

RESOLUTION NO. UA 2024-01

A RESOLUTION ESTABLISHING THE SCHEDULE OF RATES AND CHARGES FOR THE SERVICES AND FACILITIES FURNISHED BY THE FPUANET SYSTEM OF THE FORT PIERCE UTILITIES AUTHORITY, FORT PIERCE, FLORIDA, AND PROVIDING FOR SCRIVENER'S ERRORS, REPEAL, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Fort Pierce Utilities Authority was established by the City of Fort Pierce, Florida, through a referendum election held in said City on May 30, 1972; and

WHEREAS, Pursuant to Article XII, Section 169 of the Charter of the City of Fort Pierce, Florida, the Fort Pierce Utilities Authority is responsible for the development, production, purchase and distribution of all electricity, gas, water, sanitary sewer collection and disposal, and such other utility services as may be designated by the City Commission; and

WHEREAS, The City Commission has authorized and encouraged the Fort Pierce Utilities Authority to establish, expand, and provide broadband communication services; and

WHEREAS, the Fort Pierce Utilities Authority provides such services through the FPUAnet System, and which provides said services throughout its service territory that includes the City of Fort Pierce and the surrounding areas in St. Lucie County; and

WHEREAS, on November 16, 2021, the Board adopted Resolution No. UA 2021-14 pursuant to Article XII, Section 169 of the Charter of the City of Fort Pierce, Florida, the Fort Pierce Utilities Authority and the City Commission designating, approving and reauthorizing the Fort Pierce Utilities Authority to provide broadband communication services through FPUAnet; and

WHEREAS, the Board desires to amend Resolution No. UA 2021-14 to amend the rates and charges and add additional services as set forth herein.

NOW, THEREFORE, be it resolved by the Fort Pierce Utilities Authority (FPUA), Fort Pierce, Florida:

SECTION I: FPUANET BROADBAND. The schedule of rates, fees and other charges to be imposed for the services and facilities furnished by the FPUAnet system of FPUA shall be subject to revision from time to time as may be necessary. Unless the context otherwise requires, the terms defined in this Resolution shall have the meanings specified in the resolution entitled General Rules and Regulations Governing the Provision of Utility Service. FPUA shall charge and collect for service based on availability, applicability, character of service, and Tax Adjustment. The schedule thereof, which shall be applicable to all services provided by FPUA, with the exception of certain authorized contracts, shall be implemented as follows:

A. AVAILABILITY OF SERVICE:

1. RESIDENTIAL. a Internet Service is available by the request of the authorized property owner or legal tenant, if one or more of the following criteria are applicable:

- a. Service location is a single-family residence (detached home, townhome, duplex, or other) serviced by a single electric meter
- b. Service location is an apartment, or condominium with a building with individual living units serviced by a single electric meter
- c. Service location is a mobile home or other living accommodation serviced by a single electric meter

Each dwelling unit in multiple unit residential dwelling complexes shall be considered as a separate Customer and shall be separately billed.

2. COMMERCIAL. Commercial Internet Service is available by the request of the business owner or authorized business representative, if one or more of the following criteria are applicable:

- a. The service location is duly licensed to undertake an individual trade, business or profession in the city, county, or state where internet service is available by the utility.
- b. Service location is currently classified as a commercial customer
- c. Requires one standard Business Optical Network Terminal (ONT)

3. ENTERPRISE. Enterprise Internet Service is available by the request of the business owner or authorized business representative, if one or more of the following criteria are applicable:

- a. The service location is duly licensed to undertake an individual trade, business or profession in the city, county, or state where internet service is available by the utility.
- b. Service location is a single location that has multiple dwelling or business units that are served under a single billing account
- c. Public or Private ownership
- d. Service Level Agreement (SLA) is included

4. SMART Utility Service. SMART Utility service may be provided to the FPUA when service is available if one or more of the following criteria are applicable:

- a. If service is required to communicate with an FPUA field asset that can communicate over the internet.
- b. If service is required to communicate with an FPUA field asset that can communicate over the FPUAnet Network.

B. CHARACTER OF SERVICE: Broadband service is a fiber-based broadband data service leveraging Internet Protocol (IP) technology. Internet services are subject to network availability at the service address. Internet services are provisioned with the symmetrical upload and download speeds, subject to availability, network latency, overhead, splices, power outages, and network or customer premise equipment conditions in addition to other possible factors. Internet service activation requires the placement of a fiber drop to service the premise and the installation of customer premise equipment.

C. MONTHLY RATES AND CHARGES:

Speed (Mbps)	Enterprise	Commercial	Residential	SMART Utility Service
100	*	\$79	\$49	**\$30
300	*	\$119	\$69	N/A
500	*	\$179	\$79	N/A
1000	*	\$249	\$99	N/A
2000	*	\$299	\$149	N/A
5000	*	N/A	N/A	N/A
10000	*	N/A	N/A	N/A
*Enterprise internet rates are priced by quote only. ** SMART Utility Service requires a one time \$250 equipment fee and may require additional contribution in aid charge when service is not readily available				
Static IP Addresses	\$10 for /32 Block (1 IP) \$35 for /29 Block (8 IP) *Enterprise Service includes /32 Block			
Wireless Router	\$12			

1. PROMOTIONAL RATE(S): FPUAnet may offer service rates for promotional purposes with the approval of the Director of Utilities. All promotional rates will be based on an acceptable rate of return. The promotional rate will be offered and provided to any eligible customer that meets the defined parameters for the established time period. A record of promotional offerings and their parameters will always be maintained. Termination of service prior to the end of a promotional offering may be subject to cost recovery.

