU prior to installation may require relocation at the expense of the customer.

9. SPECIAL FACILITIES

Under this rule BEU shall install only those facilities which it deems are necessary to render service in accordance with the tariff schedules. Where the applicant requests facilities which are in addition to, or in substitution for, the standard facilities which BEU normally would install, the extra cost thereof shall be paid by the applicant. Upon approval by BEU for instances where the customer requests special facilities, BEU will install, own, and maintain the necessary transformers, meters, and service wires in accordance with Rule No. 15.

10. BEU INSTALLATION

BEU reserves the right to provide and install all or part of an underground extension, at the expense of the applicant. The estimated cost will be advanced to BEU prior to start of construction.

11. ESTIMATES

The construction charge estimated by BEU shall include cost of labor, vehicle, equipment, materials, and administrative overhead expense.

12. SERVICE CONNECTION DATE

BEU shall exercise due diligence to complete within a reasonable time the installation of the facilities for supplying service. BEU shall not be liable for delays caused by fires, strikes, riots, acts of God or of the public enemy, inability to secure necessary labor and materials or by any other circumstance beyond its control.

13. INSPECTIONS AND APPROVALS

Approval of the installation by the applicant shall be obtained from BEU. No conductor or equipment shall be installed without BEU approval. All trenching, backfill and compaction will be inspected by BEU and the Public Works inspectors. Conduit and sub surfaces structures shall be inspected by BEU prior to backfilling. All conduits and sub-structures shall be cleaned prior to construction.

14. STANDARDS

All installations made by the applicant shall be in accordance with BEU Standards and Requirements.

15. STREET FACILITIES

a. STREET OPENINGS

Street openings shall be in accordance with the City of Banning Public Works Department.

b. STREET LIGHTING

As applicable street lighting shall be included in the Distribution Line Extension agreement within the Project solely for service to street lighting equipment. Developers shall include adequate street light information in their design in accordance with applicable city code and standard.

16. REPLACED EQUIPMENT

Should it become necessary for BEU to replace or reinstall any material provided and installed by the applicant which does not meet BEU requirements shall be replaced at the expense of the applicant.

17. RELOCATION OF EXISTING DISTRIBUTION FACILITIES

Where mutually agreed upon by BEU and a customer or applicant, existing distribution facilities may be relocated, provided the customer or applicant requesting the change pays, in advance, a non-refundable sum equal to the estimated cost of relocation of the existing distribution facilities.
Per resolution No. 1984-27

18. REPLACEMENT OF OVERHEAD WITH UNDERGROUND DISTRIBUTION FACILITIES

- a. BEU may require customers to change existing service connections from overhead to underground.
- b. Where mutually agreed upon by BEU and a customer or applicant, overhead distribution facilities may be replaced with underground facilities, provided the customer or applicant requesting the change, pays, in advance, a non-refundable sum equal to the estimated installed cost of the underground facilities less the estimated salvage value of the replaced overhead facilities.

19. UNDERGROUND SERVICE FROM OVERHEAD SOURCE

- a. BEU shall require new commercial or residential customers to be served underground from overhead sources.
- b. In areas where BEU plans future conversion to underground, all service equipment on the customer's premises shall be installed underground from the meter location to the designated source. The installation will be in accordance with BEU underground requirements.

20. VAULTS, PADS, BOXES AND CONCRETE STRUCTURES

All sub-structures such as vaults, pull boxes, manholes, service boxes, transformer pads, etc., shall be BEU approved pre-formed and cast product. Concrete sub-structures poured in place are not acceptable.
Per Resolution no. 1989-39 Rule # 14

B. COMMERCIAL OR INDUSTRIAL UNDERGROUND EXTENSION

Extensions consist of underground lines from BEU designated source to a transformer, service box or vault location determined by BEU. Extensions may serve one or more applicants.

1. DEVELOPERS RESPONSIBILITY

Applicants shall provide all trenching, backfill, compaction, and provide and install all conduit, vaults, pull boxes, transformer pads or enclosures and sub structures in accordance with BEU Specifications. Upon completion, the applicant shall transfer without lien ownership of such facilities to BEU.

2. BEU RESPONSIBILITY

Upon completion and acceptance of the installation, BEU will install conductors, transformers and related equipment required to provide services.

3. ADVANCES

Prior to start of construction the applicant or developer shall advance to BEU an amount equal to the total estimated cost of BEU facilities to serve the applicant. BEU estimate shall include cost of labor, vehicle, equipment, materials, and administrative overhead expense. Where costs are estimated to determine advances, they shall be adjusted in accordance with the actual cost of the installation.

4. REFUNDS

No refunds are permitted for future added loads unless specified in a line extension agreement.

5. UTILITY POLES

Utility poles for providing overhead electric service shall not be installed on commercial or industrial premises.

6. OVERHEAD SERVICE

New commercial or industrial customers may be served overhead from existing facilities if underground service is not feasible. Such customers may be required to provide BEU with approved facilities for future underground service and will include conduit and pull or service boxes in place, and easement.

