

(Combination Company Owned
and
Municipally Owned Systems)

STREET LIGHTING CONTRACT ORDINANCE

NUMBER 7172-2

AN ORDINANCE CONTRACTING WITH ILLINOIS POWER COMPANY, AN ILLINOIS CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR THE FURNISHING OF STREET LIGHTING IN THE CITY OF URBANA COUNTY OF CHAMPAIGN STATE OF ILLINOIS.

WHEREAS, ILLINOIS POWER COMPANY, hereinafter designated as "Utility", has offered to furnish, operate and maintain upon certain streets, alleys, avenues and other public places within the City of Urbana, hereinafter designated as "Municipality", a Utility owned street lighting system and to furnish electric energy and lamp renewals for an ornamental street lighting system owned and operated by the Municipality, in accordance with the provisions hereinafter set forth, and the acceptance of said proposal is deemed to be to the best interest of the Municipality and the Public.

NOW, THEREFORE, BE IT ORDAINED by the Mayor & City Council of the City of Urbana, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS:

1. That Utility hereby agrees to furnish, operate and maintain a street lighting system for the lighting of streets, avenues and other public places within the Municipality. The street lighting system installed or to be installed by Utility hereunder shall be what is known as a multiple system.

Utility will install, maintain and operate at locations designated by Municipality, additional street lights reasonably required for such street lighting purposes and ordered by Municipality during the term hereof by resolution duly adopted.

The number and size of lamps to be operated shall be as determined by Municipality, subject to the conditions of this Contract Ordinance and to the Grantee's requirements for operating a multiple system.

Utility further agrees to furnish electric energy and lamp renewals for the ornamental street lighting system owned by Municipality.

2. That Municipality hereby agrees to purchase from Utility all the lighting service which Municipality shall require and use for street lighting in excess of such service supplied by Grantee pursuant to a certain franchise dated Jan. 6, 1969, during the term hereof and to pay to Utility for such lighting service the amounts due for lights installed and operated under Utility's electric price schedule, Ill. C. C. No. 5 Sheet Nos. 54, 55, as now on file with or hereafter modified by order of the Illinois Commerce Commission. 58 & 58.1

The initial installation of street lights, in the street lighting system owned by the Utility, to be furnished, operated and maintained, pursuant to this Contract Ordinance shall be as follows:

<u>Number</u>	<u>Size of Lamps</u>	<u>Type of Lights</u>	<u>Annual Burning Schedule-Hours</u>
NONE			

The initial installation of lights in the street lighting system owned by the Municipality, for which Utility shall furnish electric energy and lamp renewals, pursuant to this Contract Ordinance shall be as follows:

<u>Number</u>	<u>Size of Lamps</u>	<u>Type of Lights</u>	<u>Annual Burning Schedule-Hours</u>
3	7300 Lumens	Class C	4000

Terms of Payment:

Bills will be rendered monthly on the basis of the above rate, and Municipality shall pass and allow all such bills for service, which are presented by the Utility not less than 3 days before any regular meeting of the City Council or Board of Trustees, as the case may be, of the Municipality at such meeting, and shall further pay all bills so allowed within 10 days after the date of such allowance. Any bill not paid within 30 days after the date on which it is rendered, shall bear interest at the rate of 6% per annum from the date on which it is rendered.

3. That Municipality shall be indebted to Utility only in the amount or amounts represented by monthly charges for lamp operating service actually furnished hereunder and is under no obligation to receive or accept any minimum of service under this agreement.
4. That Utility agrees to make available to Municipality, during the term hereof, any revised general street lighting price schedule of Utility, that may become effective, and which would be more advantageous to the Municipality.
5. That the Utility owned street lights herein contracted for shall be located at such places within the municipal limits as the Municipality shall direct, and shall be installed on brackets approximately eighteen (18) feet from the ground. Should the Municipality, during the term of this Contract Ordinance, require the location of any such light or lights to be changed, the cost of such change shall be borne by the Municipality.
6. That if Utility shall fail to operate the street lights as herein provided for, an amount proportional to the period of outage for number of lamps not burning shall be deducted from the monthly charge, provided, how-

