

From: Devora Shabtai [REDACTED] >
Sent: Wednesday, September 2, 2026 8:48 PM
To: dps.sm.Secretary <Secretary@dps.ny.gov>
Subject: Rehearing-Shared Meter Case 540881

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RE: Shared Meter Case No. 540881

Request for Reconsideration/Rehearing and Correction of Material Errors

Correct Property Address: [REDACTED]

Dear Secretary Phillips and Office of Consumer Services:

I respectfully object to and request reconsideration/rehearing of the July 31, 2026 determination in Shared Meter Case No. 540881 because the determination contains material factual errors and, more importantly, appears to disregard subsequent Con Edison inspection evidence directly contradicting the finding upon which the determination is based.

To the extent the Commission considers this submission outside the thirty-day rehearing period, I respectfully request that it nevertheless be accepted and considered because the determination contains a **materially incorrect property address and apparently fails to consider Con Edison's July 2, 2026 reinspection—evidence uniquely within Con Edison's possession that goes directly to the factual basis of the determination.**

1. THE DETERMINATION IDENTIFIES THE WRONG PROPERTY ADDRESS.

The determination repeatedly identifies the premises as:

[REDACTED].

That is incorrect.

The correct premises involved in this dispute are:

[REDACTED]

I ONLY RECEIVED THE REPORT TODAY, SEPTEMBER 2, 2026 THROUGH MY EMAIL ADDRESS AFTER CALLING THE PUBLIC SERVICE COMMISSION. I DID NOT RECEIVE THE DETERMINATION BECAUSE IT HAD THE WRONG ADDRESS!!!!

This is not an insignificant typographical error. The Commission is making factual findings regarding electrical meters, wiring, an air handler, alleged shared usage, inspections and thousands of dollars in charges. It is therefore essential that the agency establish that the inspection records, meter records, photographs, account records and conclusions being relied upon actually concern [REDACTED] rather than another property.

I request that DPS and Con Edison immediately correct the address throughout their records and confirm in writing that every inspection report, meter number, account number and photograph relied upon actually pertains to 2118 East 69th Street.

2. MY FATHER, SHIMAN SHABTAI, DIED ON OCTOBER 19, 2019.

The July 31, 2026 determination identifies "Shiman Shabtai and Devora Shabtai" as the "Owners." My father, Shiman Shabtai, died on **October 19, 2019**, years before this shared-meter complaint was initiated.

The determination states that Joseph Wolfgang initiated the shared-meter investigation on March 12, 2025. Yet the proceeding continued to identify and communicate in the name of a person who had already been deceased for more than five years.

I have serious concerns regarding how my deceased father's name came to be used in connection with the complaints and accounts concerning this property. Individuals occupying the premises had no authority from my deceased father to invoke his name years after his death.

I therefore request disclosure of the original March 12, 2025 complaint, including the exact name or names supplied to Con Edison, the account information provided by the complainant, and all communications in which Shiman Shabtai's name was used.

3. THE DETERMINATION APPARENTLY IGNORES CON EDISON'S JULY 2, 2026 REINSPECTION.

This is the most serious defect in the determination.

For months I repeatedly requested that Con Edison return to the property and physically reinspect the meters because I disputed the original May 2025 finding.

Con Edison ultimately did so.

On ~~July 2, 2026~~, personnel from Con Edison's Revenue Department came to [REDACTED] and inspected the meters. One of the inspectors identified himself to me as

Angelo.

After inspecting the meters and electrical configuration, I was specifically informed that **NO SHARED METER EXISTED.**

Yet the July 31, 2026 determination does not appear to discuss the July 2, 2026 inspection at all.

Instead, the determination states:

"Based on the May 1, 2025 field inspection, the Utility determined a shared electric meter condition existed..."

The decision then continues to impose liability based upon the May 1, 2025 inspection and an estimated 281 kWh per month of alleged shared usage.

That raises an obvious and fundamental question:

Why was a May 1, 2025 inspection relied upon as controlling when Con Edison conducted a subsequent inspection on July 2, 2026—only twenty-nine days before this determination—and the July 2 inspection allegedly found that no shared-meter condition existed?

A reviewing agency cannot fairly determine the dispute by relying upon earlier evidence while disregarding later evidence from the utility itself that directly bears upon whether the condition actually exists.

