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

2449

2011-2012 Regular Sessions

I N A S S E M B L Y

January 18, 2011

Introduced by M. of A. GIBSON -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to converting residential rental buildings from master-meters to submeters

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

Section 1. Section 53 of the public service law is renumbered section 54 and a new section 53 is added to read as follows:

S 53. SUBMETERING PUBLIC HEARING. 1. A MASTER-METERED RESIDENTIAL RENTAL BUILDING MAY BE CONVERTED TO BE SUBMETERED IF THE OWNER OF THE BUILDING FILES AN APPLICATION TO CONVERT THE BUILDING TO SUBMETERING WITH THE COMMISSION.

2. SUCH APPLICATION SHALL BE IN THE FORM AND MANNER TO BE DETERMINED BY THE COMMISSION AND SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) A LIST OF ALL TENANTS OF RECORD SUBJECT TO THE PROPOSAL TO SUBMETER;

(B) FINDINGS OF A STUDY COMMISSIONED BY THE APPLICANT OF THE THERMAL CHARACTERISTICS OF THE BUILDING;

(C) RECORDS OF THE LAST TWENTY-FOUR MONTHS OF ELECTRICAL USAGE AND CHARGES;

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

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

3. THE COMMISSION SHALL NOTIFY ALL TENANTS, IN WRITING, OF SUCH APPLICATION AND SHALL:

(A) INCLUDE A SUMMARY OF THE INFORMATION PROVIDED TO THE COMMISSION;

(B) INFORM TENANTS THAT A PUBLIC COMMENT PERIOD HAS COMMENCED, STATING THE DATE AFTER WHICH COMMENTS DIRECTED TO THE COMMISSION WILL NO LONGER BE ACCEPTED;

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

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(C) PROMINENTLY DISPLAY THE ADDRESS AND TELEPHONE NUMBER OF THE NEAREST PUBLIC SERVICE COMMISSION OFFICE;

(D) STATE THE DATE, TIME, AND LOCATION OF THE LOCAL PUBLIC HEARING SET BY THE COMMISSION TO HEAR TESTIMONY FROM THE TENANTS;

(E) DIRECT THE TENANT WHERE ON THE PUBLIC SERVICE COMMISSION'S WEBSITE THE ENTIRE APPLICATION CAN BE VIEWED, AS WELL AS TO PROVIDE A TOLL-FREE TELEPHONE NUMBER AND ADDRESS FROM WHICH A TENANT OF RECORD MAY REQUEST A COPY OF THE COMPLETE APPLICATION TO BE MAILED TO SUCH TENANT AT NO COST TO THE TENANT;

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

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

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

(I) STATE COMPLIANT PROCEDURES AND TENANT PROTECTIONS CONSISTENT WITH THE HOME ENERGY FAIR PRACTICES ACT;

(J) INFORM TENANTS ABOUT WAYS THEY CAN CONSERVE ENERGY TO KEEP THEIR UTILITY BILLS DOWN; AND

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

4. THE COMMISSION SHALL HOLD A PUBLIC HEARING AT A LOCATION NEAR THE RESIDENTIAL RENTAL BUILDING AT LEAST THIRTY DAYS PRIOR TO THE CONDITIONAL AND FINAL APPROVAL OR DENIAL OF THE SUBMETERING APPLICATION.

5. THE APPLICANT SHALL PAY ALL COSTS OF AN INDEPENDENT ENERGY ANALYSIS OF THE BUILDING BY ONE OF THE CONSULTANTS CHOSEN BY THE TENANTS IF A GROUP OF AT LEAST FIFTY PERCENT OF THE TENANTS OF RECORD REQUEST SUCH ANALYSIS AND THE GROUP OF TENANTS PROVIDES TO THE APPLICANT AT LEAST THREE BIDS FROM CONSULTANTS WHO CAN PERFORM SUCH ANALYSIS.

6. (A) ALL APPLICATIONS FILED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A TWO-TIERED APPROVAL PROCESS BY THE COMMISSION. INITIAL APPROVAL OF AN APPLICATION, IF GRANTED BY THE COMMISSION, SHALL BE GRANTED FOR A PERIOD OF ONE YEAR, AT WHICH TIME, THE APPROVAL SHALL AUTOMATICALLY EXPIRE; PROVIDED THAT, WITHIN THREE MONTHS PRIOR OR SUBSEQUENT TO THE EXPIRATION OF THE GRANT OF CONDITIONAL APPROVAL, THE APPLICANT MAY FILE FOR REVIEW OF THE APPLICATION FOR THE PURPOSE OF OBTAINING FINAL APPROVAL OF THE APPLICATION. ANY APPLICANT FILING FOR REVIEW FOR FINAL APPROVAL OF AN APPLICATION SHALL SUBMIT TO THE COMMISSION A LISTING OF THE ACTUAL METERED USAGE RATES AND CHARGES TO THE TENANTS DURING THE PERIOD OF THE CONDITIONAL APPROVAL OF THE APPLICATION.

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

(C) THE COMMISSION SHALL PROVIDE WRITTEN NOTICE TO AN APPLICANT OF ITS DECISION REGARDING APPLICATIONS WITHIN THIRTY DAY OF THE PUBLIC HEARING REQUIRED BY SUBDIVISION FOUR OF THIS SECTION. ALL DENIALS OF APPLICATIONS SHALL STATE THE REASONS FOR THE DENIAL, SHALL SPECIFY THE MEASURES THE APPLICANT MUST TAKE TO QUALIFY FOR APPROVAL OF THE APPLICATION AND SHALL ADVISE THE APPLICANT OF HIS OR HER RIGHT TO INVESTIGATION AND REVIEW OF THE DENIAL OF THE APPLICATION IF THE APPLICANT CONSIDERS SUCH DENIAL TO BE WITHOUT JUSTIFICATION.

S 2. This act shall take effect on the sixtieth day after it shall have become law, provided that effective immediately the public service commission shall promulgate any rules and regulations necessary for the implementation of this act on its effective date.