

1398

2011-2012 Regular Sessions

I N S E N A T E

January 7, 2011

Introduced by Sen. PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to converting residential rental buildings from being mass-metered to submetered

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 53 of the public service law is renumbered section
2 54 and a new section 53 is added to read as follows:
3 S 53. RESIDENTIAL RENTAL BUILDING SUBMETERING. 1. A MASTER-METERED
4 RESIDENTIAL RENTAL BUILDING MAY BE CONVERTED TO BE SUBMETERED IF THE
5 OWNER OF THE BUILDING FILES AN APPLICATION TO CONVERT THE BUILDING TO
6 SUBMETERING WITH THE COMMISSION, PROVIDED THAT:
7 (A) THE APPLICANT APPLYING TO PROVIDE SUBMETERED ELECTRIC SERVICE
8 INCLUDES WITH THE APPLICATION A PROCEDURE FOR NOTIFYING IN WRITING,
9 WITHIN THIRTY DAYS OF FILING THE APPLICATION WITH THE COMMISSION, ALL
10 TENANTS OF RECORD OF THE PROPOSAL TO SUBMETER. THE NOTIFICATION SHALL:
11 (I) INCLUDE A SUMMARY OF THE INFORMATION PROVIDED TO THE COMMISSION;
12 (II) INFORM TENANTS THAT A PUBLIC COMMENT PERIOD HAS COMMENCED;
13 (III) STATE THE DATE AFTER WHICH COMMENTS DIRECTED TO THE COMMISSION
14 WILL NO LONGER BE ACCEPTED;
15 (IV) PROMINENTLY DISPLAY THE ADDRESS AND TELEPHONE NUMBER OF THE NEAR-
16 EST PUBLIC SERVICE COMMISSION OFFICE;
17 (V) STATE THE DATE, TIME, AND LOCATION OF THE PUBLIC HEARING SET BY
18 THE COMMISSION TO HEAR TESTIMONY FROM THE PUBLIC;
19 (VI) DIRECT THE TENANT WHERE ON THE PUBLIC SERVICE COMMISSION'S
20 WEBSITE THE ENTIRE APPLICATION CAN BE VIEWED, AS WELL AS TO PROVIDE A
21 TOLL-FREE TELEPHONE NUMBER AND ADDRESS FROM WHICH A TENANT OF RECORD MAY
22 REQUEST A COPY OF THE COMPLETE APPLICATION TO BE MAILED TO SUCH TENANT
23 AT NO COST TO THE TENANT;

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 (VII) INCLUDE A STATEMENT SUBSTANTIATING ANY ECONOMIC ADVANTAGES OF
2 SUBMETERING OVER DIRECT UTILITY METERING AT THE PREMISES PROPOSED TO BE
3 SUBMETERED;

4 (VIII) INCLUDE A DESCRIPTION OF THE TYPE OF SUBMETERING SYSTEM TO BE
5 INSTALLED AND A VALIDATION OF ITS RELIABILITY AND ACCURACY;

6 (IX) STATE THE METHOD AND BASIS FOR CALCULATING RATES TO TENANTS,
7 WHICH SHALL INCLUDE A MAXIMUM RATE PROVISION PREVENTING CHARGES TO
8 TENANTS FROM EXCEEDING THE TARIFFED RATES AND CHARGES FOR SERVICE FROM
9 THE LOCAL DISTRIBUTION UTILITY;

10 (X) STATE COMPLAINT PROCEDURES AND TENANT PROTECTIONS CONSISTENT WITH
11 THE HOME ENERGY FAIR PRACTICES ACT; AND

12 (XI) DEMONSTRATE THAT SATISFACTORY ARRANGEMENTS HAVE BEEN MADE WITH
13 THE LOCAL DEPARTMENT OF SOCIAL SERVICES TO PROVIDE CONTINUED ELECTRIC
14 SERVICE UPON ACCEPTANCE OF VENDOR PAYMENT OF UTILITY ASSISTANCE GRANTS
15 IN ACCORDANCE WITH THE STATE PLAN FOR REGULAR AND EMERGENCY HOME ENERGY
16 ASSISTANCE UNDER SECTION NINETY-SEVEN OF THE SOCIAL SERVICES LAW, THE
17 EMERGENCY UTILITY ASSISTANCE PROGRAM UNDER SECTION ONE HUNDRED
18 THIRTY-ONE-S OF THE SOCIAL SERVICES LAW, AND IN ACCORDANCE WITH OTHER
19 PROVISIONS OF THE SOCIAL SERVICES LAW OR REGULATIONS OF THE OFFICE OF
20 TEMPORARY AND DISABILITY ASSISTANCE RELATING TO UTILITY ASSISTANCE
21 PAYMENTS.