4. PRODUCE THE JULY 2, 2026 REVENUE DEPARTMENT REPORT.

I request that Con Edison and DPS immediately obtain and preserve:

1. The complete July 2, 2026 Revenue Department inspection report;

2. The names and employee identification information of the inspectors, including the inspector known to me as "Angelo";
3. All photographs taken during that inspection;
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9. Any findings regarding whether the air handler was actually connected to Joseph Wolfgang's meter;
10. Any finding stating that no shared-meter condition existed; and
11. Any records showing changes between the May 1, 2025 inspection and July 2, 2026 inspection.

The July 31 determination should not remain in effect without consideration of that evidence.

5. THE CONCLUSION IS BASED UPON AN OUTDATED FACTUAL PREMISE.

The determination ultimately concludes that I am responsible for **\$2,034.79 in shared-meter charges plus a reduced twelve-month assessment of \$1,166.09, totaling \$3,200.88**, in addition to subsequent account charges.

But those monetary conclusions depend upon the underlying proposition that a shared-meter condition actually existed and continued to exist.

If Con Edison's own July 2, 2026 Revenue Department investigation determined that there was **no shared meter**, then DPS must explain why that later inspection was omitted from the analysis.

It is fundamentally inconsistent to impose continuing shared-meter liability while ignoring a later physical inspection indicating that the condition on which the charges were based did not exist.

6. REQUESTED RELIEF

Accordingly, I respectfully request that the Public Service Commission/DPS:

1. Vacate or reopen the July 31, 2026 determination;
2. Correct the property address from [REDACTED], [REDACTED];
3. Correct the records concerning my deceased father, **Shiman Shabtai, who died October 19, 2019**;
4. Obtain and review the complete **July 2, 2026 Con Edison Revenue Department inspection report**;
5. Direct Con Edison to identify "Angelo" and every employee who participated in that inspection;
6. Produce the original shared-meter complaint and identify how my deceased father's name came to be associated with the complaint/account;
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8. Recalculate or eliminate any shared-meter assessments that are unsupported by the July 2, 2026 physical inspection;
9. Provide me with copies of the May 1, 2025 and July 2, 2026 inspection reports so they can be compared directly; and
10. Issue a corrected determination addressing the July 2, 2026 inspection on the merits.

The Commission cannot reasonably determine that a shared meter exists based solely upon an earlier May 2025 inspection without addressing a subsequent July 2, 2026 Con Edison Revenue Department inspection that directly contradicts that premise.

Respectfully submitted,

Devora Shabtai



From: Devora Shabtai <[REDACTED]>

Sent: Wednesday, September 2, 2026 8:52 PM

To: dps.sm.Secretary <Secretary@dps.ny.gov>

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Respectfully submitted,

Devora Shabtai

A black rectangular redaction box covering the signature of Devora Shabtai.

From: Devora Shabtai <[REDACTED]>

Sent: Wednesday, September 2, 2026 8:57 PM

To: dps.sm.Secretary <Secretary@dps.ny.gov>

Subject: Request for Reconsideration/Rehearing and Correction of Material Errors

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Respectfully submitted,

Devora Shabtai



From: Devora Shabtai <[REDACTED]>
Sent: Wednesday, September 2, 2026 9:06 PM
To: dps.sm.Secretary <Secretary@dps.ny.gov>; sharedmetergroup@coned.com
<sharedmetergroup@coned.com>; 718-802-5251@conedison.com <718-802-5251@conedison.com>
Subject: Rehearing and Correction of Material Errors

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RE: Shared Meter Case No. 540881

Request for Reconsideration/Rehearing and Correction of Material Errors

Correct Property Address: [REDACTED]

Dear Secretary Phillips and Office of Consumer Services:

I NEVER RECEIVED THE DETERMINATION BECAUSE IT WAS SENT TO THE WRONG ADDRESS, IT WAS SENT TO [REDACTED]. THE DETERMINATION WAS SENT TO THE WRONG ADDRESS.

I respectfully object to and request reconsideration/rehearing of the July 31, 2026 determination in Shared Meter Case No. 540881 because the determination **contains material factual errors** and, more importantly, **appears to disregard subsequent Con Edison inspection evidence directly contradicting the finding upon which the determination is based.**

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I have serious concerns regarding how my deceased father's name came to be used in connection with the complaints and accounts concerning this property. Individuals occupying the premises had no authority from my deceased father to invoke his name years after his death.

