

Rider to Lease: Submetering
90-11 160th Street and 90-14 161st Street, Jamaica, NY 11432

1. The Tenant acknowledges that, on [DATE], in Case No. 12-E-0560—Petition of Jamaica 161 Realty, LLC to Submeter Electricity at 90-14 161st Street, Jamaica, NY 11432 Located in the Territory of Consolidated Edison Company, Inc.,¹ the New York State Public Service Commission (PSC) approved the Owner to submeter electricity to this building's (the Building) residential tenants. As a result, the Tenant further acknowledges that, although Consolidated Edison Company of New York, Inc. (Con Edison) or another local utility or energy services company will be the provider of electricity to the Building and the Owner will be paying the charges for such electricity directly to this entity (or its successor), the Tenant will be required to pay the Owner for the use of electricity at the Apartment on the basis of separate (submetered) charges that will be billed to the Tenant by the Owner (or its agent) on a monthly basis, as follows: The Tenant is responsible for charges for electric usage associated with the operation of the Apartment's individual air source electric mini-split heat pump and air conditioning system for the occupancy period of June 1 through September 30 of each year, while the Owner is responsible for such charges during the occupancy period of October 1 through May 31. In other words, to the extent the Tenant uses the heating or cooling system from June 1 through September 30, the Tenant is responsible for these charges for electric usage. The Tenant is responsible for all other electric charges (e.g., lights, appliances, and outlets) in the Apartment for the occupancy period January 1 through December 31 of each year. In the event of non-payment of electric charges, the Owner shall afford the Tenant all notices and protections available to the Tenant pursuant to the Home Energy Fair Practices Act (HEFPA) before any action(s) based on such non-payment, including, but not limited to, termination of service, is commenced.
2. The rate calculation to be used is the Consolidated Edison Service Classification SC-1 for direct metered service. Specifically, the Tenant's kilowatt hour (kWh) usage will be multiplied by the Con Edison Service Classification SC-1 tariffed rate for a billing period.

The Consolidated Edison Service Classification SC-1 rate is a combination of various items, including, but not limited to:

Basic Customer Charge: This is a charge for basic system infrastructure and customer-related services, including customer accounting, meter reading, and meter maintenance.

kWh Cost: This energy charge is broken down into four separate components – market supply, monthly adjustment, delivery (transmission and distribution).

Systems Benefit Charge (SBC)/Renewable Portfolio Standard (RPS)/Merchant Function Charge (MFC)/ Revenue Decoupling Mechanism Adjustment (RDMA)/Public Service Law (PSL) § 18-a Assessment(s): These are additional charges per kWh.

Fuel Adjustment: The sum of Market Supply Charge (MSC) and Monthly Adjustment Charge (MAC) adjustment factors.

Utility Tax: The sum of Commodity Gross Receipt Tax and Full Service Gross Receipt Tax.

Sales Tax: The current New York State sales tax.

The following is an example of the formula that will be used to derive the Tenant's electricity charges based on the current Con Edison Service Classification SC-1 rate and a monthly use of 250 kWh (different rates are used for usage in excess of 250 kWh per month):

¹ The Building consists of two towers that are connected by a common cellar. The Building, therefore, has two addresses, which are 90-11 160th Street and 90-14 161st Street, Jamaica, NY 11432.

		Total
Basic Charge		\$YY.YY
kWh	.XXXXX times 250 kWh	\$YY.YY
Systems Benefit Charge (Includes RPS, MFC, RDMA and PSL)	.XXXXX times 250 kWh	\$ Y.YY
Fuel Adjustment Charge	.XXXXX times 250 kWh	\$ Y.YY
	Subtotal	\$YY.YY
Utility Tax	.XXXXX times YY.YY	\$ Y.YY
	New Subtotal	\$YY.YY
Sales Tax	New Subtotal YY.YY times .045000	\$ T.TT
	New Subtotal YY.YY plus T.TT	\$ZZ.ZZ
Tenant Cost		\$ZZ.ZZ

All Con Edison rates by classification are available on its website (www.coned.com) under Rates and Tariffs. The electric Rates and Tariffs are listed under the heading "P.S.C. No. 10 – Electricity."

In no event will the total monthly rates (including any monthly administrative charge) exceed the rates and charges of the distribution utility for delivery and commodity in that billing period to similarly-situated, direct-metered residential customers (*see* 16 NYCRR § 96.1 [i]).

The Owner or its third-party electric billing company will read the meters and process a bill based on the Tenant's actual consumption. The meter reading data and billing calculations will be documented and maintained for a 6-year period for each unit (*see* 16 NYCRR § 96.6 [j]).

