

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:

1 Section 1. Paragraph (d) of subdivision 5 of section 52 of the public
2 service law, as added by chapter 186 of the laws of 1995, is amended to
3 read as follows:
4 (d) when such determination follows a customer complaint regarding a
5 shared meter condition or a utility discovery of a shared meter condi-
6 tion that is not in response to an owner's request for a utility
7 inspection for a shared meter condition, with respect to utility service
8 billed after December first, nineteen hundred ninety-six, the utility
9 shall comply with the provisions of paragraphs (a), (b) and (c) of this
10 subdivision, and further bill the owner and refund to the shared meter
11 customer an estimated amount of charges for twelve months of all service
12 measured by the shared meter; provided, however, that this paragraph
13 shall not apply to a shared meter condition if (1) service measured
14 through the shared meter is minimal under commission rules adopted
15 pursuant to subdivision eight of this section, OR (2) THE BUILDING
16 CONTAINS NO MORE THAN THREE DWELLING UNITS. An owner so billed may peti-
17 tion the commission or its designee for a determination that the amount
18 of such bill is excessive and that such bill and refund be adjusted
19 accordingly; provided, however, neither the adjusted bill nor the
20 adjusted refund shall be less than twenty-five percent of the total
21 amount of the original bill. The commission is authorized to make such a
22 determination and adjustment if it finds that a bill and refund of
23 twelve months' charges is unduly burdensome and unfair. In making such
24 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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1 amount of the bill and refund in relation to the shared area charges
2 over such twelve month period and any other equitable factors estab-
3 lished by the commission; and

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

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

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

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

16 S 4. This act shall take effect immediately.