I therefore request disclosure of the original March 12, 2025 complaint, including the exact name or names supplied to Con Edison, the account information provided by the complainant, and all communications in which Shiman Shabtai's name was used.

3. THE DETERMINATION APPARENTLY IGNORES CON EDISON'S JULY 2, 2026 REINSPECTION.

This is the most serious defect in the determination.

For months I repeatedly requested that Con Edison return to the property and physically reinspect the meters because I disputed the original May 2025 finding.

Con Edison ultimately did so.

On **July 2, 2026**, personnel from Con Edison's Revenue Department came to **2118 East 69th Street** and inspected the meters. One of the inspectors identified himself to me as **Angelo**.

After inspecting the meters and electrical configuration, I was specifically informed that **NO SHARED METER EXISTED**.

Yet the July 31, 2026 determination does not appear to discuss the July 2, 2026 inspection at all.

Instead, the determination states:

"Based on the May 1, 2025 field inspection, the Utility determined a shared electric meter condition existed..."

The decision then continues to impose liability based upon the May 1, 2025 inspection and an estimated 281 kWh per month of alleged shared usage.

That raises an obvious and fundamental question:

Why was a May 1, 2025 inspection relied upon as controlling when Con Edison conducted a subsequent inspection on July 2, 2026—only twenty-nine days before this determination—and the July 2 inspection allegedly found that no shared-meter condition existed?

A reviewing agency cannot fairly determine the dispute by relying upon earlier evidence while disregarding later evidence from the utility itself that directly bears upon whether the condition actually exists.

4. PRODUCE THE JULY 2, 2026 REVENUE DEPARTMENT REPORT.

I request that Con Edison and DPS immediately obtain and preserve:

1. The complete July 2, 2026 Revenue Department inspection report;

2. The names and employee identification information of the inspectors, including the inspector known to me as "Angelo";
3. All photographs taken during that inspection;
4. Meter readings and meter numbers;
5. Field-service notes;
6. Work orders;
7. Revenue Protection/Revenue Department records;
8. Electronic notes entered into Con Edison's computer system;
9. Any findings regarding whether the air handler was actually connected to Joseph Wolfgang's meter;
10. Any finding stating that no shared-meter condition existed; and
11. Any records showing changes between the May 1, 2025 inspection and July 2, 2026 inspection.

The July 31 determination should not remain in effect without consideration of that evidence.

5. THE CONCLUSION IS BASED UPON AN OUTDATED FACTUAL PREMISE.

The determination ultimately concludes that I am responsible for **\$2,034.79 in shared-meter charges plus a reduced twelve-month assessment of \$1,166.09, totaling \$3,200.88**, in addition to subsequent account charges.

But those monetary conclusions depend upon the underlying proposition that a shared-meter condition actually existed and continued to exist.

If Con Edison's own July 2, 2026 Revenue Department investigation determined that there was **no shared meter**, then DPS must explain why that later inspection was omitted from the analysis.

It is fundamentally inconsistent to impose continuing shared-meter liability while ignoring a later physical inspection indicating that the condition on which the charges were based did not exist.

6. REQUESTED RELIEF

Accordingly, I respectfully request that the Public Service Commission/DPS:

1. Vacate or reopen the July 31, 2026 determination;
2. Correct the property address from [REDACTED] to [REDACTED];
3. Correct the records concerning my deceased father, **Shiman Shabtai, who died October 19, 2019**;
4. Obtain and review the complete **July 2, 2026 Con Edison Revenue Department inspection report**;
5. Direct Con Edison to identify "Angelo" and every employee who participated in that inspection;
6. Produce the original shared-meter complaint and identify how my deceased father's name came to be associated with the complaint/account;
7. Suspend collection of the disputed shared-meter charges while this issue is reviewed;

8. Recalculate or eliminate any shared-meter assessments that are unsupported by the July 2, 2026 physical inspection;
9. Provide me with copies of the May 1, 2025 and July 2, 2026 inspection reports so they can be compared directly; and
10. Issue a corrected determination addressing the July 2, 2026 inspection on the merits.

