

68-O-07

AN ORDINANCE

**Granting an Extension, Until July 14, 2010,
of the Electric Ordinance to
Commonwealth Edison**

WHEREAS, the City Council of the City of Evanston on March 4, 1957, did adopt Ordinance No. 13-O-57 entitled "Electric Ordinance," an ordinance authorizing Commonwealth Edison Company (Public Service Company Division), its successors and assigns, to construct, operate, and maintain an electric light and power system in and through the City of Evanston, Cook County, Illinois; and

WHEREAS, said Ordinance granted to the Commonwealth Edison Company, then known as the Public Service Company Division, the right, permission, and authority to construct, operate and maintain in and through the City of Evanston for a term of thirty-five (35) years a system for the production, transmission, distribution and sale of electricity for lighting, heating, power, and other purposes within and outside the corporate limits of the municipality, and to construct, operate, and maintain all such poles, wires, conduits, manholes, vaults, and other apparatus and equipment as may be necessary or convenient for such a system in, upon, along, over, across, above, and under each and all of the streets, alleys, avenues, and other public places in the municipality subject to the conditions and regulations hereinafter set forth; and

WHEREAS, the City Council of the City of Evanston on September 27, 1993, did adopt Ordinance 105-O-93 entitled "An Ordinance Amending Ordinance No. 13-O-57 Granting Authority to Commonwealth Edison Company to Construct,

Operate and Maintain an Electric and Power System in the City of Evanston," which ordinance extended the term of the "Electric Ordinance" for a period of seven (7) years, from March 5, 1992, to March 5, 1999; and

WHEREAS, Section 3 of Ordinance 105-O-93 reads as follows:

Section 3: Unless terminated by the City Council by ordinance within one hundred eighty days (180) prior to March 5, 1999, the terms of the authority herein granted shall be as hereinafter set forth in Exhibit A attached hereto and incorporated herein by reference.

and

WHEREAS, the Energy Commission recommended that the City Council terminate the authority granted in Ordinance 105-O-93 and not become subject to the terms of Exhibit A to Ordinance 105-O-93; and

WHEREAS, the City Council on October 12, 1998, did adopt Ordinance 91-O-98, which Ordinance did: (a) terminate the authority granted to Commonwealth Edison to use the public ways and other public property in conjunction with its construction, operation, and maintenance of an electric system in and through the City of Evanston after March 5, 1999; and (b) negate the authority of the enactment of the aforesaid Exhibit A; and

WHEREAS, the City Council on February 22, 1999, did adopt Ordinance 14-O-99, which extended the duration of Ordinance 13-O-57 until June 3, 1999; and

WHEREAS, the City Council on May 24, 1999, did adopt Ordinance 80-O-99, which extended the duration of Ordinance 13-O-57 until July 15, 1999; and

WHEREAS, the City Council on July 12, 1999, did adopt Ordinance 95-O-99, which granted a three (3) -year extension of Ordinance 13-O-57 until July 14, 2002; and

WHEREAS, the City Council on July 8, 2002, did adopt Ordinance 64-O-02, which granted a ninety (90) -day extension of Ordinance 13-O-57 until October 14, 2002; and

WHEREAS, the City Council on October 14, 2002, did adopt Ordinance 98-O-02, which granted a nine (9) -month extension of Ordinance 13-O-57 until July 14, 2003; and

WHEREAS, the City Council on July 14, 2003, did adopt Ordinance 68-O-03, which granted a one (1) -year extension of Ordinance 13-O-57 until July 14, 2004; and

WHEREAS, the City Council on July 14, 2004, did adopt Ordinance 77-O-04, which granted a three (3) -year extension of Ordinance 13-O-57 until July 14, 2007; and

WHEREAS, the City of Evanston and Commonwealth Edison Company have concluded negotiations concerning the possible grant of a new authority to Commonwealth Edison to use the public ways and other public property and agreed upon additional applicable terms in the event the duration of 13-O-57 is extended beyond July 14, 2007; and

WHEREAS, Commonwealth Edison, having notice and being aware of the adoption of 77-O-04 and the July 14, 2007, termination date of the existing authority,

has requested that the City extend the grant of authority for three (3) years until July 14, 2010; and

