

## ORDINANCE NO. 2025 - 3

AN ORDINANCE ADOPTING A NEW VOLUNTARY GREEN POWER PROGRAM FOR  
SERVICES RENDERED BY THE MUNICIPAL  
ELECTRIC UTILITY OF THE TOWN OF EDINBURGH, INDIANA AND  
AMENDING RATES AND CHARGES  
FOR THE USE OF AND SERVICES RENDERED BY THE  
ORDINANCE

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WHEREAS, pursuant to Indiana law, IC 8-1.5-3-8, the Superintendent of the Edinburgh Electric Department serves as the manager for the municipally owned electric for the Town of Edinburgh ("Superintendent") and which provides electric service in and around the Town of Edinburgh ("Town") and the Edinburgh Town Council ("Council") serves as the legislative body;

WHEREAS, the Town of Edinburgh is not subject to the jurisdiction of the Indiana Utility Regulatory Commission and, therefore, all electric rates and charges are subject to the control and/or approval of the Council;

WHEREAS, Indiana law requires all municipally owned utilities to establish rates and charges sufficient to produce revenue for all reasonable and necessary costs of operation and maintenance, working capital, depreciation, capital improvements, debt service on bonds and debt service reserve requirements associated with the utility;

WHEREAS, Indiana law allows that municipal utility rates and charges may also include a reasonable rate of return upon the utility plant, at the discretion of Council, as well as "payments in lieu of taxes", also at the discretion of the Council;

WHEREAS, the rates and charges have been amended from time to time as reflected in; Ordinance No. 2009-7; Ordinance No. 2010-2; Ordinance No. 2011-3, Ordinance 2012-5, Ordinance 2013-5, Ordinance 2019-9; Ordinance 2024-2 and Ordinance \_;

WHEREAS, the present language of said ordinances and the schedule of rates and charges do not adequately recover the costs of the normal operation and maintenance of the electric utility, and the Town Council desires to adjust the rates and charges for its municipally owned electric utility as set forth below;

WHEREAS, the Council finds that the rates and charges contained herein are reasonable, equitable, and based upon the cost of providing and maintaining electric service to its electric utility customers;

WHEREAS, the Superintendent believes that renewable energy is a valuable source of energy that can produce electricity in an environmentally friendly manner; and

WHEREAS, the Superintendent believes it is important for the Town to offer its customers who are interested in supporting energy from renewable energy resources an opportunity to participate in the Town's Green Power Program; and

WHEREAS, under the Town's Green Power Program participating customers will be able to purchase electricity generated from renewable sources or "green power" which is approved and available from the Indiana Municipal Power Agency ("IMPA"), the Town's wholesale supplier of electricity, including solar, wind and other sources of renewable energy; and

WHEREAS, service under the Town's proposed Green Power Program will be available on a voluntary basis to all customers currently served by the Town upon approval of the Green Power Program by the Council; and

WHEREAS, based on advice from the Superintendent, the rate for customers purchasing green power energy shall be IMPA's rate in effect at the time of billing for green power energy (.005 per kWh) plus one tenth of one cent (\$0.001) per kWh, in addition to the existing rates and charges for service under the rate schedule applicable to the customer's usage; and

WHEREAS, the Superintendent has approved the foregoing rate for the Green Power Program, along with other terms and conditions of service, and recommended to the Council that it approve by Ordinance the Green Power Program;

WHEREAS, the Council has approved the foregoing rate for the Green Power Program, along with the other terms and conditions of service, and it hereby finds that the rates and charges

contained herein are reasonable, nondiscriminatory, equitable, and based on the cost of providing service to it's the Town's customers.

NOW, THEREFORE, be it ordained by the Council of the Town of Edinburgh, Indiana, that the Green Power Program is adopted and the additional rates and charges for the Town of Edinburgh's municipally owned electric utility be amended as follows:

### **SECTION 1. ADOPTION OF PROGRAM AND MODIFICATION OF RATES AND CHARGES**

That the Green Power Program is adopted and the additional rates and charges of its electric utility services is hereby is amended by adding the following language:

**Availability.** Service under the Green Power Program ("Program") is available to all customers currently served by the Edinburgh Electric Department. Customer participation in the Green Power Program is completely voluntary.

**Character of Service.** Green Power is electricity generated from renewable and/or environmentally friendly sources including, without limitation solar and wind, and may include the purchase of renewable energy certificates from the above-described sources. The Program shall provide customers with the option to specify and designate that their energy consumption be associated with Green Power. Customers using this Program will pay a surcharge as set forth below for energy consumption associated with renewable energy sources. All of the provisions and charges of the current applicable rate, including Rate Tracker, will apply to the customer's total energy usage.

**Green Power Rate.** Customers opting to purchase Green Power energy will pay the IMPA's current rate of \$0.005 per kWh, of billing for green power energy plus \$0.001 per kWh, for a total of \$.006 per kWh, in addition to the existing rates and charges for service under the rate schedule applicable to the customer's usage. The pricing under this Program is in addition to the rates and charges billed for service on the customer's regular tariff for service.

#### **Terms and Conditions.**

- a. The customer shall enter into a service agreement with the Town (the Green Power Program Registration Agreement or "Agreement"), stating that the customer desires to be billed under the Green Power Rate. The Superintendent is authorized to prepare the Agreement that is consistent with this Ordinance.
- b. Service under this Program may be limited at the Town's sole discretion, based on the expected amount of renewable energy available, average monthly energy usage of the customer, bill payment and collection history.
- c. The customer may sign up for the purchase of Green Power at any time and service will become effective at the beginning of the next full billing period, at which time the customer will be charged for the total amount of Green Power purchased.
- d. The customer may cancel service under this Program at any time; however, any change in service will only become effective at the beginning of the next full billing period. The charge for Green Power will not be prorated in the billing period in which the customer cancels the Agreement.
- e. The Town reserves the right to terminate the Program, revise the rate per kWh per month or make other changes to the Program as allowed by law.

### **SECTION 3. REMAINING RATES AND CHARGES**

All rates and charges not amended herein shall not be repealed or changed as a result of this Ordinance, including but not limited to Ordinance \_\_.

### **SECTION 4. CONFLICTS**

Any portion of the other Ordinances in conflict with a provision in this Ordinance is hereby superseded to the extent inconsistent herewith. The provisions, rates, and charges of this Ordinance are severable. In the event if any one or more of the

provisions contained in this Ordinance should be invalid or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and/or the prior Ordinances of the Town, shall not in any way be affected or impaired and shall remain in full force and effect. Furthermore, to the extent a rate, charge or provision in this Ordinance is declared invalid, the higher of the valid charge or the original charge or fee previously established by the Town shall be effective and/or retroactive as though unaltered. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such an invalid part or parts.

**SECTION 5. PUBLIC BENEFIT**

The Council finds that adopting the Green Power Program and its additional rates and charges will be in the best interest of the Town and for the benefit of the public and residents of the Town and that the additional rates and charges for the Town of Edinburgh municipally owned electric utility include sufficient revenues to provide a reasonable rate of return upon its utility plant.


**SECTION 6. EFFECTIVE DATE**


This ordinance shall be in full force and effect from and after its passage, approval and publication according to law and that the additional rates and charges are to be implemented effective as of the date of this Ordinance and beginning on a date as soon thereafter as possible.

ADOPTED this 14 day of April 2025.

Edinburgh Town Council

  
M. Ryan Piercefield, Council President

  
Miriam Rooks, Vice President

  
Michael Bryant

  
Debbie Buck

  
Sherri Sweet

ATTEST:

  
Rhonda Barrett, Clerk Treasurer