The Commission cannot reasonably determine that a shared meter exists based solely upon an earlier May 2025 inspection without addressing a subsequent July 2, 2026 Con Edison Revenue Department inspection that directly contradicts that premise.

Respectfully submitted,

/s/ Devora Shabtai

Devora Shabtai

A black rectangular redaction box covering the signature and any handwritten notes or dates that might have been present.

From: Devora Shabtai <[REDACTED]@m>

Sent: Wednesday, September 2, 2026 9:13 PM

To: kwons@coned.com <kwons@coned.com>; dps.sm.Secretary <Secretary@dps.ny.gov>

Subject: Rehearing and Correction of Material Errors

You don't often get email from [REDACTED]. [Learn why this is important](#)

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

RE: Shared Meter Case No. 540881

Request for Reconsideration/Rehearing and Correction of Material Errors

Correct Property Address: [REDACTED]

Dear Secretary Phillips and Office of Consumer Services:

I respectfully object to and request reconsideration/rehearing of the July 31, 2026 determination in Shared Meter Case No. 540881 because the determination contains material factual errors and, more importantly, appears to disregard subsequent Con Edison inspection evidence directly contradicting the finding upon which the determination is based.

To the extent the Commission considers this submission outside the thirty-day rehearing period, I respectfully request that it nevertheless be accepted and considered because the determination contains a **materially incorrect property address and apparently fails to consider Con Edison's July 2, 2026 reinspection—evidence uniquely within Con Edison's possession that goes directly to the factual basis of the determination.**

1. THE DETERMINATION IDENTIFIES THE WRONG PROPERTY ADDRESS.

The determination repeatedly identifies the premises as:

[REDACTED].

That is incorrect.

The correct premises involved in this dispute are:

[REDACTED].

I ONLY RECEIVED THE REPORT TODAY, SEPTEMBER 2, 2026 THROUGH MY EMAIL ADDRESS AFTER CALLING THE PUBLIC SERVICE COMMISSION. I DID NOT RECEIVE THE DETERMINATION BECAUSE IT HAD THE WRONG ADDRESS!!!!

This is not an insignificant typographical error. The Commission is making factual findings regarding electrical meters, wiring, an air handler, alleged shared usage, inspections and thousands of dollars in charges. It is therefore essential that the agency establish that the inspection records, meter records, photographs, account records and conclusions being relied upon actually concern [REDACTED] rather than another property.

I request that DPS and Con Edison immediately correct the address throughout their records and confirm in writing that every inspection report, meter number, account number and photograph relied upon actually pertains to [REDACTED]

2. MY FATHER, SHIMAN SHABTAI, DIED ON OCTOBER 19, 2019.

The July 31, 2026 determination identifies "Shiman Shabtai and Devora Shabtai" as the "Owners." My father, Shiman Shabtai, died on **October 19, 2019**, years before this shared-meter complaint was initiated.

The determination states that Joseph Wolfgang initiated the shared-meter investigation on March 12, 2025. Yet the proceeding continued to identify and communicate in the name of a person who had already been deceased for more than five years.

I have serious concerns regarding how my deceased father's name came to be used in connection with the complaints and accounts concerning this property. Individuals occupying the premises had no authority from my deceased father to invoke his name years after his death.

I therefore request disclosure of the original March 12, 2025 complaint, including the exact name or names supplied to Con Edison, the account information provided by the complainant, and all communications in which Shiman Shabtai's name was used.

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For months I repeatedly requested that Con Edison return to the property and physically reinspect the meters because I disputed the original May 2025 finding.

Con Edison ultimately did so.

On **July 2, 2026**, personnel from Con Edison's Revenue Department came to [REDACTED] and inspected the meters. One of the inspectors identified himself to me as **Angelo**.

After inspecting the meters and electrical configuration, I was specifically informed that **NO SHARED METER EXISTED**.

Yet the July 31, 2026 determination does not appear to discuss the July 2, 2026 inspection at all.

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"Based on the May 1, 2025 field inspection, the Utility determined a shared electric meter condition existed..."

The decision then continues to impose liability based upon the May 1, 2025 inspection and an estimated 281 kWh per month of alleged shared usage.