WHEREAS, the City Council has determined it is in the best interests of the City to approve such extension,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the duration of Ordinance 13-O-57, which terminates on July 14, 2007, is hereby extended until July 14, 2010, and all its terms shall remain in full force and effect for that period. The terms contained in Exhibit 1, attached hereto and incorporated herein, shall supplement the terms contained in Ordinance 13-O-57 and be in full force and effect until July 14, 2010.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

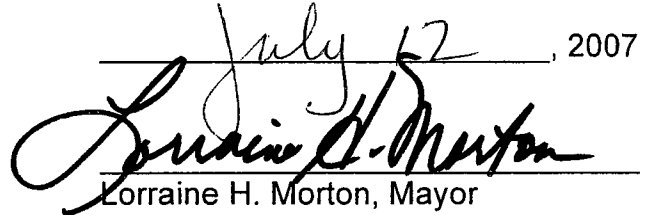
SECTION 3: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: June 25, 2007

Approved:

Adopted: July 9, 2007

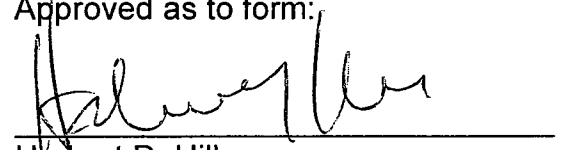
July 12, 2007


Lorraine H. Morton, Mayor

Attest:

Approved as to form:


Mary P. Morris, City Clerk


Herbert D. Hill
First Assistant Corporation Counsel

June 20, 2007

Members of the City Council
City of Evanston
Evanston, Illinois

Members of the Evanston City Council:

By this letter, ComEd agrees to the City of Evanston's proposal for a three (3) year extension to the 1957 franchise. This extension includes the terms in Exhibits A and B of this agreement. ComEd also agrees to provide status reports as listed in Exhibit B and to meet with Evanston's Technical Review Committee to discuss those reports and any other issues as needed. In addition, ComEd agrees to provide outage data as list in Exhibit B.

ComEd is working hard to improve the quality of its delivery services to customers throughout its service territory. It is our hope that these continued discussions will assist ComEd and Evanston City officials in working together to deliver electricity efficiently and reliably to Evanston customers.

Sincerely,



Fidel Marquez
Vice President
Large Customer Services & External Affairs

Accepted and Approved By:

Evanston City Council

ComEd's Specific Projects
In The City of Evanston

Project Number, Location, and Feeder Number	Investigation Results and Required Action(s)	Start Date	Completion Date
Project 1 - Distribution Circuit Inspections & Tree Trimming	On a regular basis, ComEd inspects its distribution circuits, for broken or damaged equipment including, (e.g., transformers, wires, lightning protection, etc.). At the beginning of the year ComEd will provide a list of circuit to be trimmed and inspected and any significant items found.		
Project 2 – Distribution Circuit Remediation	On a yearly basis, ComEd will a list of any 1% feeders that serve Evanston A statement of any remedial actions will be included.		
Project 4 - Reliability Concerns	ComEd will provide a six-month list of outages to the city. The Energy Commission will provide a list of questions to ComEd and an agreed list will be investigated.		
Project 5 – Summer Critical Station.	ComEd will provide a list of Summer Critical work for Evanston on annual basis.		

Exhibit
ComEd's Special Projects
In The City of Evanston

Project Number, Location, and Feeder Number	Investigation Results and Required Action(s)	Start Date	Completion Date
Project 6 – Feeder Loading Feeder:	ComEd will identify any feeders in Evanston that are loaded greater than 90%. Feeder list will be provided on an annual basis. For the feeders provided, ComEd will provide the actual peak loading of the previous year		
Project 7 - Planning	ComEd Distribution Planning Department will meet with Evanston Planning Department annually to coordinate information about expected future major load additions. ComEd will also share any work affecting Evanston in the 5-year capacity plan on an annual basis.		
Project 8 – Substation Capacity Report	ComEd will provide a list of Substations serving Evanston that are loaded above 90%. Substation list will be provided on an annual basis and will include the actual peak loading of the previous year for those stations along with the design capacity of the station.		
Project 9 – Feeder Map	On an annual basis, Com Ed will provide the most recent updated map of all Evanston feeders and list the total number of Evanston customers on each feeder by Residential and Commercial/Industrial.		
Project 10 - Reports	Com Ed will provide suitable representatives at the meeting scheduled by the TRG for reviewing the annual report who are qualified to describe Com Ed's Annual and 3 year plan for improvement in reliability, capacity and timely restoration after an outage.		

