

HARRIS BEACH PLLC
ATTORNEYS AT LAW

August 21, 2009

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**VIA ELECTRONIC AND
FIRST-CLASS MAIL**

Hon. Jaelyn A. Brillling
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223

Re: Cases 08-E-0836/08-E-0837/08-E-0838/08-E-0839 - Petitions to Submeter
Electricity

2009 AUG 21 PM 4:57

Dear Secretary Brillling:

We represent Frawley Plaza, LLC; Metro North Owners, LLC; North Town Roosevelt, LLC; and KNW Apartments, LLC (collectively, the "Petitioners") in the above-referenced cases and write in further support of our correspondence to you dated April 20, 2009 and July 14, 2009.

Consistent with multiple, recent determinations by you in analogous matters, the Petitioners respectfully request that you immediately determine that the instant requests for rehearing are untimely. By letter dated June 25, 2009, in Case 07-E-0865, you determined that a request for rehearing of a Commission order approving submetering of electricity at Park Towers was untimely pursuant to Public Service Law § 22 "as it was not filed within 30 days of issuance" of the subject order. You made identical determinations in Case 06-E-1237 (July 27, 2009) and Case 91-E-0241 (August 6, 2009).¹ Similarly, as the Petitioners previously noted in filings to you dated April 20, 2009 and July 14, 2009, the requests for rehearing here are undisputedly untimely pursuant to Public Service Law § 22 and 6 NYCRR § 3.7 (a). Thus, consistent with Cases 07-E-0865, 06-E-1237, and 91-E-0241, the Petitioners respectfully requests that you immediately determine that the instant requests for rehearing are untimely. In that event, the Petitioners further respectfully request that the "Emergency Stay Orders," which followed and are predicated upon the untimely requests for rehearing, be rescinded.²

¹ See attached.

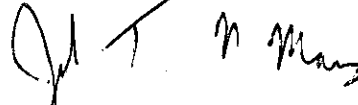
² Unlike the three cited cases, if the requested relief is granted, no referral to the Office of Consumer Services ("OCS") would be necessary here as the Petitioners have never submetered electricity at the subject buildings due to the Emergency Stay Orders. As a result, there can be no ripe issues, complaints, or violations for OCS to address at this time.

Hon. Jaclyn A. Brillling
August 21, 2009
Page 2

HARRIS BEACH PLLC
ATTORNEYS AT LAW

If you have any questions concerning this letter, please contact me at 518.427.9700.
Thank you for your continuing attention in these matters.

Very truly yours,



John T. McManus

JM:tsh

Enclosures

cc: Diane Burman, Esq. (*via electronic mail*)
Joshua Eisenberg, Esq. (*via electronic mail*)
Douglas W. Elfner (*via electronic mail*)
William M. Flynn, Esq. (*via electronic mail*)
Jon Jekielek, Esq. (*via first-class mail*)
Assembly Member Micah Z. Kellner (*via electronic and first-class mail*)
Steven J. Kramer, Esq. (*via electronic mail*)
NYC Councilmember Jessica Lappin (*via first-class mail*)
Congresswoman Carolyn B. Maloney (*via first-class mail*)
NYC Councilmember Melissa Mark-Viverito (*via first-class mail*)
Congressman Charles Rangel (*via first-class mail*)
NYS Senator José Serrano (*via first-class mail*)
Manhattan Borough President Scott M. Stringer (*via first-class mail*)

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
Internet Address: <http://www.dps.state.ny.us>

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PETER MCGOWAN
General Counsel

JACLYN A. BRILLING
Secretary

June 25, 2009

Honorable Leonard Eaton, Esq.
Attorney, Parker Towers Tenants Association
543 Derby Avenue
Woodmere, New York 11598

Scott M. Kahn, Ph.D.
Chairman, Parker Towers Tenants Association
104-20 Queens Boulevard
Forest Hills, New York 11375

Re: Case 07-E-0865 - Petition for Stay, Rehearing, and Vacatur of Order Granting Petition to Submeter in Case 07-E-0865 - Petition of Herbert E. Hirschfeld, P.E., on behalf of the Jack Parker Corporation, to submeter electricity at 104-20, 104-40 and 104-60 Queens Boulevard, Queens, New York.