That raises an obvious and fundamental question:

Why was a May 1, 2025 inspection relied upon as controlling when Con Edison conducted a subsequent inspection on July 2, 2026—only twenty-nine days before this determination—and the July 2 inspection allegedly found that no shared-meter condition existed?

A reviewing agency cannot fairly determine the dispute by relying upon earlier evidence while disregarding later evidence from the utility itself that directly bears upon whether the condition actually exists.

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I request that Con Edison and DPS immediately obtain and preserve:

1. The complete July 2, 2026 Revenue Department inspection report;

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3. All photographs taken during that inspection;
4. Meter readings and meter numbers;
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8. Electronic notes entered into Con Edison's computer system;
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The July 31 determination should not remain in effect without consideration of that evidence.

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The determination ultimately concludes that I am responsible for **\$2,034.79 in shared-meter charges plus a reduced twelve-month assessment of \$1,166.09, totaling \$3,200.88**, in addition to subsequent account charges.

But those monetary conclusions depend upon the underlying proposition that a shared-meter condition actually existed and continued to exist.

If Con Edison's own July 2, 2026 Revenue Department investigation determined that there was **no shared meter**, then DPS must explain why that later inspection was omitted from the analysis.

It is fundamentally inconsistent to impose continuing shared-meter liability while ignoring a later physical inspection indicating that the condition on which the charges were based did not exist.

6. REQUESTED RELIEF

Accordingly, I respectfully request that the Public Service Commission/DPS:

1. Vacate or reopen the July 31, 2026 determination;
2. Correct the property address from [REDACTED] to [REDACTED];
3. Correct the records concerning my deceased father, **Shiman Shabtai, who died October 19, 2019**;
4. Obtain and review the complete **July 2, 2026 Con Edison Revenue Department inspection report**;
5. Direct Con Edison to identify "Angelo" and every employee who participated in that inspection;
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7. Suspend collection of the disputed shared-meter charges while this issue is reviewed;

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9. Provide me with copies of the May 1, 2025 and July 2, 2026 inspection reports so they can be compared directly; and
10. Issue a corrected determination addressing the July 2, 2026 inspection on the merits.

The Commission cannot reasonably determine that a shared meter exists based solely upon an earlier May 2025 inspection without addressing a subsequent July 2, 2026 Con Edison Revenue Department inspection that directly contradicts that premise.

Respectfully submitted,

/s/ Devora Shabtai

Devora Shabtai

A black rectangular redaction box covering the signature and any handwritten notes or dates that might have been present.

THE CITY OF NEW YORK

VITAL RECORDS CERTIFICATE

DATE FILED THE CITY OF NEW YORK - DEPARTMENT OF HEALTH AND MENTAL HYGIENE

CERTIFICATE OF DEATH

Certificate No. 156-19-042774

NEW YORK CITY
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE
Oct 20, 2019 08:54 AM