Exhibit B
ComEd's Ongoing Service Programs and Improvement

I. Schedule of Reports

A. Quarterly and Annual Reports

The Annual Report will be essentially identical to the model Annual Report provided by ComEd with the following additions:

1. Under Reliability Indices Graph: A second set of graphs will be inserted comparing the indices for the Skokie DMC with the System indices for Storm and Non-Storm.
2. After Electrical System Improvements: Insert a new section entitled: 'Inspection Report by Feeder' which will include a list of the feeders in Evanston and when they were last inspected and the next inspection cycle.'
3. Under Tree Trimming Report by Feeder: Add that a list of the feeders in Evanston will be added including when they were last trimmed and the next trimming cycle.

1. October 31 & April 30 for each year

B. Outage Data

1. August 15, (January 1 to July 31,); February 15, (August 1 to December 31,); for each year

II. Ongoing Service Improvement Programs.

ComEd is working hard to become the leading provider of electric delivery services in the Midwest. ComEd has a number of programs that are designed to improve the quality of its delivery services. Below, we have highlighted some of the more important improvements and programs that are expected to have a positive impact on the quality of service to Evanston residents. In addition, we have described some of our economic development programs and how we can best utilize those programs in Evanston.

A. Distribution Circuit Inspection.

On a regular basis, ComEd inspects its distribution circuits, for broken or damaged equipment including, (e.g., transformers, wires, lightning protection, etc.). Should the inspection indicate that any major repair or replacement of equipment is necessary, ComEd will provide the city the type of problems found and the status of repairs made.

B. Distribution Circuit Remediation

This program addresses performance issues on the "worst 1% circuits" in each operating area of ComEd's service territory, as set forth in the Illinois Commerce

Exhibit B
ComEd's Ongoing Service Programs and Improvement

Commission administrative code. The "worst" circuits in each operating area are first identified based on frequency and duration performance, root cause analysis is completed and remediation plans are developed and carried out based on this analysis.

F. Remedial Action for Customers Who Experience Multiple or Lengthy Interruptions.

Rules enacted by the Illinois Commerce Commission require Illinois utilities to report on certain service standards. Specifically, depending on the voltage level at which the customer receives service, ComEd and other utilities attempt to limit the number of controllable interruptions and the duration of those interruptions experienced by customers. Under the rules, Illinois utilities must develop processes to identify, analyze, and correct the service reliability for customers who experience a number or duration of interruptions that exceeds the target numbers. The full text of the rules, as well as other information relating to service reliability, may be found on the Illinois Commerce Commission's web site <http://www.icc.state.il.us>

I. Service Interruption Management and Reporting.

ComEd has made a number of improvements in the way in which it manages service interruptions and how it communicates with customers and municipalities about interruptions and efforts to restore service. Described below are some of the more significant programs.

1. Service Interruption Management.

ComEd's Dispatch Center coordinates the efforts of regional reporting centers, which are located throughout the service territory.

ComEd also continues to rework its emergency restoration program, now called the Storm Restoration Program. ComEd monitors weather conditions and attempts to anticipate the path of severe weather events. In some cases ComEd will place crews in areas that are likely to be affected by a severe storm to respond more quickly should the storm hit and interrupt service. ComEd uses local crews to respond to weather emergencies. We also have contracts and agreements with other utilities and private companies to supplement our crews in severe emergencies. ComEd has enhanced communications with field emergency restoration personnel

Exhibit B
ComEd's Ongoing Service Programs and Improvement

2. Outage Notification to Municipalities.

For each feeder level interruption that lasts for more than fifteen minutes, ComEd notifies each affected municipality by fax or e-mail within one hour after ComEd learns of the interruption. ComEd is committed to updating the information every two hours by subsequent faxes or e-mails. The notice typically describes the location of the interruption, an estimate of the number of customers affected, and an estimated time for full restoration of service. Beginning in 1999, the fax notices now include a direct phone number to ComEd's dispatch center in Joliet that municipal officials may dial for more detailed information on the restoration efforts. The fax notification program reports only "feeder-level" interruptions i.e., incidents that affect 1000 kva or more of electric load. On an annual basis, ComEd sends each municipality a fax notification form that the municipality must complete with fax numbers and names of the persons who are to receive notification from ComEd. The fax notification system gives municipalities current information on restoration efforts in their communities.

