



CITY OF SAINT PAUL ALASKA

ORDINANCE 23-04

AN ORDINANCE FOR THE CITY OF SAINT PAUL, ALASKA REVISING THE CITY CODE OF ORDINANCES CHAPTER 13.05 ELECTRIC UTILITY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAINT PAUL:

Section 1. Classification. This ordinance amends existing provisions of the City's Code of Ordinances. Section 2 of this ordinance shall become a permanent part of the Code of Ordinances of the City of Saint Paul.

Section 2. Amendment. City Code Ordinances Title 13, Utilities, Chapter 13.05, Electric Utility shall be revised, as attached.

Section 3. Severability. As provided in the City Code of Ordinances Chapter 1.05, Section 1.05.070 Severability, if any portion of this ordinance is subsequently found to be invalid, such invalidity shall not affect the other parts of this ordinance.

Section 4. Duration. This ordinance shall remain in effect until revised by the City Council in accordance with the procedures set forth in Chapter 1.05, Section 1.05.080, Amendments to the Code.

Section 5. Effective Date. This ordinance shall become effective immediately following its adoption by the City Council.

First reading: June 20, 2023

Second reading: July 18, 2023

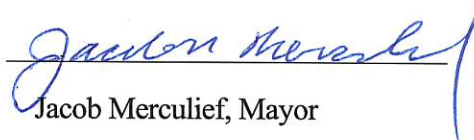
Public hearing: June 20, 2023

PASSED AND ADOPTED BY APPROVAL OF THE COUNCIL OF THE CITY OF SAINT PAUL THIS 18TH DAY OF JULY 2023 BY 6 IN FAVOR 1 OPPOSED AND 0 ABSTAIN.

ATTEST:



Aubrey Wegeleben, City Clerk



Jacob Mercurief, Mayor

Chapter 13.05

ELECTRIC UTILITY

Sections:

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13.05.010 Definitions.

“Accessible” means capable of being reached quickly for operation, removal or inspection without requiring those desiring access to climb ladders, to climb over or remove obstacles or to unlock doors.

“Class of service” means type of service rendered by the utility to a customer under a particular rate schedule.

“Commission” means the Alaska Public Utilities Commission.

“Cost” means the total cost to the utility to construct and install a facility or provide a service including administrative and material overhead and payroll costs.

“Customer” means any person, firm, association, or corporation, or any agency of Federal, State, or local government, being supplied with electric service by an electric utility.

“Delivery point” means the point at which the customer accepts delivery of electricity and is normally located where the customer’s service equipment and the utility’s system are connected.

“Electric plant” includes all real estate, fixtures and property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power.

“Meter” means, unless otherwise qualified, a device that measures and registers the integral of an electrical quantity with respect to time.

“Meter shop” is a shop where meters are inspected, repaired, and tested, and may be at a fixed location or may be mobile.

“Peak demand” means the maximum rate of energy use, measured in kilowatts.

“Premises” means the real property of a customer in a single location being served by the utility.

“Primary service” means the conductors and equipment necessary to supply the customer with electricity at the available primary voltage of 2,400 volts.

“Raceway” means a channel for holding wires, cables or bus-bars, which is designed expressly and used solely for that purpose.

“Salvage value” means the value of retired facilities and equipment as estimated by the utility.

“Secondary service” means service at available voltage of less than 2,400 volts.

“Service conductors” means the supply conductors which extend from the street main or from transformers to the service equipment on the premises being supplied with service.

“Service equipment” means the necessary equipment to control and meter the electric energy furnished by the utility at its point of delivery to the customer.

“Tariff” means the rate schedule, rules and regulations and other documents adopted by the utility as tariffs.

“Temporary service” means service provided on an interim basis during a construction phase or any other service provided by use of facilities which cannot be reused or continued as permanent facilities and must be removed when the temporary need has ceased. The duration of the service will not be considered as a controlling factor in the determination of whether a service is temporary in nature.

“Utility” means the City of Saint Paul d/b/a St. Paul Municipal Electric Utility. [Code 1979 EU § 12.0.]

13.05.020 Authority for rules and regulations.

(a) *Adoption.* These rules and regulations have been adopted by the City of Saint Paul, d/b/a St. Paul Municipal Electric Utility, hereinafter called the utility in accordance with its charter as a second-class city of the State of Alaska.

