

Resolution No. 2024-504

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A resolution of the Gainesville Regional Utilities Authority, a unit of city government of the City of Gainesville, Florida, pursuant to the power and authority of the Authority set forth in the City Charter, providing that Gainesville Regional Utilities shall no longer be subject to Chapter 27, Article I, Section 27-17 of the City of Gainesville Code of Ordinances; providing for the creation of an Advanced Metering Infrastructure Opt-Out Program; providing for the notification to the City Commission of the conflict with existing ordinances; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, Article VII, 7.03(1)(b) of the Charter of the City of Gainesville, Florida vests the Gainesville Regional Utilities Authority, a unit of city government, with the power to amend the rates, fees, assessments, charges, rules, regulations, and policies governing the sale and use of services provided through the utilities; and

WHEREAS, notice has been given by posting on GRU’s main website at <https://www.gru.com> notifying the public of this proposed resolution and of the public hearing in the GRU Multipurpose Room located on the first floor of the GRU Administration building in the City of Gainesville; and

WHEREAS, a public hearing was held pursuant to the published notice described above, at which all interested parties had an opportunity to be, and were, in fact, heard; and

NOW, THEREFORE, BE IT RESOLVED BY THE GAINESVILLE REGIONAL UTILITIES AUTHORITY, A UNIT OF CITY GOVERNMENT OF THE CITY OF GAINESVILLE, FLORIDA AS FOLLOWS:

26 **Section 1.** Gainesville Regional Utilities shall no longer be subject to Section 27-17,
27 “Reserved” of Article I, Chapter 27 of the City of Gainesville Code of Ordinances.

28 **Section 2.** The Gainesville Regional Utilities Authority hereby enacts the following terms
29 and conditions, titled, “Section 27-17. Advanced Metering Infrastructure Opt-Out Program,”
30 which will control the operation of the utility system.

31 **Sec. 27-17. Advanced Metering Infrastructure Opt-Out Program.**

32 (a) *Intent.* It is the intent of the utility system to temporarily allow residential customers to
33 opt-out of having standard electric, gas, and/or water meters installed on their property
34 until such time as the technology for non-standard meters is no longer supported.
35 Meters with Advanced Metering Infrastructure (AMI) capability shall be the “standard
36 meters.” The legacy meters, i.e., meters without AMI, will be referred to as “non-
37 standard meters.” Once the existing stock of non-standard meters is exhausted,
38 customers who require meter repairs or replacements and future customers will not
39 have the option to opt-out of standard AMI meter installations. The utility system will
40 provide customers with a minimum of ninety (90) days' advance notice before non-
41 standard meters are deemed unsupported. The utility system may also consider
42 exemptions or extensions on a case-by-case basis for customers with extenuating
43 circumstances that prevent a timely transition to standard AMI meters. These situations
44 will be reviewed by the CEO/GM or their designee.

45 (b) *Application.* Residential customers that meet the conditions of the opt-out program
46 must submit an application to enroll in the program on a form provided by the utility

47 system. The application will be reviewed by the CEO/GM or their designee. Details of
48 the conditions of the program shall be set forth in a policy.

49 (c) *Eligibility*. To be eligible to opt-out of standard meters, the customer must be a
50 residential customer with single service meters.

51 (d) *Ineligibility*. In addition to the requirements in this section, the following account
52 holders are not eligible to opt-out of standard meters:

53 1) Account holders who receive utility service as part of a meter bank or multi-
54 meter center;

55 2) Participants in the utilities solar initiative;

56 3) Accounts with net-metering;

57 4) Accounts with time-of-use metering;

58 5) Commercial customers;

59 6) Industrial customers;

60 7) Customers with any other rate or customer program that requires advanced
61 metering;

62 8) The account holder has had prior circumstances of theft or tampering at any of
63 their metering locations; or

64 9) The customer's account has had two or more instances of disconnection due to
65 non-payment in the most recent twelve-month period.