From time to time, ComEd may interrupt electric service in order to replace or repair equipment, or to accommodate private or governmental construction or demolition efforts. Before ComEd implements a planned interruption, however, we make sure that customers and municipal officials are aware of the interruption and are given sufficient time to respond. In most circumstances, ComEd notifies the customers who would be affected by the interruption by mail. ComEd also notifies the municipal official designated on the fax notification form by fax or e-mail at least twenty-four hours prior to the interruption. There are times, however, when ComEd must interrupt service on short notice. In those cases, ComEd will contact affected customers by telephone and municipal officials by fax with as much lead time as possible.

3. ComEd's Internet-Based Solutions.

ComEd has developed e-Outage, an Internet site that reports information on service interruptions by region, within the ComEd service territory. By entering a password, municipal officials currently can access the site to obtain current information on how long customers in the town have been out of service, and when available, an estimate restoration time. It also allows municipal officials to view service interruptions in their community on a geographic map.

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ComEd's Ongoing Service Programs and Improvement

J. Tree Trimming and Vegetation Management.

1 ComEd's Tree Trimming Program

On August 2, 2001, the Illinois General Assembly passed Public Act 92-0214 that specifies how utilities will trim trees in Illinois. The law specifies the standard by which utilities will trim trees and what notification utilities are required to give customers and municipalities. For details regarding the new law, see <http://www100.state.il.us/government/getlegis.cfm> and HB1776.

a) Tree Trimming Agreement.

On November 11, 2002, the City of Evanston approved a Tree Trimming Agreement with ComEd. The various Councils of Government, including the Northwest Municipal Conference, approved this agreement. The agreement, which is for a four-year period, allows ComEd to continue to trim trees to the standards set in Public Act 92-0214. By signing the agreement, Evanston is qualified to participate in ComEd's Municipal and Customer Tree Replacement Program.

b) Tree Trimming List

ComEd will provide on an annual basis, the list of feeders in Evanston and when they were last trimmed and the next trimming cycle.

K. Green Power Initiatives

Com Ed agrees to cooperate with the City of Evanston (City) during the term of this franchise extension to help it achieve its goal of 20% green power for City facilities served by Com Ed by offering to the City any future Com Ed green power initiatives developed by Com Ed to the extent the same are offered to customers of the same class and in the same territory as the City. Evanston has expressed its interest in serving as a demonstration municipality for any future green initiatives.

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ComEd's Ongoing Service Programs and Improvement

L. Economic Development Initiatives - Church-Brown Revitalization

In support of a unique community revitalization project at Church Street and Dodge Avenue, upon a formal request by the City and review by ComEd, Com Ed will consider leasing to the City a limited portion of vacant land at a site that also includes a Com Ed substation for parking for six (6) vehicles. Any such lease to the City would limit the City's use of the property to parking for the adjacent redevelopment project. Such leasing of this property to the City would be subject to any requisite regulatory approvals, safety and access conditions and ComEd would retain the right to terminate the lease if such property is required by Com Ed.

M. Emergency Construction Work in the Public Right of Way

In the event of an emergency, if prior acquisition of formal authorization is not possible, ComEd or any person acting on its behalf, may undertake the emergency work without first acquiring formal authorization, provided that ComEd shall apply for such formal authorization at the earliest reasonable opportunity, typically within 72 hours, but not to exceed 10 business days.

N. Notification of Cutoff Electric Service Customers

ComEd agrees to provide the city with the available monthly list of electric service cutoffs (of customers that have been cut for more than 30 days) by address. ComEd reserves the right to modify this process if legal or regulatory changes occur, but not without notification and discussion with the city.