(b) No officer, agent or employee of the utility has the authority to waive, alter, or amend these rules and regulations.

(c) Copies of these rules and regulations, together with rate schedules and forms of application and contract, are on file for inspection at all offices of the utility.

(b) *Applicability.* These rules and regulations apply to all services rendered by the utility except as otherwise provided in individual rate schedules or special contracts. [Code 1979 EU § 1.0.]

13.05.030 Nature of service offered.

(a) *Electric Service.* The utility provides 60 cycle alternating current, three phase, at available standard voltages. Voltage, frequency, and wave form are regulated to conform to the standard practices of the industry.

The utility shall, unless otherwise provided, construct, operate, and maintain the facilities necessary to deliver electrical energy to the point of receipt by the customer. The responsibility for design, construction, operation, maintenance and relocation or removal of the utility's lines and other facilities shall rest with the utility. [Code 1979 EU § 2.0.]

13.05.040 Types of service.

(a) *Permanent.* Where the customer's facilities are such that the utility has reasonable assurance that the premises will take electric service permanently and continuously and where unusually large expenditures by the utility are not required to service the premises, the utility will, at its expense, provide the facilities necessary to serve the customer.

Where the utility cannot be assured that the customer to be served will be reasonably permanent or where unusual expenditures are necessary to supply service because of the location, size, or character of the applicant's or customer's installation, facilities will be constructed only when applicant or customer makes adequate contribution toward the cost of such facilities, or makes other satisfactory arrangements which would be sufficient to warrant the utility's undertaking the investment and expense involved.

(b) *Temporary.* Where service is to be used for temporary purposes only, the applicant will be required to pay the cost of the connection and removal of equipment necessary for service. In such cases, an advance payment sufficient to cover all such costs may be required.

(c) *Seasonal.* The utility will provide electric service to consumer premises that are utilized on a seasonal basis as provided in the applicable rate schedule for permanent services.

(d) *Standby.* The utility will furnish electric service to consumer premises for standby and emergency service as provided in the applicable rate schedules for permanent services. Where standby service is provided, the applicant will be required to pay the cost of the connection and removal of equipment necessary for service. In such cases, an advance payment sufficient to cover all such costs may be required.

(e) *Interruptible.* The utility will furnish nonfirm electrical energy, which service may be interrupted or terminated at the utility's discretion, as provided in the applicable rate schedules. [Code 1979 EU § 3.0.]

13.05.050 Technical provisions.

(a) *Determination of Use.* The quantity of electrical energy and electrical demand shall be determined by the registration of the electrical meters provided by the utility, except that:

(1) The utility will maintain its meters within plus or minus two percent accuracy. If a consumer requests a meter accuracy check, he shall pay the charges as stated in CCO [13.05.090](#). Should the meter upon testing by the utility prove inaccurate, as defined, the charges shall be refunded, and billings adjusted as provided in CCO [13.05.080](#).

(2) Where the load is such that the amount of electrical energy consumed is fixed, the utility may elect not to meter the service and to bill the consumer for that fixed energy consumption as determined by the charge under the appropriate rate schedule.

(3) Where the temporary service is rendered under conditions making metering impractical, the amount of energy consumed may be estimated.

(b) *Protective Equipment.* It is the consumer's responsibility to provide suitable protective equipment for the devices in his own premises.

(c) *Inspection.* The customer is responsible for installing and maintaining his electrical wiring and equipment in accordance with applicable electric and building codes as evidenced by certificates of approval from a competent inspection body.

In the absence of such a body, the utility shall inspect the customer's service entrance equipment. The utility shall accept the customer's signed statement that the balance of the wiring and equipment is, in his opinion, safe and adequate.

(d) *Additional Load.* Any customer shall give the utility reasonable advance notice, preferably in writing, of any proposed increase in service required, setting forth in such notice amount, character and the expected duration of time the increased service will be required. If such increase in load necessitates added or enlarged facilities (other than metering equipment) for the sole use of the customer, the utility may require the customer to make a reasonable contribution to the cost of adding or enlarging the facilities when the customer fails to give assurance satisfactory to the utility that the taking of the increased service should be of sufficient duration to render the supply thereof reasonably compensatory to the utility.