1. DECEDENT'S LEGAL NAME SHIMON SHABTAI
(First, Middle, Last)

MEDICAL CERTIFICATE OF DEATH (To be filled in by the Physician)	2a. New York City Place of Death 2b. Borough Brooklyn	2c. Type of Place 1 ☒ Hospital Inpatient 2 ☐ Emergency Dept. Outpatient 3 ☐ Dead on Arrival	4 ☐ Nursing Home/Long Term Care Facility 5 ☐ Hospice Facility 6 ☐ Decedent's Residence 7 ☐ Other Specify	2d. Any Hospice care in last 30 days 1 ☐ Yes 2 ☐ No 3 ☒ Unknown	2e. Name of hospital or other facility (if not facility, street address) Mount Sinai Brooklyn	
	Date and Time of Death 3a. (Month) October (Day) 19 (Year-yyyy) 2019 3b. Time 6:27 ☐ AM ☒ PM 4. Sex Male					
5. Certifier: I certify that death occurred at the time, date and place indicated and that to the best of my knowledge traumatic injury or poisoning and that death did not occur in any unusual manner and was due entirely to NATURAL CAUSES. See instructions on reverse of certificate.						
Name of Physician JANE BATTERMAN (Type or Print) Address 3201 Kings Hwy Brooklyn, NY 11234			Signature Jane Batterman Signature Electronically Authenticated License No. 183570 Date OCT-19-2019			
PERSONAL PARTICULARS (To be filled in by Funeral Director or, in case of City Burial, by Physician)	7a. Usual Residence State New York	7b. County Kings	7c. City or Town Brooklyn	7d. Inside City Limits? 1 ☒ Yes 2 ☐ No		
	11a. Usual Occupation (Type of work done during most of working life. Do not use "retired") Diamonds		11b. Kind of business or industry Dealer	12. Aliases or AKAs *** **		
	13. Birthplace (City & State or Foreign Country) Afghanistan		14. Education (Check the box that best describes the highest degree or level of school completed at the time of death) 1 ☐ 8th grade or less: none 2 ☐ 9th - 12th grade: no diploma 3 ☐ High school graduate or GED 4 ☐ Some college credit, but no degree 5 ☐ Associate degree (e.g., AA, AS) 6 ☐ Bachelor's degree (e.g., BA, AB, BS) 7 ☒ Master's degree (e.g., MA, MS, MEng, MEd, MSW, MBA) 8 ☐ Doctorate (e.g., PhD, EdD) or Professional degree (e.g., MD, DDS, DVM, LLB, JD)			
	15. Ever in U.S. Armed Forces? 1 ☐ Yes 2 ☒ No		16. Marital/Partnership Status at time of death 1 ☒ Married 2 ☐ Domestic Partnership 3 ☐ Divorced 4 ☐ Married, but separated 5 ☐ Never Married 6 ☐ Widowed 7 ☐ Other, Specify		17. Surviving Spouse's/Partner's Name (If wife, name prior to first marriage) (First, Middle, Last) Minam Sadlun	
	18. Father's Name (First, Middle, Last) Mordechai Shabtai		19. Mother's Maiden Name (Prior to first marriage) (First, Middle, Last) Devora Unknown			
20a. Informant's Name Miriam Shabtai		20b. Relationship to Decedent Spouse		20c. Address (Street and Number Apt. No. City & State ZIP Code) 11234		
21a. Method of Disposition 1 ☒ Burial 2 ☐ Cremation 3 ☐ Entombment 4 ☐ City Cemetery 5 ☐ Other Specify		21b. Place of Disposition (Name of cemetery, crematory, other place) Beth David Cemetery (Elmont Cemetery Inc)				
21c. Location of Disposition (City & State or Foreign Country) Elmont, NY		21d. Date of Disposition mm 10 dd 20 yyyy 2019				
22a. Funeral Establishment Boro Funeral Service Inc.		22b. Address (Street and Number City & State ZIP Code) 3921 Fort Hamilton Pkwy Brooklyn, NY 11218				

No Correction History ***

Gratchen Van Wye
Gratchen Van Wye, Ph.D., City Registrar as of 9/1/18

Steven P. Schwartz
Steven P. Schwartz, Ph.D., City Registrar

This is to certify that the foregoing is a true copy of a record on file in the Department of Health and Mental Hygiene. The Department of Health and Mental Hygiene does not certify to the truth of the statements made thereon, as no inquiry as to the facts has been provided by law.

Do not accept this transcript unless it bears the security features listed on the back. Reproduction or alteration of this transcript is prohibited by §3.19(b) of the New York City Health Code if the purpose is the evasion or violation of any provision of the Health Code or any other law.



October 29, 2019

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE





**Department
of Public Service**

KATHY HOCHUL
Governor

RORY M. CHRISTIAN
Chief Executive Officer

VIA Electronic Mail and First-Class Mail

July 31, 2026

Shiman Shabtai
Devora Shabtai
[REDACTED]

Joseph Wolfgang
[REDACTED]

Consolidated Edison Company of New York, Inc. (Con Edison or Utility)
Attention: Suzanne Kwon
4 Irving Place, 9 Fl NW
New York, NY 10003
Kwons@coned.com

Re: Shared Meter Case 540881
[REDACTED]

This is to inform you that a decision has been reached in the above captioned complaint. The attached decision is effective on the date of this letter.