Dear Judge Eaton & Dr. Kahn:

By petition for rehearing dated April 17, 2009, you ask that the Order dated December 20, 2007 in the above-referenced case which approved submetering of electricity at Park Towers, New York be vacated. Pursuant to Public Service Law §22, your petition for rehearing is untimely as it was not filed within 30 days of issuance of the above-referenced Order.

The issues raised in the petition are more appropriately handled through the Home Energy Fair Practices Act (HEFPA) complaint procedures through our Office of Consumer Services. I am transferring this matter to our Office of Consumer Services Complaint Division for appropriate handling and follow-up. If you have any questions, please do not hesitate to contact Mr. Barry Bedrosian, Chief of Consumer Services, at (518) 474-3280.

Very truly yours,

Jaclyn A. Brillling
Secretary

cc: Barry Bedrosian
Diane Burman, Esq.
Steven J. Kramer, Esq.

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RECEIVED
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STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

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PETER McGOWAN

General Counsel

JACLYN A. BRILLING

Secretary

July 27, 2009

Mr. Gerald A. Norlander
Executive Director
Public Utility Law Project of New York, Inc.
194 Washington Avenue, Suite 420
Albany, NY 12210

Re: Case 06-E-1237 - Petition of Stellar Management, on Behalf of Town House West, LLC, to Submeter Electricity at 5 West 91st Street, New York, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.

Dear Mr. Norlander:

By "Emergency Petition for Investigation and Remediation of Noncompliance" dated July 15, 2009, you ask on behalf of the Town House West Apartments Tenants Association that the Order dated March 7, 2007 in the above-referenced case which approved submetering of electricity at Town House West in New York, New York be vacated or modified. Such petition is deemed a petition for rehearing and pursuant to Public Service Law §22, your petition for rehearing is untimely as it was not filed within 30 days of issuance of the above-referenced Order.

The issues raised in the petition are more appropriately handled through our Office of Consumer Services complaint procedures. I am transferring this matter to our Office of Consumer Services Complaint Division for appropriate handling and follow-up. If you have any questions, please do not hesitate to contact Mr. Barry Bedrosian, Chief of Consumer Services, at (518) 474-3280.

Very truly yours,

Jaclyn A. Brillling
Secretary

cc: Stellar Management (owner of the building)
Barry Bedrosian
Diane Burman, Esq.
Steven J. Kramer, Esq.

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

2009 AUG 10 AM 8:38

PUBLIC SERVICE COMMISSION

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PETER MCGOWAN
General Counsel
JACLYN A. BRILLING
Secretary

August 6, 2009

Mr. Gerald Norlander
Public Utility Law Project
of New York, Inc.
194 Washington Avenue, Suite 420
Albany, New York 12210

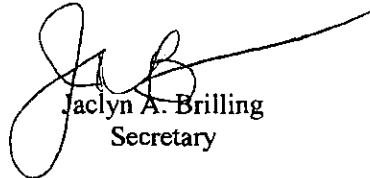
Re: Case 91-E-0241 - Petition of Tiffany Mews Limited Partnership to submeter electricity at 63 Tiffany Place Brooklyn, New York located in the territory of Consolidated Edison Company of New York, Inc., filed in C 26998

Dear Mr. Norlander:

By "Petition for a Stay of Submetering, Vacatur or Modification of Prior Order" dated July 31, 2009, you ask on behalf of the Tiffany Mews Limited Partnership, 63 Tiffany Place Brooklyn, NY that the Order dated September 27, 1991 in the above-referenced case which approved submetering of electricity at Tiffany Mews, 63 Tiffany Place, Brooklyn, NY be vacated or modified. Such petition is deemed a petition for rehearing and pursuant to Public Service Law §22, your petition for rehearing is untimely as it was not filed within 30 days of issuance of the above-referenced Order.

The issues raised in the petition are more appropriately handled through our Office of Consumer Services complaint procedures. I am transferring this matter to our Office of Consumer Services Complaint Division for appropriate handling and follow-up. If you have any questions, please do not hesitate to contact Mr. Barry Bedrosian, Chief of Consumer Services, at (518) 474-3280.

Very truly yours,


Jaclyn A. Brillling
Secretary

cc: Barry Bedrosian
Diane Burman, Esq.
Steven J. Kramer, Esq.