(e) *Undesirable Load Characteristics.* The utility may refuse its service to, or remove its service from, any installations which in the judgment of the utility will injuriously affect the operation of the utility's system or its service to other customers or create a hazard.

(f) *Nonstandard Tolerances.* Where the customer requires a degree of regulation of the characteristics of the electrical service greater than that normally furnished by the utility, the

customer shall be responsible for obtaining, installing, and maintaining the required regulating equipment. [Code 1979 EU § 4.0.]

13.05.060 Service conditions.

(a) In the absence of a signed agreement or applications for service, the delivery of service by the utility and its acceptance by the consumer shall be deemed to constitute an agreement, and acceptance of the utility's service policies.

(b) *Contracts.* The utility may require nonresidential customers to sign a contract guaranteeing a certain minimum level of revenue for a specified period. Other contracts may be required for special services.

(c) *Term of Service.* Unless otherwise provided in a specific contract for service, the minimum term for which service will be rendered is one month of 30 days. Any customer taking service for less than the minimum term will be billed for not less than a month's service, based upon actual kwh consumption at the applicable rate schedule, divided by the number of days of service, multiplied by 30.

(d) *Connection Charge.* Each customer is entitled to one connection of electric service, at each location, without charge. A charge will be made for each additional connection or reconnection after the free connection.

(e) *Easements.* If required by the utility, the customer shall, without charge, execute a suitable easement for the distribution facilities necessary to provide the requested service to the customer's premises.

(f) *Access to Premises.* Any properly identified employee of the utility shall have access to the premises of the customer at all reasonable times for the purpose of reading meters, testing and/or inspecting the customer's load and equipment, repairing, removing, or exchanging any or all equipment belonging to the utility.

(g) *Establishment of Credit.* Each new customer will be required to establish and maintain credit satisfactory to the utility as a condition of receiving service. A customer may be required to deposit with the utility a minimum amount equal to the utility's estimate of the customer's bill for one billing period. The deposit shall be deemed as security for the payment of unpaid bills

upon termination of service and shall not impair any right of the utility to terminate service as provided by these rules and regulations.

(h) *Former Indebtedness Paid.* If a former customer who is indebted to the utility attempts by some agency, relationship, or otherwise, to obtain service, the utility reserves the right to refuse service until payment is made by him of all money due from him to the utility.

(i) *Applicable Rate.* Where more than one rate or rate schedule is applicable, the one most advantageous to the customer will be applied.

When a customer desires service in accordance with a rate schedule other than on which currently billed, the customer shall so notify the utility. The utility shall not be required to make more than one change in rate schedule for any customer within one year unless a new schedule is made effective, or the customer's operations have changed permanently so as to warrant a change in schedule.

(j) *Resale of Electricity.* The customer shall not sell to others any of the electric energy furnished by the utility unless the customer holds a valid certificate of public convenience and necessity issued by the Alaska Public Utilities Commission for retail distribution of electric energy. No service will be supplied through a master meter for submetering for resale. This rule does not prohibit a customer from furnishing unmetered electric service to rental units where the cost of electricity is included in the rental charge.

(k) *Protection of Utility's Property.* Any appliances or devices furnished at the expense of the utility shall remain its property and may be removed by it any time on the termination of the agreement or the discontinuance of service.

The customer shall be responsible for the safekeeping of the property of the utility on his premises and shall take all reasonable precaution against unlawful interference with such property.

(l) *Tampering with Property.* To protect its property and service, the utility may seal the service switch and/or other devices on the customer's premises to prevent access by unauthorized persons. The customer shall not interfere with or alter the meters, seals, or other property used in connection with rendering electric service or permit same to be done by others than the authorized agents or employees of the utility. [Code 1979 EU § 5.0.]

13.05.070 Extension special provisions.

(a) *Without Special Provisions.* Upon written application of the owner or occupant of any permanent premises that can be served from existing suitable distribution lines, the utility shall furnish, place and construct at its own cost such lines, service connections and facilities as are necessary to render the service requested; provided, that the premises to be served are reasonably dry, and are accessible year-round.

(b) *Requiring Long-Term Contract.* The utility will extend service to all applicants within its service area insofar as it is economically feasible, and funds are available. The utility will not invest funds in any line extension unless the applicant has constructed or contracted to construct permanent housing or permanent commercial plant or structures on the property.

