

BAY CITY METERING COMPANY, INC.

RECEIVED
PUBLIC SERVICE
COMMISSION
OSCEOLA-ALBANY

247 WEST 37TH STREET 6TH FLOOR

NEW YORK, NY 10018

2009 JUL 17 PM 10:00

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July 10, 2009

Ms. Jaclyn A. Brilling Secretary
New York State Department of Public Service
Agency Building #3
3 Empire State Plaza
Albany, New York 12223-1350

Re: Petition for Permission to Electricity Submeter at 181 East 119th Street
Manhattan, New York City

Dear Ms. Brilling:

On behalf of the Owners of 181 East 119th Street a Privately Owned Residential Ninety (90) Apartment House, we are requesting a review and the approval by the Public Service Commission to install an Electrical Submetering System in this Master Metered Residential Property located in the Consolidated Edison Company area.

This property is owned by the 119 Third Avenue Associates LLP. It is a newly constructed multifamily apartment building and consists of Ninety (90) residential rental apartments.

In accordance with the resolution concerning master metering as indicated in Part 96 of the Public Service Commission Regulations, all requirements will be complied with as required in the regulations for submetering proposal as indicated in paragraphs (b)(1-7) of section 96.2 and paragraph (c) for new residential properties.

The reasons for this petition is as follows:

1. To avail the Owner of obtaining lower charges from the Con Edison Company for the Master Metered Electrical Service and to reduce the overall consumption by the residents when the monthly billing based upon metering indicates to the residents the cost of this expensive service and hopefully they will practice conservation.
2. To use any monetary savings generated by the Master Metering and Submetering for performing energy saving projects to make the building more energy efficient.
3. To reduce the overall costs for the maintenance of the Public Areas of the building by making the building services more efficient and energy conservative and, in turn, a better building for the residents

4. To make the residential tenants aware of the cost of energy so that they become conservative in the use of the electrical service. With the emphasis in the news stressing conservation of energy it is the hope of the Owners that the residents will become aware of energy saving lamps and appliances within their apartments that will produce reduced energy usage and, in turn, lower electrical charges.
5. To encourage the Management to take advantage of the various programs for overall comprehensive energy conservation programs and rebates being offered by the Con Edison Company and NYSERDA.

The meters installed are manufactured by the Quadlogic Controls Company and the meters meet the ANSI C12 requirements and the testing of these meters has been made by an independent approved testing facility.

The SUBMETERING COMPANY will answer all questions and complaints in accordance with the Home Energy Fair Practices Act, HEFPA, (Public Service Law, Section 31-50; 16 NYCRR, Parts 11 and 12), which assures that the rate charged is NEVER higher than the tenant would have paid if directly metered by the Con Edison Company. This Act, (HEFPA) is State Law and the conditions must be followed. It also provides for a grievance procedure that resident complaints are responded to promptly by the Submetering Agent.

A letter explaining the submetering program to each prospective renter will be presented to each applicant prior to their entering into a lease agreement with the Owners. In the event they do not accept the submetering program, they will not meet the requirements of the lease and not become a resident in the building. In each lease there will be a separate clause in plain language explaining the submetering rates and charges and the complaint procedures including the option to contact the Public Service Commission in the event a complaint or problem can not be resolved by the Submetering Agent retained by the Owners. The submetering Agent will administer the monthly billing, responding to customer questions and complaints, guaranteeing the accuracy of the meters and metering equipment, and the periodic testing of the meters as required.

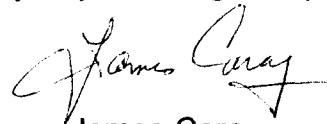
The grievance procedure for the residents of the above referenced property shall consist of the residents being informed to contact the Submetering Agent in the event they have any question of complaint with reference to their electrical billing. The submetering agent will record the complaint and their trained Customer Service Department personnel will discuss the complaint with the tenant. In the event a check of the meter is required the submetering agent will dispatch a technician to the site to meet with the resident and to check the operation of the meter installation. If necessary to settle the tenant's complaint, the meter will be replaced with a new meter and the original meter will be returned to the Submetering Agent's testing facility for complete testing for accuracy and operation. A meter test report will be sent to the tenant and the Management. In the event the tenant is still not satisfied with the results of the meter testing, they will be informed to contact the PSC customer complaint department and register their complaint. The PSC will review the case and render a decision as to the resolution of the problem. Their resolution must be followed by both the Management and the Resident. The address and phone number of the nearest Public Service Commission will be included in the information letter and in the electrical clause of the lease.

The submetering agent for the property will be the Bay City Metering Company, Inc which has over twenty-eight years of experience servicing residential accounts in New York.

A copy of this petition will be sent to the personnel of the Con Edison Company informing them of this request to submeter the residents in accordance with the requirements for submetering.

On behalf of the Owners, we thank you in advance for consideration you can give to approval of this petition to permit the building to Master Meter and Submeter the Residents of the building.

Very truly yours,
Bay City Metering Company, Inc.


James Carey

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