

7/13/2010

58-O-10

AN ORDINANCE

**Granting an Extension, Until September 12, 2015,
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 thereafter 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 Council on July 9, 2007, did adopt Ordinance 68-O-07, which granted a three (3) -year extension of Ordinance 13-O-57 until July 14, 2010; and

WHEREAS, the City Council on July 12, 2010, did adopt Ordinance 45-O-10, which granted a sixty (60)-day extension of Ordinance 13-O-57 until September 12, 2010; and

WHEREAS, the City of Evanston and Commonwealth Edison 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 September 12, 2010; and

WHEREAS, Commonwealth Edison, having notice and being aware of the adoption of 45-O-10 and the September 12, 2010, termination date of the existing authority, requests that the City extend the grant of authority for five (5) years until September 12, 2015 with an option for five (5) additional years that the City may exercise at its sole discretion; and

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

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

SECTION 1: That the foregoing recitals are found as fact and made a part hereof.

SECTION 2: That the duration of Ordinance 13-O-57, which terminates on September 12, 2010, is hereby extended until September 12, 2015, 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 September 12, 2015.

SECTION 3: That the City may, until September 12, 2015, exercise its option to re-extend the grant of authority for an additional five (5) years to September 12, 2020. The decision whether to exercise said option shall be within the City's sole discretion.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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: July 26, 2010 Approved:
Adopted: August 9, 2010 August 11, 2010

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene By Elaine Butwell W. Grant Farrar
Rodney Greene, City Clerk Deputy Clerk W. Grant Farrar, City Attorney

EXHIBIT 1

Projects and Programs in the City of Evanston

Exhibit A - Projects and Programs In the City of Evanston

Project	Investigation Results and Required Actions	Schedule
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 circuits to be trimmed and inspected and any significant items found.	ICC Requirement
Project 2- 1% Circuit Reporting	On a yearly basis, ComEd will provide a report of any 1% feeders that serve Evanston. A statement of any remedial actions will be included. (4th Qtr. calendar year) As reported to the Illinois Commerce Commission, criteria based on frequency and duration, plus additional analysis.	Annual
Project 3 - Reliability Reports	Schedule of Reports: The annual report will be essentially identical to the model Annual Report provided by ComEd with the following additions. These reports will include progress on projects and programs identified in Exhibit A, twice a year. Insert a new section entitled: "Inspection by Feeder" which will include a list of the feeders in Evanston and when they were last inspected and the next inspection cycle. Insert a new section, under Tree Trimming Report by Feeder, a list of feeders in Evanston will be added including when they were last trimmed and the next trimming cycle. Insert a new section Skokie/Techy Reliability Report. Outage Data provided semi annually. (First 6 months, then full 12 months.)	Semi Annual (October 29,2010, April 29, 2011 October 28,2011, April 27,2012, October 26, 2012, April 26,2013, October 25, 2013, April 25, 2014, October 31, 2014, April 24, 2015)
Project 4- Summer Critical	ComEd will provide a list of "Summer Critical" work for Evanston on an annual basis.	Annual
Project 5 - Feeder Loading	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 loading of the previous year.	Semi Annual
Project 6 - Distribution Planning	ComEd Distribution Planning Department will meet with Evanston TRG 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.	Semi Annual
Project 7 - Substation Capacity	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.	Semi Annual
Project 8 - Feeder Map	On an annual basis, ComEd will provide the most recent updated map of all Evanston feeders and list the totla number of Evanston customers served on each feeder by Residential and Commerical/Industrial.	Annual

Exhibit A - Projects and Programs In the City of Evanston

<p>Additional Programs & Improvements</p>		
<p>Program 1 - Customers with Multiple Outages (Multiple & Long Duration)</p>	<p>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</p>	
<p>Program 2 - Service Interruption Management</p>	<p>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.</p>	
<p>Program 3 - Outage Notification to Municipalities</p>	<p>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.</p>	

Exhibit A - Projects and Programs In the City of Evanston

Additional Programs & Improvements		
Program 3 - Con't	<p>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</p>	
Program 4 - Internet Applications (E-Outage)	<p>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.</p>	
Program 5- Tree Trimming & Tree Agreement	<p>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. 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. ComEd will provide on an annual basis, the list of feeders in Evanston and when they were last trimmed and the next trimming cycle.</p>	
Program 6 - Green Power Initiatives	<p>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.</p>	

Exhibit A - Projects and Programs In the City of Evanston

<p>Additional Programs & Improvements</p>		
<p>Program 7 - Economic Development Initiatives- (Church & Brown Substation Lincoln & Green Bay Substation)</p>	<p>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. Aesthetic improvements to Lincoln & Green Bay, i.e. painting of equipment.</p>	
<p>Program 8 - Emergency Construction in the Public ROW</p>	<p>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.</p>	
<p>Program 9 - Notification of Cutoff Electric Service</p>	<p>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. The report will be generated once per month during the cut season. (April 1st - November 30th) The Illinois Administrative code Title 83, Chapter I Part 280.135 does not allow shut off during the period of December 1st through March 31st. ComEd reserves the right to modify this process if legal or regulatory changes occur, but not without notification and discussion with the city.</p>	