(c) *By Customer.* Extension of the utility facilities by an applicant will not be permitted under any conditions; however, the utility will make a physical connection service to an applicant's facilities and provide service to an applicant who at his own expense has constructed his own suitable facilities for distribution of electrical energy; provided, that the applicant's facilities of distribution of electrical energy are situated within feasible distance of suitable existing facilities of the utility; the applicant's facilities have been constructed in accordance with plans and specification guidelines furnished by the utility; the applicant's facilities are, and continue to be, used solely to distribute electrical energy to premises owned by the applicant within the boundary of a land area owned by the applicant; the applicant has installed at the point of connection of the two facilities a suitable means of safely disconnecting his facilities from the utility's facilities. The point of connection of the two facilities will be the point of receipt of service. Any facilities constructed by the applicant in accordance with the above will be the property of and will remain the property of the applicant, and the utility will not assume maintenance responsibilities for the applicant's facilities. [Code 1979 EU § 6.0.]

13.05.080 Service connections.

(a) *General Requirements.* The utility will furnish the meter and connect its distribution lines with the customer's service entrance. The wiring equipment, meter base, fuse box, service switch, stand-pipe, and appurtenances shall be furnished by the customer.

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- (b) *Location.* The location of the consumer's service entrance equipment and service connection point will be determined by the utility.
- (c) *Accessibility of Meter.* The utility requires a customer to install his service wiring so that the meter is accessible to utility employees from the outside of the applicant's building unless special written permission is granted for any other location.
- (d) *Primary Service.* Where primary service is supplied, the customer at his expense and in a manner satisfactory to the utility shall furnish, install, and maintain on his premises such switches, transformers, regulators and other equipment as the utility may deem necessary. The utility will determine whether primary or secondary voltage metering will be installed based on the customer's load.
- (e) *Service to Multi-Occupant Building.* The customer must arrange the wiring of a multi-occupant building so that the wiring for all stores or apartments will terminate at a common point or points designated by the utility. [Code 1979 EU § 7.0.]

13.05.090 Billing, collection, and delinquent accounts.

- (a) *Net Rates.* Electrical energy shall not be sold at prices other than those stated in the rate schedules or in special contracts as agreed to by the utility.
- (b) *Rendition of Bill.* Bills shall be deemed rendered, and other notices duly given, when delivered to the customer personally or when mailed to him at the premises supplied, or at the last known address of the customer, or when left at either of such places. Failure to receive such a bill or notice from the utility will not entitle the customer to any delay in the settlement of each month's account.
- (c) *Bill Due.* Bills of the utility are due when rendered and are payable (without discount) at the office of the utility or to any authorized collector. Any bill not paid within 30 days of rendition will be considered delinquent. After the notice procedure described below has been followed, the utility may then disconnect the service, apply any deposits against the delinquent bill or take any other appropriate measure to collect the delinquent account.

Bills are due on rendition. If not paid in 30 days, they will be considered delinquent. Delinquent bills may result in disconnection of service in accordance with Section 13.05.100.

(d) *Delinquent Accounts.* The utility shall deliver or supply customers with bills on or before the 10th day of each month. For the purposes of collections, the utility shall start counting for the number of days an account is delinquent based on the actual date of the bill, regardless of the date the bill is delivered.

The utility will use the following schedule in addressing delinquent accounts:

Delinquency	Action
30 Days	Past Due on or with bill/statement
31 Days	Final Notice reminders will be sent to the customer. The date and approximate time of disconnection of service will be stated on bill/statement.
45 Days	Disconnection of Service
46 Days	Notification to customer of intent to turn account over to collection agency if payment, or payment plan in accordance with (e) below is not received
70 Days	Delinquent, unpaid account will be turned over to collection agency.

(e) *Utility Collection and Agreement Program.* The utility will adopt a utility collection and agreement program which will allow delinquent customers to continue to receive service upon the execution of a payment plan satisfactory to the utility. The payment plan may require the customer to pledge or assign to the utility future sources of income. If the customer fails to abide by the payment plan provisions, service may be disconnected in accordance with subsection (c) of this section.

(f) *Billing Period.* Normally each meter is read on or about the same date each month and bills are rendered accordingly. Any actual billing period may vary from the optimum period because of weekends, holidays, and workload; no adjustment in bills will be made for such variation.

