S T A T E O F N E W Y O R K

3714

2009-2010 Regular Sessions

I N S E N A T E

March 30, 2009

Introduced by Sen. PARKER -- (at request of the Department of Public Service) -- 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 shared meter conditions

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

Section 1. Paragraph (d) of subdivision 5 of section 52 of the public service law, as added by chapter 186 of the laws of 1995, is amended to read as follows:

(d) when such determination follows a customer complaint regarding a shared meter condition or a utility discovery of a shared meter condition that is not in response to an owner's request for a utility inspection for a shared meter condition, with respect to utility service billed after December first, nineteen hundred ninety-six, the utility shall comply with the provisions of paragraphs (a), (b) and (c) of this subdivision, and further bill the owner and refund to the shared meter customer an estimated amount of charges for twelve months of all service measured by the shared meter; provided, however, that this paragraph shall not apply to a shared meter condition if (1) service measured through the shared meter is minimal under commission rules adopted pursuant to subdivision eight of this section, OR (2) THE BUILDING CONTAINS NO MORE THAN THREE DWELLING UNITS. An owner so billed may petition the commission or its designee for a determination that the amount of such bill is excessive and that such bill and refund be adjusted accordingly; provided, however, neither the adjusted bill nor the adjusted refund shall be less than twenty-five percent of the total amount of the original bill. The commission is authorized to make such a determination and adjustment if it finds that a bill and refund of twelve months' charges is unduly burdensome and unfair. In making such determination the commission or its designee shall consider the total

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

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amount of the bill and refund in relation to the shared area charges over such twelve month period and any other equitable factors established by the commission; and

S 2. Section 52 of the public service law is amended by adding a new subdivision 13 to read as follows:

13. TWO-FAMILY DWELLINGS. WHERE SERVICE TO A TWO-FAMILY DWELLING IS NOT SEPARATELY METERED, THE UTILITY SHALL NOT ACCEPT AN APPLICATION BY AN OCCUPANT WHO IS NOT THE OWNER OF THE DWELLING TO HOLD THE ACCOUNT FOR SERVICE TO THE ENTIRE DWELLING.

S 3. Paragraph (a) of subdivision 3 of section 34 of the public service law, as added by chapter 713 of the laws of 1981, is amended to read as follows:

(a) EXCEPT AS PROVIDED IN SUBDIVISION THIRTEEN OF SECTION FIFTY-TWO OF THIS ARTICLE, that any occupant may prevent termination of service if such occupant applies for and is eligible for such service;

S 4. This act shall take effect immediately.