You may petition the Public Service Commission (Commission) for rehearing or may challenge this decision in New York State Supreme Court through judicial review pursuant to Article 78 of the Civil Practice Law and Rules. If you request a Commission rehearing, the request will consider the petition and any response filed, and does not include an in-person hearing. Pursuant to Public Service Law §22, a petition must be received by the Secretary no later than 30 days from the date on this letter. The Secretary may reject petitions that are untimely. The petition must be sent to:

Email: secretary@dps.ny.gov
Fax: (518) 474-9842
Michelle L. Phillips, Secretary
Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

A petition for rehearing must also meet the requirements of the Commission's regulation, 16 NYCRR §3.7(b), which provides that, "[R]ehearing may be sought only on the grounds that the Commission committed an error of law or fact or that new circumstances warrant a different

determination.” This regulation also requires that a rehearing petition “separately identify and specifically explain and support each alleged error or new circumstance said to warrant rehearing.” A rehearing petition that does not meet the requirement for separate identification of each alleged error or new circumstance, and for explanation of how each error or new circumstance warrants rehearing, may be rejected.

You may also seek judicial review, without first requesting rehearing by the Commission. The time limit under state law for commencing an Article 78 proceeding to obtain judicial review of a Commission determination in New York State Supreme Court is four months from the date that the Designee determination becomes final and binding on the party seeking review.

Sincerely,

/s/ Karen Palmieri

Karen Palmieri
Director
Office of Consumer Services
As Designee of the New York State
Public Service Commission

Enclosure



**Department
of Public Service**

KATHY HOCHUL
Governor

RORY M. CHRISTIAN
Chief Executive Officer

VIA Electronic Mail and First-Class Mail

July 31, 2026

Shiman Shabtai
Devora Shabtai
[REDACTED]

Joseph Wolfgang
[REDACTED]

Consolidated Edison Company of New York, Inc. (Con Edison or Utility)
Attention: Suzanne Kwon
4 Irving Place, 9 F1 NW
New York, NY 10003
Kwons@coned.com

Re: Shared Meter Case 540881
[REDACTED]

Introduction

On May 28, 2025, the Public Service Commission (Commission) received a letter from Devora Shabtai and Shiman Shabtai (Owners) appealing Con Edison's May 2, 2025 determination of a shared electric meter condition. On August 11, 2025, Office of Consumer Services (OCS) Staff upheld the Utility's determination and forwarded the Owners' dispute to the Commission's Designee (Designee) for review of Con Edison's subsequent billing of a twelve-month assessment in the amount of \$3,068.65, shared usage charges totaling \$2,034.79, and bills rendered on the shared meter to the Owners as the customers of record from August 31, 2025 to the present. The Designee now affirms the Utility's finding of a shared electric meter condition but modifies subsequent billing under the provisions of Public Service Law (PSL) § 52 for the reasons stated below.

Background

On March 12, 2025, Joseph Wolfgang (Tenant) contacted the Utility and initiated a shared meter investigation. The Utility conducted an inspection responding to the Tenant's concerns on May 1, 2025.¹ The Utility's May 1, 2025 inspection found the Tenant's electric meter was supplying service to an air handler serving areas outside of the Tenant's dwelling. The Utility estimated the shared usage to be 281 kWh of electricity per month.

On May 2, 2025, the Utility notified the Owners and Tenant of its determination of a shared electric meter condition in writing and provided a 120-day period from the date of notification for the Owners to correct the condition. Because repairs were not confirmed prior to August 30, 2025, the Utility established the Owner as the customer of record for the shared electric/gas service effective August 31, 2025 as per the statute.²

Owners' Position

On May 28, 2025, the Owners stated that they were seeking the electric service serving the Tenant's apartment be disconnected. The Owners stated the Tenant was arrested on the same day for alleged criminal acts and alleged that the Tenant tampered with the heating furnace and air handler at the building, as the Tenant had a background in electrical service. The Owners provided a letter signed by Eli Delacruz, the Owners' maintenance worker, which stated that they witnessed the tampering. The Owners allege multiple landlord/tenant disputes were present including the Tenant's

¹ PSL § 52.4(a) states in part "upon receipt of information indicating that a shared meter may exist, such metering utility shall investigate and determine whether such service is or is not measured by a shared meter."

² PSL § 52.5(b) states in part "if the owner has not eliminated the shared meter... the utility shall establish an account in the owner's name as the customer of record for service measured through the shared meter and bill the owner for all applicable shared area charges and all future service measured through the shared meter."

non-payment of rent, squatters at the building, and other non-jurisdictional issues.³ The Owners stated that the Tenant did not regularly pay the utility bill provided to them by Con Edison. The Owners also stated that the Tenant and squatters inside the building have not allowed access to make any corrections or repairs. The Owners are seeking that the Tenant's "claim" of shared metering be dismissed.