7. UNREASONABLE CONDITION

BEU Deputy Director or Designee may waive the requirements of this section if topographical, soil or other conditions make underground installation unreasonable or impractical. This applies to new developments or existing developments being expanded or converted.

C. EXTENSIONS TO AND/OR WITHIN RESIDENTIAL SUB-DIVISIONS, CONDOMINIUMS, MOBILE HOME PARKS OR SUB-DIVISIONS, APARTMENT COMPLEXES AND ETC.

Underground line extensions to serve single-family and/or a multifamily residential complex will be made in advance of receipt of application for service. This Rule applies to any development with serving characteristics of greater than 400A.

1. DEVELOPERS RESPONSIBILITY

Applicants shall provide all trenching, backfill, compaction and provide and install all conduits, vaults, pull boxes, transformers pads and sub structures in accordance with BEU specifications. Upon completion, the developer shall transfer ownership without lien of such facilities to BEU.

2. BEU RESPONSIBILITY

Upon completion and acceptance of the installation, BEU will install conductor, transformers and related equipment required to provide service.

3. ADVANCES – NON-REFUNDABLE

Underground extensions for residential complexes require a non-refundable advance from the developer prior to start of construction. Cost and advance will be based on BEU estimate. Estimate shall include cost of labor, vehicle, equipment, materials, and administrative overhead expenses. Where costs are estimated to determine advances, they shall be adjusted in accordance with the actual cost of the installation.

4. BEU INSTALLATIONS

When BEU installs any portion of an extension with its personnel or by a contractor the estimated cost of the extension will be at the expense of the developer. Minimum charges per foot for the extension shall be based on the BEU estimate.

5. REFUND

Refunds made based on the line extension agreement are required in advance of construction based on BEU estimate for material. No refunds will be made after 5 years, and no refunds will be made on services outside the development.

D. RESIDENTIAL UNDERGROUND EXTENSIONS TO SERVE INDIVIDUALS OR PARCELS

Extensions consist of underground lines from BEU designated source to a transformer, service box or vault location determined by BEU.

1. CUSTOMERS RESPONSIBILITY

Applicants shall provide all trenching, backfill, compaction, and provide and install all conduit, vaults, pull boxes, transformer pads or enclosures, and sub structures in accordance with BEU specifications. On completion, the applicant will transfer without lien ownership of such facilities to BEU.

2. BEU RESPONSIBILITY

Upon completion and acceptance of the installation, BEU will install conductor, transformers and related equipment required to provide service.

3. ADVANCES

Underground extensions for residential buildings require a non-refundable advance from the developer prior to start of construction. Cost and advance will be based on BEU estimate. Estimate shall include cost of labor, vehicle, equipment, materials, and administrative overhead expenses.

4. MULTI – METER INSTALLATIONS

The installation of all conductors and terminations between the transformer and a group meter location is at the expense of the developer or applicant and shall be determined by BEU. BEU may elect to do the installation or require the developer or applicant to do it.

5. POLE RISERS

All expenses associated with pole risers shall be at the expense of the developer or applicant. Installation of the riser will be the responsibility of BEU.

ELECTRIC RULE NO. 15
SERVICE CONNECTIONS AND FACILITIES ON CUSTOMER'S PREMISES
(Resolution 1994-130)

A. GENERAL

1. Electric connections necessary for supplying service to customers, in accordance with accepted BEU engineering practices, shall be provided by BEU subject to conditions and allowances hereinafter specified in this rule.
2. Conditions and allowances prescribed in this rule relate only to service connection facilities and are based on the assumption that general distribution facilities within practicable reach of the premises to be served are already in place or shall have been so through distribution extensions in accordance with BEU Rule No. 14, Line Extension Rule.
3. In general, BEU shall install to a building or parcel only one service of each class, voltage, or phase, except as follows:
 - a. Where more than one service is required by reason of BEU operating convenience and necessity, BEU shall specify the number and location of the services to be installed.
 - b. Where a building will be occupied by two or more customers, individually metered and billed by BEU, one service of the same class, voltage, or phase shall be provided for the group of customers. All such services shall terminate insofar as practicable at the same general location, as shall be designated by BEU.
4. Materials or equipment furnished and installed on a customer's premises by BEU will at all times be and remain the sole property of BEU and may be used to supply other applicants for service.
5. BEU shall exercise due diligence to complete, within a reasonable time, the installation of facilities, supplying of service, or making of repairs or improvements, giving due regard to the customer's needs and the capacity required. BEU shall not be liable for delays caused by fires, strikes, riots, acts of God or of the public enemy, inability to secure necessary labor or material or by any other circumstance beyond its control.

B. OVERHEAD SERVICE

1. BEU shall designate a suitable location for the customer to provide for the termination of the overhead service wires and a service outlet adjacent thereto.
2. Overhead service wires shall in all cases be furnished and installed by BEU from existing distribution facilities. In cases where providing service connection to the customer requires more than one service pole, the entire installation shall be considered as a line extension.
3. Where a pole is deemed necessary by BEU to support the service wires or to maintain legal clearances, such pole shall be furnished and installed by BEU at the expense of the customer.