22 (B) THE COMMISSION HOLDS A PUBLIC HEARING AT A LOCATION NEAR THE RESI-
23 DENTIAL RENTAL BUILDING AT LEAST THIRTY DAYS PRIOR TO THE CONDITIONAL
24 AND FINAL APPROVAL OR DENIAL OF THE SUBMETERING APPLICATION.

25 (C) THE APPLICANT INCLUDES WITH THE APPLICATION:

26 (I) FINDINGS OF A STUDY COMMISSIONED BY THE APPLICANT OF THE THERMAL
27 CHARACTERISTICS OF THE BUILDING;

28 (II) RECORDS OF THE LAST TWENTY-FOUR MONTHS OF ELECTRICAL USAGE AND
29 CHARGES;

30 (III) THE PROJECTED SUBMETERED RATES AT THE CURRENT USAGE RATE FOR THE
31 VARIOUS DWELLING UNIT TYPES THAT EXIST IN THE BUILDING;

32 (IV) A PLAN TO REPLACE ALL NON-ENERGY STAR RATED APPLIANCES PROVIDED
33 BY THE APPLICANT TO THE TENANTS WITH ENERGY STAR RATED APPLIANCES.

34 (D) THE APPLICANT PAYS ALL COSTS OF AN INDEPENDENT ENERGY ANALYSIS OF
35 THE BUILDING BY ONE OF THE CONSULTANTS CHOSEN BY THE TENANTS IF A GROUP
36 OF AT LEAST FIFTY PERCENT OF THE TENANTS OF RECORD REQUEST SUCH ANALYSIS
37 AND THE GROUP OF TENANTS PROVIDES TO THE APPLICANT AT LEAST THREE BIDS
38 FROM CONSULTANTS WHO CAN PERFORM SUCH ANALYSIS.

39 2. (A) ALL APPLICATIONS FILED PURSUANT TO THE PROVISIONS OF THIS
40 SECTION SHALL BE SUBJECT TO A TWO-TIERED APPROVAL PROCESS BY THE COMMIS-
41 SION. INITIAL APPROVAL OF AN APPLICATION, IF GRANTED BY THE COMMISSION,
42 SHALL BE GRANTED FOR A PERIOD OF ONE YEAR, AT WHICH TIME, THE APPROVAL
43 SHALL AUTOMATICALLY EXPIRE; PROVIDED THAT, WITHIN THREE MONTHS PRIOR OR
44 SUBSEQUENT TO THE EXPIRATION OF THE GRANT OF CONDITIONAL APPROVAL, THE
45 APPLICANT MAY FILE FOR REVIEW OF THE APPLICATION FOR THE PURPOSE OF
46 OBTAINING FINAL APPROVAL OF THE APPLICATION. ANY APPLICANT FILING FOR
47 REVIEW FOR FINAL APPROVAL OF AN APPLICATION SHALL SUBMIT TO THE COMMIS-
48 SION A LISTING OF THE ACTUAL METERED USAGE RATES AND CHARGES TO THE
49 TENANTS DURING THE PERIOD OF THE CONDITIONAL APPROVAL OF THE APPLICA-
50 TION.

51 (B) ANY APPLICANT WHOSE APPLICATION FOR CONDITIONAL APPROVAL IS DENIED
52 BY THE COMMISSION MAY RE-FILE AN APPLICATION NO EARLIER THAN SIX MONTHS
53 FOLLOWING THE DENIAL OF THE APPLICATION BY THE COMMISSION.

54 (C) THE COMMISSION SHALL PROVIDE WRITTEN NOTICE TO AN APPLICANT OF ITS
55 DECISION REGARDING APPLICATIONS WITHIN THIRTY DAYS OF THE PUBLIC HEARING
56 REQUIRED BY SUBDIVISION ONE OF THIS SECTION. ALL DENIALS OF APPLICATIONS

1 SHALL STATE THE REASONS FOR THE DENIAL, SHALL SPECIFY THE MEASURES THE
2 APPLICANT MUST TAKE TO QUALIFY FOR APPROVAL OF THE APPLICATION AND SHALL
3 ADVISE THE APPLICANT OF HIS OR HER RIGHT TO INVESTIGATION AND REVIEW OF
4 THE DENIAL OF THE APPLICATION IF THE APPLICANT CONSIDERS SUCH DENIAL TO
5 BE WITHOUT JUSTIFICATION.

6 S 2. The public service commission shall promulgate any rules and
7 regulations necessary for the implementation of this act on its effec-
8 tive date.

9 S 3. This act shall take effect immediately.