



Hon. Jaclyn A. Brillling  
Secretary  
New York State Public Service Commission  
State of New York  
3 Empire State Plaza  
Albany, NY12223

Re: Petition to sub-meter electricity at a building located at 241 5<sup>th</sup> Avenue, New York, NY10016

Dear Secretary Brillling,

Victor at Fifth, LLC is the owner of the above-mentioned new condominium building and hereby submits the petition pursuant to 16 NYCRR § 96.2 (f) to provide future sub-metering services for the building mentioned above which is located within the service territory of Consolidated Edison Company, Inc., 241 5<sup>th</sup> Avenue, New York, NY 10016.

Construction began January 2012 and is expected to be completed June 2013. The Building will consist of 46 condominium units and one commercial unit on the ground floor. All condominium units will be fair market units. At this time there is no expected date for owner occupancy.

The primary source for heating in the units is water source heat pumps. The hot water supplied to each heat pump is provided by Con Edison steam utility through heat exchangers. In addition to heat pumps in every unit, there is supplemental electric heat provided. The design basis for the electric fin tube radiators was based on QMARK 2503W and 2504W electric fin tube radiators. These baseboard heaters are controlled by space mounted thermostats that are manually adjustable by the resident of that unit. Each baseboard unit shall be controlled by one thermostat that energizes the heater when space temperature is below the set point. If multiple heaters are located in one space, one thermostat may be used to control all in that space. The standard set point shall be 70 degrees or any temperature preferred by the resident.

The design basis for the electric radiant floor systems was based on a Nuheat electric floor heating system. These floor heating systems are controlled by a programmable, wall mounted, floor-sensing thermostat for each heating zone. These are fully adjustable and programmable by the resident of that unit. At a minimum the thermostat control shall include the following; controllable and programmable temperature, four programs per day, floor-sensing thermo-coupler that controls power cycles, built in GFCI. The standard set point shall be set by the resident.

In addition, the Owner's sub-metering plan satisfies the requirements of 16 NYCRR § 96.2 (f). Accordingly, the Owner respectfully requests the Commission approve this petition.

Economic advantages of sub-metering over direct utility metering:

The sub-metering system to be installed in the Building will include remote reading capabilities utilizing Power Line Carrier. This communication will allow a more cost-effective sub-metering system due to the elimination of control wiring. Each of the meters will communicate daily over the existing power lines in the Building using a data collection device referred to as a Scan Transponder. The data that is sent will include the hourly usage of electricity for each apartment.

The QuadLogic sub-metering system has an advantage in that; it includes fair energy cost allocation based on actual resident consumption. The QuadLogic system also includes daily data availability for usage and the convenience of a remote reading system, which makes entry to the private residences and inconveniencing the tenants not required for meter reading.

Description of the sub-metering system to be installed:

Quadlogic Control Corporation’s Mini-Closet-5 meters measure usage in kilowatt-hours, VARs, VAs, Watts, Amps, and Power Factor. Other features of this meter include a non-volatile memory and an easy to read LCD 6-digit display. Additionally, the meter monitors and stores an apartment’s hourly electric usage and retains this information for approximately 60 days. The submetering system meets ANSI C12.1 and C12.16 American National Standards Institute Code for Electricity Metering.

Remote reading capability is possible through the use of Quadlogic Controls Power Line Carrier system, which is installed in more than 60,000 apartment units in the New York Metropolitan area. The system also features sophisticated self-diagnostics to ensure reliable operations. It can also be upgraded to provide advanced data. Please see attached Quadlogic Specifications for further details.

Method to be used to calculate rates to tenants:

The rate calculation to be used is the Consolidated Edison Service Classification SC-1 for direct metered service. Specifically, a tenant’s kilowatt hour (kWh) usage will be multiplied by the Consolidated Edison Service Classification SC-1 rate for a billing period, then sales tax (currently 4.5 %) will be added to arrive at the total tenant cost.

The Consolidated Edison Service Classification SC-1 rate is a combination of various items, including:

**Basic Charge (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)/ Surcharge to Collect PSL:** 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 NYS sales tax.

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

		<b>Total</b>
Basic Charge		\$YY.YY
kWh	.XXXXX times 250	\$YY.YY

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

Con Edison rates are subject to change. These changes are posted on the Con Edison website ([www.coned.com](http://www.coned.com)).