Impaired Clearance: Whenever any of the clearances required by the applicable laws, ordinances, rules, or regulations of public authorities from the service drops to the ground or any object become impaired by reason of any changes made by the owner or tenant of the Premises, the Customer shall, at their own expense, provide a new and approved support, in a location approved by BEU, for the termination of the BEU existing service drop wires and shall also provide all service entrance conductors and equipment necessitated by the change of location.

C. UNDERGROUND SERVICE

1. A service cable terminating pull box or switchboard pull section or other terminating enclosure complying with the Electric Service Requirements of BEU shall be installed by the customer at a location as near as practicable to the distribution facilities from which the service is to be supplied and at a BEU approved location.
2. Conduit Installation
 - a. Service conduit, the size, number, and type as specified by BEU shall be provided and installed by the customer at their expense from the terminating pull box or switchboard location on their premises to the point of connection as specified by BEU
 - b. Conduit and material required for the service riser will be at the expense of the Customer. Installation of the riser will be the responsibility of BEU at the customer's expense.
3. Conductor Installations
 - a. BEU shall install all necessary service conductors at the expense of the customer from its distribution to the customer's terminating pull box, switchboard pull section, or other terminating enclosure and make all necessary connections. BEU may require the customer to do the installation of 600V service conductors.

- b. The cost of all labor and transportation from BEU distribution facilities to the customer's property required for such conductor installation shall be at the expense of the Customer, together with the cost of conductor.
- c. When Customer additions to existing load require additional service cable capacity, BEU shall furnish and install, at the customer's expense, larger or additional conductors, provided the termination point is at the same general location. If a new service location is to be provided, the total load shall then be considered as a new load on a new service.

D. RESIDENTIAL

Where service facilities involving several buildings, each having multiple-family residential occupancies, and all under single ownership, are designed in accordance with specifications of BEU to provide the most desirable overall service connections.

E. COMMERCIAL AND INDUSTRIAL

- 1. Pad Mount Transformers – Electrical distribution service facilities for all new commercial and industrial properties shall be underground and installed according to BEU requirements as follows:

- a. The secondary voltage rating of three phase pad-mount transformers shall be limited to one of the following voltages.
120 / 208 or 277 / 480 volts only.

- b. Developer Responsibility

Applicants shall provide all trenching, backfill, compaction and provide and install all conduit, vaults, pull boxes, transformer pads or enclosures and sub structures in accordance with BEU specifications. On completion, the applicant shall transfer without lien ownership of such facilities to BEU. BEU has the right to do the stated construction work at the expense of the Applicant.

- c. BEU Responsibility

Upon completion and acceptance of the installation, BEU will install conductor, transformers and related equipment required to provide services at the Expense of the developer or applicant.

- d. Advances

Prior to the start of construction, the applicant or developer shall advance to BEU an amount equal to the total estimated cost of BEU facilities to serve the applicant or

applicants. Cost and advance will be based on BEU estimate. Estimate shall include cost of labor, vehicle, equipment, materials and administrative overhead expenses.

- e. New commercial and industrial customers may be served overhead from existing facilities if underground service is not feasible. But such customers may be required to provide BEU approved facilities for future underground service and will include conduit and pull boxes in place, and easement.
- 2. BEU Deputy Director may waive the requirements of this section if topographical, soil, or other conditions make underground installations unreasonable or impractical. If an existing facility is to be expanded and conversion of the existing overhead service to underground would be unreasonable or impractical, these requirements may be waived by BEU Deputy Director.

F. TRANSFORMER STATIONS ON CUSTOMER'S PREMISES

- 1. Installation of transformer racks, vaults, or other stations on customer's premises shall be at the option of BEU.
- 2. BEU reserves the right to supply service by means of a transformer station located on the customer's premises and the customer shall make adequate provision for the necessary electrical equipment, which provisions, at the option of BEU, shall be either:
 - a. A concrete or other suitable base and enclosure, located outside the building, furnished and installed by the customer at their expense, in accordance with BEU specifications.
 - b. An indoor transformer room, provided by the customer, at their expense, and conforming to BEU specifications, suitably ventilated and complying with all legal requirements; or
 - c. An underground vault or individual transformer enclosure provided by the customer at their expense and conforming to BEU specifications.
- 3. The customer shall provide necessary easements and right-of-way and provide and maintain necessary legal clearances from adjacent buildings and adequate access to supply lines, underground riser pole, outside enclosure, vault, or transformer room, whether inside or outside of buildings, to allow for movement of trucks, workmen, materials, and construction equipment.
- 4. Where the supply lines to stations are underground, all necessary conduits and sub structures, as required by BEU, shall be furnished and installed by the customer in the same way as provided for secondary services in Section "C-2" of this rule. Conduits required for secondary cable runs from the transformer station to the customer's

switchboard shall be provided and installed by the customer in accordance with BEU specifications.

