

763

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. GIBSON, CRESPO, STEVENSON -- Multi-Sponsored by  
-- M. of A. WEISENBERG -- 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:

- 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. SUBMETERING PUBLIC HEARING. 1. A MASTER-METERED RESIDENTIAL  
4     RENTAL BUILDING MAY BE CONVERTED TO BE SUBMETERED IF THE OWNER OF THE  
5     BUILDING FILES AN APPLICATION TO CONVERT THE BUILDING TO SUBMETERING  
6     WITH THE COMMISSION.  
7     2. SUCH APPLICATION SHALL BE IN THE FORM AND MANNER TO BE DETERMINED  
8     BY THE COMMISSION AND SHALL INCLUDE, BUT NOT BE LIMITED TO:  
9     (A) A LIST OF ALL TENANTS OF RECORD SUBJECT TO THE PROPOSAL TO SUBME-  
10    TER;  
11    (B) FINDINGS OF A STUDY COMMISSIONED BY THE APPLICANT OF THE THERMAL  
12    CHARACTERISTICS OF THE BUILDING;  
13    (C) RECORDS OF THE LAST TWENTY-FOUR MONTHS OF ELECTRICAL USAGE AND  
14    CHARGES;  
15    (D) THE PROJECTED SUBMETERED RATES AT THE CURRENT USAGE RATE FOR THE  
16    VARIOUS DWELLING UNIT TYPES THAT EXIST IN THE BUILDING; AND  
17    (E) A PLAN TO REPLACE ALL NON-ENERGY STAR RATED APPLIANCES PROVIDED BY  
18    THE APPLICANT TO THE TENANTS WITH ENERGY STAR RATED APPLIANCES.  
19    3. THE COMMISSION SHALL NOTIFY ALL TENANTS, IN WRITING, OF SUCH APPLI-  
20    CATION AND SHALL:  
21    (A) INCLUDE A SUMMARY OF THE INFORMATION PROVIDED TO THE COMMISSION;

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

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

4 (C) PROMINENTLY DISPLAY THE ADDRESS AND TELEPHONE NUMBER OF THE NEAR-  
5 EST PUBLIC SERVICE COMMISSION OFFICE;

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

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

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

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

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

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

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

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

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

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

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

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

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

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