- ever, no deduction shall be made unless Utility shall fail to turn on the lights after written notification, or shall fail to replace burned-out lamps within twenty-four (24) hours after written notice from the Municipality.
7. That Utility shall endeavor to maintain adequate and continuous service but does not guarantee that the supply of electric energy will, at all times, be constant; and it is agreed that temporary cessation of Utility's service hereunder, occasioned by acts of God, fire, explosion, strike, insurrection, mob violence, governmental interference, breakdown, or injury to machinery, transmission or distribution lines, or other accidents or causes not reasonably within its control, shall not constitute a breach of this contract on the part of Utility, and Utility shall not be liable to Municipality for any damages resulting from such temporary cessation of service.
 8. That the poles, conductors, conduits and equipment placed by Utility in the streets, avenues, alleys and public places in the Municipality shall be exempt from any special tax, assessment, license or rental fee during the term of this Ordinance.
 9. That this Contract Ordinance shall be in full force and effect for a term of **ten (10)** years, said term to commence when Utility accepts this Ordinance in writing, which said acceptance shall be filed within sixty (60) days after the passage and approval of this Ordinance, and this Ordinance when so accepted by Utility shall become a Contract between Municipality and Utility and shall continue in full force and effect during the term aforesaid.
 10. ~~That certain Ordinance enacted~~

~~passed by the~~ _____ ~~of the~~ _____
~~of~~ _____, ~~Illinois~~ _____ day of _____, A. D. 19____,
~~and approved by the~~ _____
~~on the~~ _____ day of _____, A. D. 19____, ~~be and the same is hereby repealed and~~
~~of no further force and effect~~

11. That all provisions of this Contract which are obligatory upon or shall inure to the benefit of the Utility shall inure to the benefit of all successors and assigns of said Utility.

PASSED by the Mayor & City Council _____ of said
 City of Urbana, COUNTY of Champaign, STATE OF ILLINOIS,
 this 3rd day of May, A.D. 1971.

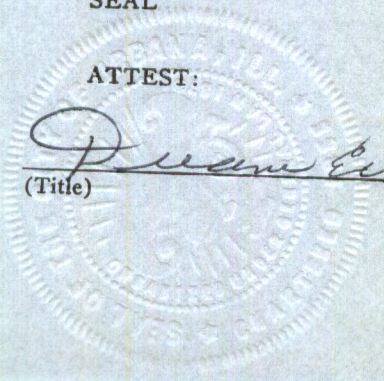
APPROVED by the Mayor & City Council _____ of said
 City of Urbana, COUNTY of Champaign, STATE OF ILLINOIS,
 this 3rd day of May, A.D. 1971.

SEAL

Charles M. [Signature]
 (Title) Mayor

ATTEST:

Dorcas E. [Signature]
 (Title) City Clerk



Ill. C. C. No. _____	5
Fifth Revised Sheet No. _____	2
Cancelling Ill. C. C. No. _____	5
Fourth Revised Sheet No. _____	2

ILLINOIS POWER COMPANY
SCHEDULE OF RATES FOR ELECTRIC SERVICE

STANDARD TERMS AND CONDITIONS

The Standard Terms and Conditions set forth below, and Ill. C. C. No. 10 - Rules, Regulations and Conditions applying to Electric Service apply to all pertinent electric service classifications and riders thereto herein contained, except that where provisions not consistent herewith or with the above mentioned Rules, Regulations and Conditions are set out in individual Service Classifications and Riders, the provisions of the Service Classifications and Riders shall govern.

1. Terms of Payment:

- (a) Customers' bills will be rendered at net rates and will be distributed at monthly intervals bearing the date on which net payments are due, namely not less than 10 days after date distributed. Accounts not paid in full within 10 days will be subject to an additional charge of 2%.
- (b) Upon request by Customer, Utility will waive the additional charge of 2% on bills not paid within the net payment period, provided such requests are not made more often than once in each half-calendar year.
- (c) Because of statutory or other requirements incidental to their fiscal operations, Federal, State, County and Municipal governments including public school districts or any other political subdivision created under Federal or State Laws and supported by public taxation, will be allowed a period of 30 days from date of bill during which time payment may be made on a net basis. Such accounts not paid in full within 30 days will be subject to an additional charge of 2%.
- (d) The additional charge of 2% provided for in subparagraphs (a), (b) and (c) above shall not be in lieu of or affect the Utility's right to collect interest as provided by law or by contract on account of failure of the customer to pay charges when they become due and payable.

*** 2. Additional Charges for Excess State Public Utility Tax:**

State Public Utility Tax in excess of 3 percent on electric service will be added to net billing as provided in Section 36 of the Act concerning public utilities as amended by House Bill 1182 passed during the 1965 session of the Illinois State Legislature.