5. All primary conductors shall be furnished, installed, and all necessary connections made by BEU at the expense of the customer as estimated by BEU.
6. When bus way is required by BEU, in lieu of secondary cable, it shall be furnished and installed for BEU by the customer in accordance with BEU specifications. In this event, and upon acceptance by BEU, ownership of such bus way shall transfer without lien to BEU.

G. HIGH VOLTAGE SERVICE

Service at standard primary voltage (12470 V) may be provided for loads exceeding 2500 kVA or estimated demand where distribution facilities at such voltage are available without local transformation. Conduit and cable installation for such high-voltage services shall be the same as indicated in foregoing Section "F", respecting primary supply to transformer stations. As a protection to BEU system, high-voltage switchgear meeting the needs of BEU shall be furnished and installed by BEU at the point of delivery of such service to the Customer at the expense of the Customer.

H. CONVERSION OF DISTRIBUTION FROM OVERHEAD TO UNDERGROUND

BEU, for reasons of economy of operation, disaster mitigation, or simplification of its distribution system, or for other reasons, may elect to convert a district or an area from overhead to underground distribution, and shall install, or have installed all of the underground conduit and cable which it deems to be necessary to supply service to the then existing loads. In anticipation of future conversion of a local distribution system to underground, BEU may require an applicant to take underground service at the applicant's expense.

I. METER INSTALLATION AND MISCELLANEOUS SERVICE EQUIPMENT ON CUSTOMER'S PREMISES

1. Meter Installations

No other device digital or otherwise can be installed between the meter socket and the BEU meter. BEU will not install meter nor provide service if such a device is installed. All meter and associated service equipment shall fully comply with the latest EUSERC Requirements and BEU Standards.

- a. Location. The meter serving a customer's property must be located on the premises served. All meters installed by BEU shall be installed at some convenient place, approved by BEU, upon the customer's premises and so placed to be at all times accessible for inspection, reading and testing.

The customer shall at their own expense, provide a new location approved by BEU for the meter or meters in order to comply with the foregoing whenever the existing meter or meters are determined to be inaccessible by BEU for inspection, reading or testing.

Residential meters shall be located on the exterior of the structure served and shall not be enclosed in walled or screened patios or enclosures.
Commercial meters shall be accessible at all times.

A level working and standing surface on the property of the customer shall be provided per NEC requirement and BEU Standards. This area must be maintained free and clear at all times.

- b. Multiple-occupancy Buildings. In all buildings in which meters are required to be installed for various floors or groups of rooms in order to measure separately the electrical energy supplied to each of several customers, all meters shall be located at one central point or as otherwise specified by BEU. Each meter position shall be clearly marked by the building owner, to indicate the particular location supplied by it.
- c. Sealing of Meters. All utility meters will be sealed by BEU, and no such seal shall be tampered with. Any such tampering shall be considered diversion of service.
- d. BEU will furnish as a normal metering installation, at the customer's expense, meters adequate to measure at a single point of delivery the demand and energy consumption, as specified in the rate tariff or as determined by BEU. Provision must be made for installing a kiloVAR-Hour Meter (Power Quality -PQ- Meter) on all installations as required by BEU. The customer shall provide space acceptable to BEU for the required metering installation. Primary metering installations shall conform to BEU requirements and specifications.

2. Miscellaneous Service Equipment

- a. Equipment Furnished by Customer. All service equipment () irrespective of voltage required in connection with service and meter installation on customer's premises, shall be furnished, installed and maintained by the customer.
- b. Equipment Furnished by BEU. BEU will furnish and install the necessary instrument transformers, and meters.

J. CONNECTION OF CUSTOMER'S SERVICE TO UTILITY LINES

1. Only duly authorized employees of BEU are allowed to connect or disconnect the customer's service from BEU lines.

K. OWNERSHIP AND MAINTENANCE OF FACILITIES

1. All transformers, meters, service wires, appliances, fixtures, or other facilities installed by BEU, upon the customer's premises for the purpose of delivering electric energy to the customer shall continue to be the property of BEU. Such equipment does not include the "service entrance conductor" that line through which the customer receives electric energy from the lines of BEU which is the equipment of the customer subject to subsection L of this rule. BEU equipment may be repaired or replaced by BEU at any time and removed at the termination of service, without the prior consent of the customer. BEU equipment may also be used to serve other customers whether or not on the same premises, provided the proper right of way has been obtained.
2. No rent or other charge whatsoever shall be made against BEU for placing or maintaining such facilities upon the customer's premises. The customer shall exercise reasonable care to prevent the facilities of BEU upon said premises from being damaged or destroyed and shall refrain from relocating or otherwise interfering with same and, in case any defect therein shall be discovered, shall promptly notify BEU thereof. Damaged equipment or facility shall be repaired and or replaced by BEU at the customer's expense.
3. The customer shall, at their own sole risk and expense, furnish, install, inspect and keep in good and safe condition all electrical wires, lines, machinery, service conductors, and apparatus of any kind or character which may be required for (1) receiving electric energy from the lines of BEU regardless of the location of the transformers, meters, or other equipment of BEU; and (2) applying and utilizing such energy, including all necessary protective appliances and suitable housing thereof.
4. BEU shall not be responsible for any loss or damage occasioned or caused by the negligence, want of proper care or wrongful act of the customer or of any of their agents, employees, or licensees on the part of the customer in installing, maintaining, using, operating, or interfering with any such wires, lines, machinery or apparatus.