(g) *Reconnection after Discontinuance for Nonpayment.* Where a customer's service is discontinued for nonpayment of bills, the utility reserves the right to refuse to furnish service to said customer at the same or any other location until all charges including the reconnection

charge and other monies due the utility has been paid and satisfactory assurance given to the utility that future bills will be paid promptly.

Satisfactory assurance that future bills will be paid promptly may be accomplished by placing on deposit with the utility an amount equal to two months' electric billing based on the utility's estimate of usage.

(h) *Disconnect Fee.* The utility will charge a disconnect fee of twenty-five dollars (\$25.00).

(i) *Reconnect Fee.* The utility will charge a reconnect fee of twenty-five dollars (\$25.00).

(j) *Combined Billing.* The rates set forth in the individual rate schedules are based upon the supply of service to one customer through one meter on one premises and service measured through two or more meters on the same premises will not be combined for billing purposes except in the following instances:

(1) When two or more service connections are necessary to provide service at the least expense to the utility.

(2) When two or more service connections are necessary to render proper and reliable service without undue interruption.

Upon request of an applicant, the utility will install more than one meter, but in such instances the bill for service through each meter will be computed separately and billed in accordance with the applicable rate schedule.

(k) *Estimated Bill.* If the utility is unable to read a meter at the usual or scheduled time because of locked premises, weather, road, animals or other conditions, the utility may either:

(1) Estimate the consumption and bill the customer accordingly.

(2) Delay billing until the reading is obtained and bill the entire period based on the average monthly consumption.

(3) Bill a minimum monthly charge until the reading is obtained. Upon obtaining the reading, the entire period will be billed based on average monthly consumption with a credit allowed for minimum charges paid for the period.

(l) *Adjustment of Errors.* In case a meter shall, for any reason, cease for any period to register the correct amount of energy supplied or the maximum demand of any customer, the amount

of the bill of such customer shall be estimated by the utility from the available data as to the probable consumption and/or demand, and any adjustments shall be made accordingly.

(m) *Change of Occupancy*. Bills are rendered in the name of the person or entity shown in the utility's records as the party responsible for electric consumption at the specified location. Any change in account responsibility must be reported to the utility's office in writing during office hours by requesting a discontinuance of service in their name. The new consumer assuming account responsibility is to apply for service under his name.

(n) *Power Cost Equalization Program Participation*. To reduce the high cost of electrical service, the utility shall participate in the State of Alaska Power Cost Equalization Program so long as it is available.

The utility shall take all reasonable efforts to educate its customers regarding energy conservation practices to assist its customers in reducing the high cost of electrical service. The utility shall participate in reasonably available programs which will aid its customers in conservation practices. [Code 1979 EU § 8.0.]

13.05.100 Service disconnection.

(a) Electrical service may be disconnected for delinquent accounts, a period of vacancy, or for any other reason upon written request received by the utility, or oral notice given at the City Cashier Office, by customers authorized to give such a notice on the account in question.

(b) Customer initialed service disconnection notice shall be received by the utility at least five (5) days before the effective date of disconnect.

(1) The disconnect notice should be conspicuous and distinguishable from the past bill for service and include the following information:

(1) The earliest date for the proposed disconnection.

(2) The amount due and the reason for the proposed disconnection.

(3) A telephone number which the affected consumer may call for information about the proposed disconnection.

(4) The procedure for preventing disconnection of service.

(5) Information known to the utility that may assist the consumer in paying the bill.

(2) The utility reserves the right to refuse to disconnect in the event it deems that such action may make the utility liable in damages to the consumer being disconnected.

(3) The date of the disconnect must be a business day when a representative of the utility is available to receive payment from the customer.

(c) *Limitations on disconnections.* No electric utility service shall be disconnected unless the utility has delivered, to the service address, or to the address of any party, who to the knowledge of the utility has undertaken responsibility to pay the bill, written notice of the proposed disconnection.

(d) *Utility initiated.* At least two (2) days prior to the proposed disconnection, the utility must make a good faith effort to make personal contact by using a telephone, certified mail, certification of mailing, or other methods designed to reasonably notify the customer of proposed disconnection if contact has not been made previously.