3. Additional Charges for Service in Certain Communities:

Whenever and so long as any municipal or quasi-municipal corporation shall require the Utility to pay a consideration for any franchise or privilege, or shall tax Utility as may be provided by law and if such consideration or tax is based on a percentage of Utility's gross earnings or gross receipts from electric service to customers within the territorial limits of such taxing bodies, the charge for service to each customer within such territorial limits which would otherwise be made shall be increased (by separate billing item or items) by the same percentage or amount plus such additional percentages or amounts to cover costs of accounting, the resulting increases in other taxes and other matters as may be permitted by law.

4. Resale, Standby and Auxiliary Service:

Energy supplied to any customer under Ill. C. C. No. 5 is not available for Resale, Standby or Auxillary Service, except where expressly provided for by the Service Classification under which such customer takes service.

5. Exclusive Source of Power:

Service shall not be available to any customer at any location where customer purchases electric energy from any other source than Utility.

* Asterisk indicates change.

ILLINOIS POWER COMPANY
 SCHEDULE OF RATES FOR ELECTRIC SERVICE

SERVICE CLASSIFICATION 45
 Municipal Street Lighting Service

1. Availability:

This classification is available to any city, village, town, or to any park district situated within or adjacent to any city, village or town (hereafter called 'Municipality'), in which Utility is rendering electric service under an ordinance granting Utility the privilege of occupying the streets, alleys, and other public places in said municipality for the purpose of transmission, distribution, and sale of electric service, and under the specific limitations herein provided, to other municipalities (i.e., cities, villages and towns in which Utility does not have a franchise), individuals, schools, private corporations and citizen groups.

2. Class of Service:

Utility will furnish the classes of service described below, each at the corresponding base rates per lamp per year, billed monthly, as indicated in the table of base rates per lamp per year set forth below, including maintenance, depreciation, electric energy requirements, and replacements of lamps and other glassware as required on systems owned and operated by Utility, but only including electric energy requirements and lamp replacements on systems owned and operated by municipality.

Class A - Incandescent lamps on standard overhead wood pole construction, owned and operated by Utility.

Class B - Incandescent lamps on standard overhead concrete pole construction or on existing metal pole construction, owned and operated by Utility.

Class C - Either incandescent or mercury vapor lamps, owned and operated by Municipality.

Class D - Mercury vapor lamps on standard overhead wood pole construction, owned and operated by Utility.

Class E - Mercury vapor lamps on standard overhead concrete pole construction or on existing metal pole construction, owned and operated by Utility.

* 3. Rates

(a) Base Rates per Lamp per Year:

(To be billed at one-twelfth the following amounts each month)

4000 hours per year burning schedule including all hours of darkness

<u>Size</u>	<u>Class A</u>	<u>Class B</u>	<u>Class C</u>	<u>Class D</u>	<u>Class E</u>
† 1000 Lumen	\$17.	\$	\$13.	\$	\$
2500 Lumen	23.	36.	18.		
4000 Lumen	30.	42.	24.		
6000 Lumen	40.	56.	32.		
7300 Lumen			33.	55.	
† 10000 Lumen	54.	72.	42.		
11000 Lumen			44.	67.	92.
20000 Lumen			69.	86.	102.
37000 Lumen			110.	132.	182.
55000 Lumen			132.	154.	204.

† Not available for new installation except where such installation will be within or immediately adjacent to a street lighting system of the same size lamps.

* Asterisk indicates change.

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0.6

Ill. C. C. No. 5
Third Revised Sheet No. 55
Cancelling Ill. C. C. No. 5
Second Revised Sheet No. 55

ILLINOIS POWER COMPANY
SCHEDULE OF RATES FOR ELECTRIC SERVICE

SERVICE CLASSIFICATION 45 - PAGE 2

(1) Contract Term Discount:

The above base rate shall be subject to a discount of ten per cent (10%) for a contract ordinance term of ten years or more.

(2) Quantity Discounts:

Further discounts in respect of and based upon quantity of service taken, shall be allowed as follows:

- For the first \$ 50.00 of the foregoing charges per month, no discount.
- For the next \$150.00 of the foregoing charges per month, 3% discount.
- For the next \$700.00 of the foregoing charges per month, 5% discount.
- For all over \$900.00 of the foregoing charges per month, 10% discount.

(b) Additional Charges

Where Utility agrees to install, operate, and maintain facilities other than those facilities used in standard overhead street lighting installations, Customer shall pay an annual charge equal to 15% of the estimated installed cost of such additional facilities. The charges provided for hereunder shall be in addition to those charges provided for in Paragraph 3(a) hereof and shall be payable monthly at a rate equal to 1/12 of such annual charge.