L. CUSTOMER RESPONSIBILITY FOR HIS EQUIPMENT

1. The customer shall, at their own sole risk and expense, furnish, install, inspect and keep in good and safe condition all electrical equipment beyond BEU meter including but not limited to wires, lines, machinery, service conductors and apparatus of any kind or character which may be required for (1) receiving, storing and producing electrical energy from the lines of BEU regardless of the location of the transformers, meters, or other BEU equipment; and (2) applying and utilizing such energy, including all necessary protective appliances and suitable housing thereof. This

- section shall apply to all items listed above notwithstanding the fact that as to any such item BEU shall determine the manner of its construction and installation or shall require such construction or installation by employees or BEU contractors.
- 2 BEU shall not be responsible for any loss or damage occasioned or caused by the negligence, want of proper care or wrongful act of the customer or of any of their agents, employees, or licensees on the part of the customer in installing, maintaining, using, operating, or interfering with any such wires, lines, machinery, or apparatus.

ELECTRIC RULE NO. 16
REPLACEMENT OF OVERHEAD WITH UNDERGROUND DISTRIBUTION FACILITIES

- A. The City will, at its expense, replace its existing overhead distribution facilities with underground distribution facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to BEU have been obtained or may be obtained without cost or condemnation, by BEU, provided that:
1. Banning City Council in which such distribution facilities are and will be located has:
 - a. Determined, after consultation with BEU and after holding public hearings on the subject, that such undergrounding is in the general public interest for one or more of the following reasons:
 - (1) Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead distribution facilities.
 - (2) Said street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic.
 - (3) Said street or road right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.
 - (4) Undergrounding electric facilities will mitigate fire/natural disaster risk or enhance electric system reliability.

Undergrounding projects are to be prioritized based upon geographical diversity, coordination with other planned roadway improvements, electric reliability improvements, available funding, and overall aesthetic improvement.
 - b. Adopted an ordinance creating an underground district in the area in which both the existing and new facilities are and will be located requiring, among other things, (1) that all existing overhead communication and electric distribution facilities in such district shall be removed, and (2) that each property owner served from such electric overhead distribution facilities shall provide in accordance with BEU rules for underground service, all electrical facility changes on their premises necessary to BEU as soon as it is available, and (3) authorizing BEU to discontinue its overhead service.
 2. The annual budgeted amount for undergrounding within the City of Banning may be allocated by the City Council upon recommendation of the BEU Deputy Director.

- B. In circumstances other than those covered by A. above, BEU will replace its existing overhead distribution facilities with underground distribution facilities along public streets and roads or other locations mutually agreed upon when requested by an applicant or applicants where all of the following conditions are met.
1.
 - a. All property owners served from the overhead facilities to be removed first agree in writing to perform the wiring changes on their premises so that service may be furnished from the underground distribution system in accordance with BEU rules and that BEU may discontinue its overhead service upon completion of the underground facilities, or
 - b. Suitable legislation is in affect requiring such property owners to make such necessary wiring changes and authorizing BEU to discontinue its overhead service.
 2. The applicant has:
 - a. Furnished and installed the pads and vaults for transformers and associated equipment, conduits, ducts, boxes, pole bases and performed other work related to structures and substructures including breaking of pavement, trenching, backfilling, and repaving required in connection with the installation of the underground system, all in accordance with BEU specifications, or in lieu thereof, paid BEU to do so.
 - b. Transferred without lien ownership of such facilities, in good condition, to BEU; and
 - c. Paid a non-refundable sum equal to the excess, if any, of the estimated costs; related to completing the underground system.
 3. The area to be undergrounded includes both sides of a street and all existing overhead communication and electric distribution facilities within the area will be removed.
- C. In circumstances other than those covered by A. or B. above, where mutually agreed upon by BEU and an applicant, overhead distribution facilities may be replaced with underground distribution facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of the underground facilities less the estimated net salvage value and depreciation of the replaced overhead facilities. Underground services will be installed and maintained as provided in BEU rules applicable thereto.
- D. The term “underground distribution system” means an electric distribution system with all wires installed underground, except those wires in surface mounted equipment enclosures.

ELECTRIC RULE NO. 17
ADDED FACILITIES

Added facilities are facilities provided by BEU which are in addition to, or in substitution for, the standard facilities which the utility would normally install. When a customer makes written application for added facilities and the installation of such facilities is acceptable to BEU, the added facilities will be installed under the following conditions:

1. The customer shall pay the cost of the installation of added facilities and a continuing monthly charge for the added investment as determined by BEU.
2. In the event that the added facilities are abandoned prior to five years from the date service is first rendered from the added facilities, the customer will pay BEU the cost of the added facilities plus the cost of removal, less the estimated salvage.