(d) Exceptions to Disconnection:

(1) *Winter Conditions.* The utility shall not discontinue electric service to a residential customer between October 1st and May 30th if the forecasted local temperature is below 32°F for a 24-hour period beginning at 8:00 a.m. on the date of the proposed disconnection. The customer must agree in writing to pay the past due balance including customer charges in equal installments beginning with the first billing period after May 30th and ending before October 1st. The customer must also agree in writing to pay all bills for current service by the due date.

(2) *Serious Illness.* The utility shall not disconnect for nonpayment of a bill to a residential customer who has a serious illness which would be aggravated by the disconnection - provided that the customer:

(i) Notifies the utility of this condition in writing. Can notify the utility orally, but must send the utility a written notice within five (5) days of the oral notification.

(ii) Within five (5) days of providing initial notice to the utility, a written statement from a physician, hospital or clinic identifying the illness, its expected duration, and certifying

that the illness would be aggravated by such disconnection must be received by the utility.

13.05.110 Special services.

(a) *Nature of Service.* All work done by the utility for consumers, in addition to work during regular working hours associated with supplying electric service, will be charged based on cost as defined herein. For example, the following special services will be handled in this manner:

- (1) Installation of temporary service.
- (2) Connecting or disconnecting service outside regular business hours at the request of the consumer.
- (3) Relocation of company owned, or jointly owned, pole or wire.
- (4) Make emergency repairs to customer's electrical equipment or repairing utility equipment damaged by the customer or his contractor or agent.
- (5) Making temporary changes to accommodate consumer's wishes.
- (6) Providing extraordinary inspection services.
- (7) Collecting bills from delinquent customers.
- (8) Testing accuracy of utility facilities additions or changes in the customer's load.

(b) *Charges.* For charges of this nature, the customer will be charged the utility's actual cost including labor, transportation, materials, indirect costs and overhead. For specific services the utility may establish fixed charges representative of the average costs of such services. [Code 1979 EU § 9.0.]

13.05.120 Liability of company.

(a) *For Irregularities or Failure of Service.* The utility will endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted or

irregular or defective or fail from causes beyond its control (including, without limiting the generality of the foregoing, executive or administrative rules or orders issued from time to time by State or Federal officers, commissions, boards, or bodies having jurisdiction), the utility will not be liable therefor unless it has failed to exercise reasonable diligence.

(b) *For Consumer's Equipment.* Neither by inspection nor nonrejection, nor in any other way, does the utility give any warranty expressed or implied as to adequacy, safety or other characteristics of any structures, equipment, wires, conduits, appliances, or devices owned, installed, or maintained by the customer, or leased by the customer from a third party.

(c) *For Consequential Damages.* The utility will not be liable for any injury, casualty, or damage resulting in any way from the supply or use of electricity or from the presence or operation of the utility's structures, equipment, wires, conduits, appliances, or devices on the customer's premises except injuries or damage resulting from the negligence of the utility. [Code 1979 EU § 10.0.]

13.05.130 Relocation or conversion of facilities.

(a) *Relocation of Facilities.* The utility will relocate any portion of its facilities on request if the relocation does not interfere with, or increase the cost of, service to its customers. The party requesting the relocation shall execute a written agreement to pay the cost of relocation, which shall be calculated as the cost of constructing and installing the new facilities, plus the cost of removing the replaced facilities, less the accrued depreciation and salvage value of the replaced facilities. Service conductors and equipment will be relocated at the sole cost and expense of the requesting party.

(b) *Conversion of Overhead to Underground Facilities.* The utility will convert overhead facilities to underground facilities on request. The customers requesting the conversion shall pay the cost of the conversion, which shall be calculated as the cost of constructing and installing the new facilities, plus the cost of removing the overhead facilities, less the accrued depreciation and salvage value of the overhead facilities. Service conductors and equipment will be converted at the sole cost and expense of the customer. Written agreements shall be executed before conversion will commence. [Code 1979 EU § 11.0.]

13.05.140 Complaint procedure against the utility company.

Complaints against the utility shall be made first to the utility. The complaint need not be in any form; however, it is advisable that it be in writing stating the nature of the complaint.

If the person aggrieved is not satisfied with the disposition of his complaint, he may bring the complaint to the City Council of the City of Saint Paul for binding resolution. [Code 1979 EU § 13.0.]