4. Term of Contract:

Utility shall not be requested to provide or install street lighting systems and facilities or furnish service under the terms of this schedule, unless a contract ordinance of Municipality authorizes service under said schedule for a period of not less than five years from the date of request for such installation is received.

* 5. Service to Non-Franchise Municipalities and Other Customers:

The rates provided herein without contract term or quantity discounts shall be available to individuals, schools, governmental agencies, corporations, and citizen groups in areas served by Utility owned systems operated under municipal contract ordinance; provided such parties shall contract with Utility to take service of the same character and burning schedule as rendered to Municipality and to take such service for a period of five years or for the unexpired term of the municipal contract ordinance effective in said area. Utility shall not be required to initiate such service when the unexpired term of such municipal contract ordinance is less than two years.

The rates provided herein without contract term or quantity discounts, shall be available to individuals, schools, governmental agencies, corporations, and citizen groups contracting to take street lighting service from Utility for not less than a five year period, in areas where Utility owns and operates suitable electric service facilities, and where such service is not furnished to the community under municipal contract ordinance.

The foregoing terms and limitations shall also apply to street lighting service in municipalities in which Utility has no currently effective franchise.

NOTE: This schedule is subject to the Standard Terms and Conditions of Service set forth on Sheet No. 2 hereof.

* Asterisk indicates change.

ILLINOIS POWER COMPANY
SCHEDULE OF RATES FOR ELECTRIC SERVICE

RIDER A

Municipal Tax Additions

Pursuant to the provisions of Section 36 of the Act concerning public utilities, as amended authorizing certain additional charges for services rendered in municipalities imposing the tax authorized by Section 8-11-2 of the Illinois Municipal Code, the Company will add the percentages shown below opposite the names of such municipalities to all net billings (which shall include the percentage addition for Excess Public Utility Tax shown on Rider AA) for electricity furnished for use or consumption and not for resale, and for all services rendered in connection therewith, within the corporate limits of such municipalities (except items of such billings resulting from transactions not subject to such tax). The effective date for such additions will coincide with the date upon which the gross receipts from such billings become subject to tax. The amount of the additions will be separately designated on each customer's bill as "Municipal Tax" or by a similar legend.

<u>Name of Municipality</u>	<u>Percentage Addition to Billings</u>	<u>Effective Date</u>
East Carondelet	3.36%	January 1, 1956
Mt. Olive	5.73%	October 1, 1957
Cherry	5.73%	January 4, 1961
Brooklyn	5.73%	August 21, 1961
Urbana	3.36%	May 1, 1968
Champaign	3.08%	November 1, 1964
Steeleville	3.36%	October 1, 1963
Cambridge	2.56%	November 1, 1962
Keithsburg	5.73%	March 15, 1964
Normal	5.73%	July 1, 1965
Valmeyer	5.73%	May 1, 1966
Maryville	3.36%	June 1, 1966
East Galesburg	5.73%	June 1, 1970
Newark	5.73%	November 1, 1966
Dawson	5.73%	February 6, 1967
Galesburg	3.60%	July 1, 1970
Shawneetown	5.73%	September 1, 1967
Arlington	5.73%	October 1, 1967
Centreville	5.73%	September 1, 1969
Cahokia	5.73%	November 1, 1969
Buffalo	5.73%	September 25, 1970
* Pontoon Beach	5.73%	December 18, 1970

*Indicates addition.

ILLINOIS POWER COMPANY
SCHEDULE OF RATES FOR ELECTRIC SERVICE

RIDER AA

Excess State Public Utility Tax

Pursuant to the provisions of Section 36 of the Act concerning public utilities as amended, authorizing certain additional charges for services rendered in the State of Illinois on account of the addition of State Public Utility Tax in excess of 3 percent, the Company will add such excess to all net billings for electricity furnished for use or consumption and not for resale, and for all services rendered in connection therewith (except items of such billing resulting from transactions not subject to such tax). The percentage additions to all billings subject to the State Public Utility Tax and the date on which such billings will become effective are as follows:

Percentage Addition

*2.00%

Effective Date

Meter readings taken on and after August 1, 1967

* Asterisk indicates change

Issued July 27, 1967

Effective August 1, 1967

Issued by H. G. Meenen,
Chairman of the Finance Committee
Decatur, Illinois