ELECTRIC RULE NO. 18
PUBLIC UTILITY ACCESS TO PRIVATE PROPERTY

As stated in the City of Banning Municipal Code Section *13.05.060 – Responsible Parties*, customers taking service from Banning Electric Utility (BEU) are required to follow the rules and regulations that are established by the Banning City Council. Failure to comply with the rules and regulations is a violation of the Municipal Code.

A. CUSTOMER CONSENT:

BEU agrees to provide electric service to end-use customers under certain terms and conditions, one of which is the customer's consent to BEU employees entering the customer's premises to perform any work necessary for service.

B. ENTRY ON PREMISES:

The customer's utility system shall be open for inspection at all reasonable times to authorized representatives of BEU. City employees may enter private premises to make inspections or examinations of wires, fixtures, or attachments, to read meters, or to determine if there has been unlawful tampering with utility equipment, devices, or seals, or unlawful installation of devices to evade electric metering of energy. City employees whose duty it is to enter upon private premises will be provided with a badge or other identification. Such identification shall be shown to customer at the time of entry on customer's premises.

C. ROUTINE WORK:

BEU shall, at all reasonable hours, have access to meters, service connections, and other property owned by it which may be located on customer's premises for purposes of installation, maintenance, or replacement of meters; meter readings; operation; or removal of the property at the time service is to be terminated.

D. EMERGENCY WORK:

During an emergency, BEU shall, at any time and with minimal notice, have access to meters, service connections and other property owned by it which may be located on customers' premises for purposes of installation, maintenance, meter readings, operation, or removal of utility property at the time service is to be terminated.

E. INTERFERENCE WITH AUTHORIZED EMPLOYEES:

Subject to all other applicable state laws, BEU Deputy Director or designee may discontinue service of electrical energy to any premises after written notice to the customer of the intent to do so, for the following causes:

- The customer has refused entry or admittance an authorized employee, at a reasonable hour, in the performance of his or her duty onto the real property or premises of customer; or,
- The customer, by his or her personal conduct, or by maintaining a dangerous condition or vicious animal upon the premises, has hindered or interfered with an authorized employee in the performance of his or her duty. The BEU Deputy Director or designee shall serve such notice by mailing one copy to the customer at his or her last known address, and one copy to the premises, if they have a different address. BEU Deputy Director need not reconnect the service until the customer has given satisfactory assurance to the utility that an authorized employee will not be interfered with or hindered, or refused admittance, in the performance of his or her duty.

F. ACCESS TO ELECTRIC METERS AT THE CUSTOMER’S FACILITIES SHALL BE PROVIDED AT ALL TIMES.

If access to the customer’s meter is prohibited by a locking device on a gate, door, or other access entries, customers shall provide BEU with a key to allow access by meter readers or other authorized personnel for the purpose of inspecting and/or maintaining and/or reading the meter. BEU is authorized to install at the customer’s facility a lock box accessible only to BEU authorized personnel for the purpose of securing the key on site to gain ready access to the customer’s electric meter.

G. FAILURE TO COMPLY:

Failure to provide access to utility facilities on private property could result in termination of services. All applicable utility charges for inspection, service disconnection and/or reconnection, meter removal and/or meter set, meter tampering and/or power theft, or other operations or maintenance activity may apply considering the circumstances.

NFPA 70, NEC 2017 Edition, Article 90, Introduction, 90.1 Purpose and 90.2 Scope

The City of Banning has adopted the National Electric Code (NEC) as a guideline to ensure practical safeguarding of persons and property from hazards arising from the use of electricity (90.1). Banning Electric Utility promotes the NEC for having adequacy, in that, the code contains provisions that are considered necessary for safety. Compliance therewith and proper maintenance result in an installation that is essentially free from hazard but not necessarily efficient, convenient, or adequate for good service or future expansion of electrical use (90.2).

NFPA 70, National Electric Code 2017 Edition, Article 100, Definitions, Authority Having Jurisdiction (AHJ)

Banning Electric Utility is an authority having jurisdiction for the City of Banning. Banning Electric Utility is the statutory local organization responsible for public safety and enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

ELECTRIC RULE NO. 19
SUPPLY TO INDIVIDUAL PREMISES AND SUB-METERING OF ELECTRIC ENERGY
(Resolution 1976-61, 1983-19)

A. SUPPLY TO INDIVIDUAL PREMISES

1. Supply to individual premises – A separate meter installation is required for service to each premise irrespective of the identity of ownership or operation of several premises, and in accordance with the City of Banning Zoning Ordinance.
2. Sub-metering of electric energy, such as master meter installations, will not be permitted.
3. Energy shall be provided according to the applicable serving characteristics. A customer shall not use electricity received from BEU upon other premises nor other purposes than those specified in the rate schedule.