In no event will the total monthly rates (including a monthly administrative charge) exceed the utility's tariff residential rate for direct metered service to such residents (see 16 NYCRR § 96.2 [b] [3]).

All Con Edison rates by classification are available on its website ([www.coned.com](http://www.coned.com)) under Rates and Tariffs. The electric Rates and Tariffs are listed under the heading "PSC No. 9" – Electric: Full Service.

Quadlogic Controls Corp., 90-14 161 Street electric billing company, will read the meters monthly and process a bill based on the actual consumption of each tenant. The meter reading data and billing calculations will be documented and maintained for a 6-year period for each unit.

Complaint procedures and tenant protection:

When a tenant has a question about electric bill or believes the electric bill is inaccurate, the following protocol will be followed:

Tenant should submit the complaint to the property manager of the Building, including the action or relief requested and/or the reason for a complaint about a submetering charge. The property manager shall investigate and respond to the complaint in writing within 15 days of the receipt of the complaint. **The Property Manager; James Xanthos can be contacted via email at [james.xanthos@ellimanpm.com](mailto:james.xanthos@ellimanpm.com) or by telephone number 212-350-2839** or at the management office at Douglas Elliman Property Management, 675 Third Avenue, 6<sup>th</sup> Fl. New York, NY10017. If the tenant and the property manager 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 Public Service Commission through the Department of Public Service. Alternatively, Tenants 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 1-800-342-3377, in person at the nearest office at 90 Church Street, New York, New York 10007, or via the Internet at [www.dps.ny.gov](http://www.dps.ny.gov)

Electric bills from Quadlogic to tenants will contain, among other things, opening and closing meter reads and dates, usage during a current period, a breakdown of dollar amounts billed, the total charge for the period, and the total amount due (see attached sample Quadlogic electric bill).

In the event of non-payment of electric charges, the Owner shall afford the owner's all notices and protections available to such owner's pursuant to the Home Energy Fair Practices Act ("HEFPA") before any action(s) based on such non-payment, including termination of service, is commenced (see attached HEFPA documents for the Building). Electric will not be treated as additional rent by the Owner.

Procedure for notifying owner and Con-Edison of the proposal to sub-meter; lease riders; test billing:

A section in the offering plan will notify each owner that their unit is submetered for electricity.(the submetering offering plan will be added as an addendum to the building's offering plan) The provision will in plain language clearly enumerate the grievance procedures for the owner and will specify the rate calculation, rate caps, complaint procedures, and owner protections and enforcement mechanisms and such provisions will be in compliance with the Home Energy Fair Practices Act. (there are currently no owners at this time ) Con Edison will be notified at the time this petition is filed with the Public Service Commission under separate cover ( see attached letter to Con Edison)

Enforcement mechanism is available to tenants:

The complaint procedure constitutes the owner's standard enforcement program, which are in compliance with the Home Energy Fair Practices Act

Certification that the offering plan language shall be sufficient to describe all relevant information to the owner:

The Owner will certify that the method of rate calculation, rate cap, complaint procedures, owner protections, and enforcement mechanism will be incorporated in all offering plan agreements for sub-metering (see attached submetering offering plan).

Statement on sub-metering system capability to individually terminate electricity from each unit:

The sub-metering system is not designed to disconnect any single owner's unit from the utility system.

Weatherization and other energy efficient measures:

In regards to air leakage; all joints and penetrations are caulked, gasketed, weather-stripped, and or otherwise sealed. Apartment/foyer corridor –recessed halogen down lights and/or wall scones. Bathrooms –recessed halogens down lights and wet locations recessed light at wet areas, decorative incandescent pendant or wall mounted. The Refrigerators, dishwasher and washing machines are all energy star rated.

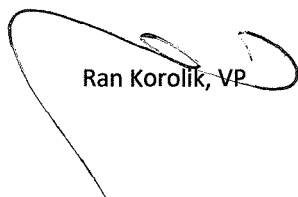
Installation of the sub-metering system:

The submetering system has not been installed.

Thank you for your attention to this matter.

Sincerely,

Victor at Fifth, LLC

A handwritten signature in black ink, appearing to read 'Ran Korolik', with a large, sweeping flourish extending to the left and bottom.

Ran Korolik, VP