66 (e) *Automatic Enrollment into the Opt-Out Program*. If the utility system is unable to install
67 a standard meter at eligible premises for two consecutive months due to reasons such
68 as, but not limited to, locked gates, physical blockages, or unrestrained dogs, the utility

69 system will temporarily consider the customer as having opted out of the AMI program.
70 Consequently, the customer will be required to pay the one time service charge and
71 monthly non-standard meter fee.

72 1) *Notification.* The customer will be notified in writing, by means of letter or door
73 hanger, of the temporary opt-out status and the reasons preventing the
74 installation of the standard meter. The notification will include steps the
75 customer can take to facilitate the installation of a standard meter once the
76 obstruction is cleared and/or access is granted.

77 2) *Resolution and Fee Credit.* The customer may contact the utility system within
78 thirty days after the first assessment of the AMI meter opt-out fee to request the
79 installation of a standard meter. If the customer agrees to and facilitates the
80 installation within two months after the opt-out fee is first assessed, the utility
81 system will credit the customer's account with the amount of the opt-out fee
82 charge on the next bill.

83 3) *Duration and Re-evaluation.* The temporary opt-out status will remain in effect
84 until the obstruction is remedied and/or access is granted and the utility system
85 can install the standard meter. If the obstruction is not removed within six
86 months from the initial notification, the utility system may re-evaluate the
87 situation and consider further actions, which could include continued
88 assessment of the non-standard meter fee.

89 (f) *Automatic Removal from the Opt-Out Program.*

- 90 1) If, during the time period in which the customer is in the Opt-Out Program, the
91 customer's account exceeds more than one disconnection in the most recent
92 twelve-month period, then the utility system may install a standard meter(s);
- 93 2) If, during the time period in which the customer is in the Opt-Out Program, the
94 utility system is unable to obtain access to read the meter(s) at the premises for
95 three consecutive months, the utility system may install a standard meter(s);
- 96 3) If, during the time period in which the customer is in the Opt-Out Program, a
97 customer who initially met the eligibility requirements but later becomes
98 ineligible (e.g., due to disconnection or participation in a solar initiative), the
99 utility system may install standard meters; or
- 100 4) If the technology for non-standard meters is no longer supported, the utility
101 system will install standard meters.

102 (g) *Charges.* Upon voluntary enrollment or involuntary placement into the AMI Opt-Out
103 Program, a one-time service charge and monthly fee in accordance with Appendix A will
104 be applied to the customer's bill. The one-time service charge will be applied to each
105 customer account where the customer is enrolled or placed in the AMI Opt-Out
106 Program, regardless of how many meters on the account are changed to or kept as non-
107 standard meters. Such one-time charge will not be assessed to add additional meters to
108 an account that is already in the AMI Opt-Out Program.

109 **Section 3.** It is the intention of the Gainesville Regional Utilities Authority that the
110 provisions of Section 2 of this resolution govern in place of conflicting provisions of the Code of
111 Ordinances of the City of Gainesville, Florida. To the extent this resolution conflicts with section

112 27-17 of the Code of Ordinances, City of Gainesville, Florida, per Charter Article VII, 7.10(2), the
113 provisions of this resolution shall govern.

114 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this resolution
115 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
116 finding shall not affect the other provision or applications of the resolution which can be given
117 effect without the invalid or unconstitutional provisions or application, and to this end the
118 provisions of this resolution are declared severable.

119 **Section 5.** All resolutions, or parts of resolutions, in conflict herewith are to the extent
120 of such conflict hereby repealed on the effective date of this resolution.

121 **Section 6.** The Gainesville Regional Utilities Authority shall notify the City Commission
122 of the conflict between the provisions of this resolution and Chapter 27, Article I, section 27-17,
123 “Reserved” of the Code of Ordinances of the City of Gainesville, Florida.

124 **Section 7.** The resolution shall take effect immediately upon adoption.

125 **PASSED AND ADOPTED** this 26th day of June, 2024.

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130 [SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Attest:

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KRISTEN J. BRYANT

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CITY CLERK

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Approved as to form and legality:

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DANIEL M. NEE

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CITY ATTORNEY

152



C. ERIC LAWSON

GRU AUTHORITY CHAIRPERSON