B. EXISTING INSTALLATION WITH SUB-METERS.

The installation of meters for the purpose of sub-metering electricity to mobile home parks, condominiums, apartments, and others is not permitted for new installations. The following shall apply to existing master metered installations installed.

1. BEU will provide electric service to trailer courts or mobile home parks through one point of delivery.
2. Electric rates applicable to master meters shall be the electric rates in effect and shall be subject to change.
3. Where individual mobile homes or apartments are sub-metered for the tenant, the cost for energy provided to the tenant shall not be in excess of BEU rate for residential customers. Sub-meters used shall be maintained and tested by the owner.
4. For each billing period, the park owner shall provide each sub-metered tenant with the date of the meter reading, the previous meter reading, present meter reading, kWhR use, current rate, and total amount of the bill.
5. A copy of the applicable rate schedules and this Rule No. 19 shall be posted in a conspicuous place on the Premises being serviced by BEU. BEU has the right to discontinue service to any Customer violating this rule subject to applicable state and local law.

C. ADDITIONS TO MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND TRAILER PARKS.

BEU will provide individual service to mobile homes in accordance with Rule No. 14.

1. Mobile Home Park developers will install the wiring system as required and make the required deposits.
2. Each space will be provided with an approved metering pedestal and protective equipment of adequate capacity to maintain standard voltage at each space.
3. Application for service and billing will be in accordance with the applicable BEU Rules and Regulations.

D. JOINT USE FACILITIES

1. Electric energy provided for the mobile home park or sub-division joint use tenant facilities (office, store, club house, laundry, swimming pool, safety lighting, etc.), shall be the responsibility of the park owner or operator and shall be separately billed and metered.
2. Where it is necessary and with the approval of BEU, one or more services may be provided for joint use tenant facilities. Each service shall be separately metered and billed.
3. Where spaces are provided for overnight or transient use, energy supplied shall be through the joint use facilities meter.
4. If a property with an existing electric service connection is subdivided, the electric service connection shall be considered as belonging to the lot or parcel of the land which it will continue to serve. It shall be at the customer's expense and responsibility to have the connection relocated adjacent to the lot or parcel where use will continue. The charges for any relocations shall be in accordance with Rule # 15.
5. In exceptional circumstances, with the approval of BEU, the parcel that lost power service due to the subdivision may temporarily, until the parcel obtains its own service from BEU, utilize the existing connection via submetering should the two parties agree to do so. The Customer using the submeter shall not be charged more than the rate set by BEU for that particular schedule.

E. INDIVIDUAL MOBILE HOMES

When permitted by City Ordinance, individual mobile homes located outside of mobile home parks may receive service under the temporary service provision of these Rules and Regulations.

ELECTRIC RULE NO. 20
TURN ON AND TURN OFF OF ELECTRIC SERVICE FOR REPAIR OR OTHER

A. SERVICE CHARGE

Temporary turn-off or turn-on of electric service for the purpose of allowing a customer to make repairs or changes to wiring will normally be done by BEU from 7:00 am to 2:00 pm, Monday through Thursday. There will be no charge for up to an hour of time. A charge will be made for each additional hour or fraction thereof. If a customer calls for emergency restoration of service during other than normal working hours, and it is determined that the problem is on the Customer's side of the meter and is therefore the Customer's responsibility, there will be additional charges. Charges are per BEU estimate.

When BEU service crew are requested to make more than one call in any 30 day period to any customer to re-establish service due to items such as fuse blowing, circuit breaker tripping or faulty equipment of the customer, a service charge will be made no less than a two-person service crew for a minimum of one hour time and equipment. This charge will be added to the monthly bill of the consumer.

B. OVERHEAD SERVICE REMOVAL FOR TREE TRIMMING OR REMOVAL

A request to temporarily remove overhead service drop to permit trimming or removal of trees will be at no charge to the customer or contractor if the trimming or tree removal is a benefit to BEU.

Should BEU determine that the removal of the tree or trimming is of no benefit a charge for all labor, equipment and material shall be made in advance of the work.

The customer or contractor shall provide BEU with a 48 hour notice and the shut-off will be done at the discretion of BEU.

C. TEMPORARY TURN-OFF OF ELECTRIC SERVICE TO AVOID MINIMUM CHARGES

BEU shall not discontinue electric service merely to enable a Customer to avoid payment of minimum charges, except where the Customer is affected by fire or similar cause beyond the Customer's control.