SECTION II: OVER THE TOP SERVICES. Over The Top (OTT) Service is defined as an additional service that FPUAnet provides across its IP Network. The schedule of rates, fees and other charges to be imposed for the OTT Services shall be subject to revision from time to time as may be necessary. Unless the context otherwise requires, the terms defined in this Resolution shall have the meanings specified in the resolution entitled General Rules and Regulations Governing the Provision of Utility Service. FPUA shall charge and collect for service based on availability, applicability, character of service, and Tax Adjustment. The schedule thereof, which shall be applicable to all services provided by FPUA, with the exception of certain authorized contracts, shall be implemented as follows:

A. TECHSHIELD: TechShield is a subscription that provides consumers with complete protection for their technology, online accounts, files, photos and devices. Available in two plans, the base package includes protection and security for five computers and five mobile devices as well as a password manager and cloud backup. TechShield Support includes everything in the base package plus additional cloud backup and remote premium technical

support. Services include virus and spyware removal, software installations, computer software and system repair and much more. TechShield allows you to provide a complete technology solution, with protection and support, for your residential customers.

B. TECHSHIELD PROFESSIONAL: Tech Shield Professional is a subscription that provides a security software suite and productivity solution developed to meet the needs of your business customers. This plan includes advanced endpoint security, password management and cloud backup. Endpoint security is available for computers, servers and mobile devices. TechShield Professional Support includes everything in the Professional package plus remote premium technical support. Installation assistance is provided to ensure optimal setup and ease for ongoing use. Help businesses in your community protect themselves from the evolving and growing number of cyberattacks.

C. MONTHLY RATES AND CHARGES:

	Residential	Commercial
TechShield	\$7.99	N/A
TechShield Support	\$9.99	N/A
TechShield Professional	N/A	\$9.99
TechShield Professional Support	N/A	\$14.99

SECTION III: DARK FIBER. The schedule of rates, fees and other charges to be imposed for the services and facilities furnished by the FPUAnet system of FPUA shall be subject to revision from time to time as may be necessary. Unless the context otherwise requires, the terms defined in this Resolution shall have the meanings specified in the resolution entitled General Rules and Regulations Governing the Provision of Utility Service. FPUA shall charge and collect for service based on availability, applicability, character of service, and Tax Adjustment. The schedule thereof, which shall be applicable to all services provided by FPUA, with the exception of certain authorized contracts, shall be implemented as follows:

A. CHARACTER OF SERVICE: Dark Fiber service is a dedicated fiber pair creating a communications pathway between two demarcations via FPUAnet’s optical fiber infrastructure.

B. MONTHLY RATES AND CHARGES: Dark Fiber rates are based on quote only.

SECTION IV: OTHER PROVISIONS.

A. ANNUAL INDEXING PROVISION. In order to ensure that FPUA rates shall be sufficient to pay all operating and maintenance expenses, capital outlay, bond interest and redemption costs, and all other costs of each respective utility operation, the FPUA Board may adjust in March of each year, the FPUAnet monthly rates and charges of the system based on the rolling 12-month average of the Consumer Price Index for All Urban Consumers (CPI-U) as published by the United States Bureau of Labor Statistics without further action by the City Commission of the City of Fort Pierce. Such new rates shall be submitted to the FPUA Board for approval and become effective following FPUA Board approval. If in any year the FPUA Board does not apply the price index to the current rates and charges of the system, such adjustment shall not carry forward to future years.

B. TAX ADJUSTMENT. The amount computed at the above Monthly Rate shall be subject to taxes, assessments, and surcharges imposed by any governmental authority.

C. INTERRUPTION OF SERVICE. FPUAnet will make every reasonable attempt to provide continuous service but does not guarantee a continuous service and shall not be liable for interruptions of service, reduced or intermittent service, a failure to commence service, or any losses or damages caused by events beyond the control of FPUAnet, including, but not limited to, flood, fire, earthquake, storms, inclement weather or weather related incidents, and other acts of God, an epidemic or pandemic outbreak, war, invasion, hostilities, terrorism or other violent acts by any foreign or domestic agent, any strike, labor stoppage, riot or civil unrest, unexpected shortages of materials, equipment or supplies, embargoes or blockades, or the failure or breakdown of FPUA, its suppliers, equipment or facilities, or an action or order of any agency having jurisdiction over FPUAnet or the premises, or for interruptions which are necessary for inspection, repair, upgrade or changes to the FPUAnet system or service. The Customer shall notify FPUAnet immediately of any defects, trouble, or accident which may in any way affect the delivery of service by FPUAnet.

SECTION V. SCRIVENER'S ERRORS. If there are any typographical, administrative, or scrivener's errors contained herein that do not change the tone, tenor, or purpose of this Resolution, such errors may be corrected with no further action by the Board.

SECTION VI. REPEAL. All prior inconsistent resolutions adopted by the FPUA Board are hereby expressly repealed to the extent of the conflict.

SECTION VII. SEVERABILITY. If any section, clause, phrase, word or provision of this Resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, whether for substantive or procedural reasons, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution which shall remain in full force and effect.

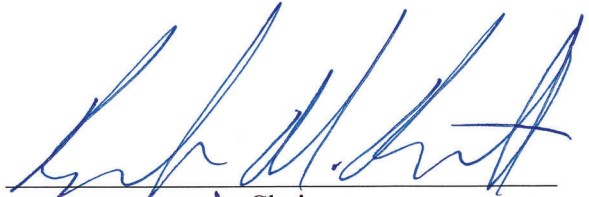
SECTION VIII. EFFECTIVE DATE. This Resolution and all rate changes referred to therein shall take effect the first billing cycle of the next billing month after the FPUA Board adopts and, if required, the City Commission of the City of Fort Pierce, Florida approves such resolutions.

ADOPTED THIS 16th day of January, 2024.

ATTEST:



Secretary



Chair

Approved as to form and correctness:



Fort Pierce Utilities Authority Attorney