3. If the Tenant has a question about an electric bill or believes the electric bill is inaccurate, the following protocol will be followed: please contact the Property Manager by telephone at 718-264-1420 or by mail at NHE Management Assoc., 193-04 Horace Harding Expressway, Fresh Meadows, New York 11365. The Owner, through the Property Manager, shall investigate and respond to the Tenant in writing within fifteen (15) days of the receipt of the complaint. As part of this response, the Tenant shall be advised of the disposition of the complaint and the reason therefor. If the Tenant and the Owner cannot reach an equitable agreement and Tenant continues to believe the complaint has not been adequately addressed, then the Tenant may file a complaint with the PSC through the Department of Public Service. Alternatively, the Tenant may contact the Department of Public Service at any time concerning submetered service in writing at New York State Department of Public Service, 3 Empire State Plaza, Albany, New York 12223, by telephone at 800-342-3377, in person at the nearest office at 90 Church Street, New York, New York 10007, or via the Internet at www.dps.ny.gov.
4. The Tenant will be afforded rights and protections available to residential energy consumers in New York State under HEFPA, including the ability to file a complaint with the PSC. The nearest office of the PSC is at: NYS Public Service Commission, 90 Church Street, New York, NY 10007, 212-417-2234, 800-

342-3377, www.dps.ny.gov. The Tenant may contact the PSC at any time if the Tenant is dissatisfied regarding the Owner's response to the Tenant's complaint or at any time regarding submetered service.

5. The Tenant may request balanced billing for the Tenant's electric charges. Balanced billing divides the electric costs into equal monthly payments. Periodically, the balanced billing amounts will be reviewed and adjusted as necessary. At the end of one year, the Tenant shall be responsible to pay for any electric costs in excess of the balanced billing amount paid.
6. If the Tenant has difficulty paying the electric bill, the Tenant may contact the Owner by telephone or by letter in order to arrange for a deferred payment agreement, whereby the Tenant may be able to pay the balance owed over a period of time. If the Tenant can show financial need, the Owner can work with the Tenant to determine the length of the agreement and the amount of each monthly payment.
7. Regardless of the Tenant's payment history, the submeterer of the Building will continue electric service if the health or safety of the Tenant and/or those living with the Tenant is threatened. When the Tenant becomes aware of such hardship, the Owner can refer the Tenant to the Department of Social Services. Please notify the Owner if either of the following conditions exist:
 - a. **Medical Emergency.** The Tenant must provide a medical certificate from a doctor or local board of health.
 - b. **Dependence on Life Support Equipment.** The Tenant and/or those living with the Tenant suffers from a medical condition requiring electricity service to operate a life-sustaining device. The Tenant must provide a medical certificate from a doctor or local board of health.
8. Special protections may be available if the Tenant and/or those living with the Tenant are age eighteen (18) or younger or sixty-two (62) and older, blind, or disabled.
9. If the Tenant is age sixty-two (62) or older, the Tenant may be eligible for quarterly billing for the Tenant's electrical charges.
10. The Tenant can designate a third party as an additional contact to receive notices of past due balances for the Tenant's electrical charges.
11. As a residential customer for electricity, the Tenant also has certain additional rights assured by HEFPA.
12. Any submetering refunds will be credited to a submetered Tenant affected by the Owner's actions that led to such refunds provided that the Owner has such contact information for such Tenant.
13. The Tenant agrees that at all times the use of electricity in the Apartment shall never exceed the capacity of existing feeders to the Building or the risers, wiring, or electrical installations serving the Apartment. The Tenant shall not make any alterations, modifications, or additions to the electrical installations serving the Apartment.
14. The Owner shall have the right to suspend electric service to the Apartment when necessary by reason of accident or for repairs, alterations, replacements, or improvements necessary or desirable in the Owner's judgment for as long as may be reasonably required by reason thereof and the Owner shall not incur any liability for any damage or loss sustained by the Tenant or any other occupant of the Apartment as a result of such suspension. The Owner shall not in any way be liable or responsible to the Tenant or any other occupant for any loss, damage, cost, or expense that the Tenant or any

occupant of the Apartment may incur if either the quantity or character of electric service is changed or is no longer available or suitable for the Tenant's requirements or if the supply or availability of electricity is limited, reduced, interrupted, or suspended by the utility company serving the Building or for any reason or circumstances beyond the control of the Owner. Except as may be provided by applicable law, the Tenant shall not be entitled to any rent reduction because of a stoppage, modification, interruption, suspension, limitation, or reduction of electric service to the Apartment.

15. If the Owner (or its agent) fails to deliver a bill to the Tenant for the use of electricity at the Apartment for any given billing period, then such failure shall not prejudice or impair the Owner's right to subsequently deliver or cause its agent to deliver such a bill to the Tenant, nor shall any such failure relieve or excuse the Tenant from having to pay such bill, except as may otherwise be provided by applicable law.

Tenant

Owner

Date

Date