ELECTRIC RULE NO. 21
TREE TRIMMING
(Resolution 1994-130)

- A. Clearance of electric distribution lines in public rights-of-way shall be maintained by Banning Electric Utility (BEU). BEU shall have the right to remove any tree, the trunk of which is completely located within the right-of-way, and which creates or may create interference with the electric distribution line. BEU shall have this right to remove a tree even in the case where the branches of the tree extend over private property.
- B. BEU shall have the right to trim trees with trunks located on private property which encroach upon required clearances about distribution lines located in easements or the public right-of-way. BEU shall have the right but not the obligation to maintain clearance around service drops from the point of attachment to the distribution system to the point of clearance around the distribution line. The private property owner is not hereby relieved of the duty to maintain all portions of the service drop as hereinafter provided.
- C. BEU shall have the right to trim branches of trees with trunks on private property, which do not encroach upon required clearances but which by their condition, and in the judgment of BEU, constitute a threat to the distribution line. BEU shall notify the property Owner prior to removal of such a branch. The Owner shall have the right to appeal such action to the City Manager thin 10 working days of the date of the notice. The City Manager shall have the authority to waive the requirement for the removal of the branch for a period not to exceed one year from the date of the decision. In the event a branch that has been identified as hazardous has been pointed out to the Owner in writing, and the City has waived the right to remove the branch and the branch subsequently damages the distribution Line, the cost to repair the line shall be paid by the Owner.
- D. Private property Owners shall be responsible for maintaining clearance around service drops. BEU shall not be responsible for any consequences stemming from the Owner' s failure to maintain clearance around the service drop.
- E. In the case of a tree located on private property whose height is such that removal or trimming by the Owner may, in the judgment of BEU, jeopardize the distribution line, upon notification from the property owner of the Intent to trim the tree, BEU may assist the Owner of the property by installing protective covers, de-energizing the line, and/or temporarily adjusting the line at no cost to the Owner. The Owner shall pay the full cost for the trimming or removal of such a tree.
- F. BEU shall provide due notification prior to commencing tree trimming operations on private property and shall cooperate with the Owner in the preservation of private property.
- G. In the case of an Owner who does not fulfill their responsibility to maintain clearance around their service drop, BEU shall serve notice upon the Owner informing them of the need to trim the tree. Failure of BEU to provide such notice shall not constitute a waiver of

the Owner's obligation to maintain a clearance around their service drop. Such notice shall provide that the property owner shall have 30 calendar days following the date of the notice within which to establish clearance as indicated in the notice. In the event that the service drop is not cleared to required distances within the 30 days' notice period BEU shall have the right, but not the obligation or duty, to schedule the service, drop for clearing at the Owner's expense.

- H. Private property Owners may apply to BEU for tree trimming around their service drop at the Owner's expense. The charge for such a service shall be based on a quotation from BEU. Prior to commencement of the work, the charge shall be presented to the Owner in writing along with the City's other terms for performing the work. Such terms include a requirement that the Owner indemnify the City for all liability arising from the performance of the work save for that arising from the active negligence of the City. If the Owner agrees to the quoted charge and authorizes the work in writing, the City, through its own forces or its Contractor, shall perform the trimming in accordance with the BEU standards. The Owner may elect to pay for the work at the time of completion or pay for the work through installments on their city utility bill for a term of up to 12 months. The minimum monthly installment payments shall be determined by the Billing Department. Subsequent tree trimming to maintain clearance around the Owner's portion of the service drop shall remain the responsibility of the Owner.

ELECTRIC RULE NO. 22
CLIMATE ZONE 10 DESIGNATION
(Resolution 2019-146)

For the purposes of tariffs, building codes, solar requirements, and energy efficiency standards the State of California has divided the state into sixteen (16) differing climate zones. Most cities fall into one climate zone. However, due to the somewhat arbitrary nature of the climate zone boundaries, the City of Banning ("City") falls into three different climate zones: Climate Zone 10, Climate Zone 15, and Climate Zone 16.

For the sake of practicality, simplicity, accuracy, and consistency with our neighboring communities, the Electric Utility is designating the entire City as being in only one climate zone, Climate Zone 10. This designation will be for the purposes of tariff baselines, energy efficiency standards, weatherization, solar requirements, and electric-related building standards. The purposes for choosing Climate Zone 10 are discussed below.

Climate Zone 10 encompasses the western part of the City. As such, it includes the community of Sun Lakes, the largest residential community in the City of Banning. The new Pardee Homes development also falls within Climate Zone 10. Once the Pardee development is completed, the majority of the City's customers will be within Climate Zone 10. Most of our neighboring communities, including our sister-city of Beaumont, are within Climate Zone 10. Other neighboring cities that are within Climate Zone 10 include Cherry Valley and Calimesa. The City's seasonal temperatures, elevation, and heating & cooling degree days are most similar to these neighboring cities that are located within Climate Zone 10.

Climate Zone 15 is a large climate zone that includes desert cities such as Indio, Palm Springs, Desert Center, Blythe, and El Centro. The City's seasonal temperatures, elevation, and heating & cooling degree days are not very consistent with the cities within Climate Zone 15.

Only a very small portion of the City is within Climate Zone 16. This portion is primarily a small section within the upper canyon on the northern boundary of the City. As such, Climate Zone 16 is not very representative of the City as a whole.

The Electric Utility desires to have the City designated as being in only one climate zone. It is clear that, from a climate standpoint, the City compares much more closely with our neighboring cities that are within Climate Zone 10. Therefore, the Electric Utility is designating the entire City as being within Climate Zone 10 for the purposes of tariff baselines, energy efficiency standards, weatherization, solar requirements, and electric-related building standards.