

**ORDINANCE NO. 904  
STATE OF MINNESOTA  
COUNTY OF RAMSEY  
CITY OF NEW BRIGHTON**

**AN ORDINANCE IMPLEMENTING  
AN ELECTRIC SERVICE FRANCHISE FEE  
ON NORTHERN STATES POWER COMPANY,  
A MINNESOTA CORPORATION,  
ITS SUCCESSORS AND ASSIGNS,  
FOR PROVIDING GAS SERVICE WITHIN  
THE CITY OF NEW BRIGHTON**

THE CITY COUNCIL OF THE CITY OF NEW BRIGHTON ORDAINS as follows:

**SECTION 1.** The City of New Brighton Municipal Code is hereby amended to include reference to the following Special Ordinance.

**Subd. 1. Purpose.** The New Brighton City Council has determined that it is in the best interest of the City to impose a franchise fee on those public utility companies that provide natural gas services within the City of New Brighton.

- (a) Pursuant to City Ordinance 902, a Franchise Agreement between the City of New Brighton and Northern States Power Company, a Minnesota corporation, its successors and assigns, the City has the right to impose a franchise fee on Northern States Power Company, a Minnesota corporation, its successors and assigns, in an amount and fee design as set forth in Section 9 of the Northern States Power Company Franchise and in the fee schedule attached hereto as Schedule A.

**Subd. 2. Franchise Fee Statement.** A franchise fee is hereby imposed on Northern States Power Company, a Minnesota Corporation, its successors and assigns, under its gas franchise in accordance with the schedule attached here to and made a part of this Ordinance, commencing with the NSPM January, 2024 billing month.

This fee is an account-based fee on each premise and not a meter-based fee. In the event that an entity covered by this ordinance has more than one meter at a single premise, but only one account, only one fee shall be assessed to that account. If a premise has two or more meters being billed at different rates, the Company may have an account for each rate classification, which will result in more than one franchise fee assessment for gas service to that premise. If the Company combines the rate classifications into a single account, the franchise fee assessed to the account will be the largest franchise fee applicable to a single rate classification for energy delivered to that premise. In the event any entities covered by this ordinance have more than one premise, each premise (address) shall be subject to the appropriate fee. In the event a question arises as to the proper fee

amount for any premise, the Company's manner of billing for energy used at all similar premises in the city will control.

**Subd. 3. Payment.** The said franchise fee shall be payable to the City in accordance with the terms set forth in Section 9 of the Franchise.

**Subd. 4. Surcharge.** The City recognizes that the Minnesota Public Utilities Commission may allow Company to add a surcharge to customer rates of city residents to reimburse Company for the cost of the fee.

**Subd. 5. Enforcement.** Any dispute, including enforcement of a default regarding this ordinance will be resolved in accordance with Section 2.5 of the Franchise Agreement.

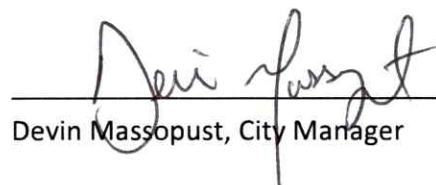
**Subd. 6. Effective Date of Franchise Fee.** The effective date of this Ordinance shall be after its publication and ninety (90) days after the sending of written notice enclosing a copy of this adopted Ordinance to NSPM by certified mail. Collection of the fee shall commence as provided in above.

This ordinance shall be in full force and effect from and upon its adoption and publication according to law.

Adopted this 22<sup>nd</sup> day of August, 2023 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



## SCHEDULE A

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### **Franchise Fee Rates:**

#### Electric Utility

The franchise fee shall be in an amount determined by applying the following schedule per customer premise/per month based on metered service to retail customers within the City:

Class	Fee Per Meter
Residential	\$3.00
Sm C & I – Non-Dem	\$4.50
Sm C & I – Demand	\$28.00
Large C & I	\$185.00
Public Street Lighting	\$0.00
Muni Pumping –N/D	\$0.00
Muni Pumping – Dem	\$0.00

January – March collections due by April 30.

April – June collections due by July 31.

July – September collections due by October 31.

October – December collections due by January 31.