On May 30, 2025, the Owners reiterated the points made within their May 28, 2025 submission. The Owners further stated that they were not present when the Con Edison inspector entered their apartment and their garage.

On June 8, 2025, the Owners alleged mishandling of a report made to Con Edison regarding fraudulent utility access and the receipt of a hostile response from the Utility's customer service. The Owners stated that due to ongoing threats at the location, the police and court has become involved.

On August 19, 2025, the Owners disputed OCS Staff's August 11, 2025 correspondence which upheld the Utility's determination of a shared meter condition. The Owners again reiterates multiple non-jurisdictional issues and allegations towards the Tenant.

On December 9, 2025, the Owners stated that the Utility bill should not have been established in the property Owners' names. The Owners also reiterated multiple non-jurisdictional issues and allegations towards the Tenant.

On December 10, 2025, the Owners advised that they would file a lawsuit against Con Edison regarding these issues and reiterated multiple non-jurisdictional issues and allegations toward the Tenant.

³ Landlord/tenant disputes such as non-payment of rent or damage to the premises do not affect Staff's or the Utility's obligation to implement the PSL § 52.

On February 11, 2026, the Owners stated they formally dispute the billing of a twelve-month assessment and shared meter charges by Con Edison. The Owners stated they categorically deny any tampering, bypass, diversion, or unauthorized use of electricity. The Owners further disputed the basis, calculation, and procedural validity of the twelve-month assessment. The Owners then stated that they demanded information from Con Edison within ten days of the email, which OCS Staff confirmed was emailed by the Owners directly to Con Edison.

On March 16, 2026, the Owners stated they were seeking a copy of the “shared meter” complaint from the Tenant.

On March 24, 2026, the Owner sent OCS Staff six separate emails. The Owners’ emails on this date reiterated multiple non-jurisdictional issues and allegations towards the Tenant. The Owners also stated there was a legal impediment⁴ that prevented the Owners’ compliance and cites their inability to access the areas due to the squatters and Tenant’s disallowance for them to access the necessary areas for repairs.

On April 3, 2026, April 5, 2026, April 28, 2026, May 28, 2026, June 2, 2026, July 5, 2026, and July 13, 2026, the Owners again reiterated that they believe they were prohibited from repairs due to legal impediment and provided multiple non-jurisdictional issues and allegations toward the Tenant and other occupants of the premises.

Ultimately, the Owners are seeking relief from the shared meter charges, twelve-month assessment and billing in their name for the shared meter.

⁴ PSL § 52.1(g) defines legal impediment as “a restriction which prevents separate metering, rewiring, or re-piping due to zoning ordinances which limit the number or type or location of meters in a building or due to the historical significance of the structure or such other legal restrictions as determined by the Commission in its rules.”

Tenant's Position

On November 5, 2025, OCS Staff wrote to the Tenant requesting comment on the Owners' appeal. Staff's letter advised the Tenant that the twelve-month assessment could be reduced to 25 percent of the original amount billed. On January 16, 2026, OCS Staff's letter was returned by the Post Office with no forwarding address.

Analysis

Based on the May 1, 2025 field inspection, the Utility determined a shared electric meter condition existed at the premises and informed the Owners in writing on May 2, 2025.⁵ PSL § 52 states that an owner is responsible for service used outside of a tenant's dwelling. On August 11, 2025, OCS Staff upheld the Utility's determination of a shared electric meter condition and forwarded the case to the Designee for review of the billed charges.

On October 27, 2025, Con Edison notified the Owners by letter of the shared meter charges⁶ and twelve-month assessment⁷ billed.

OCS Staff's review found that upon receipt of the Tenant's complaint, Con Edison scheduled an inspection to be held on March 24, 2025. Upon arrival, the Utility inspector was allowed access to

⁵ PSL § 52.4(b) states in part "the determination shall be provided in writing, within thirty business days of the date of the complaint or receipt of information or owner's request, to the customers, the owner, any other tenants receiving service measured by the shared meter, and any other utility providing service to such customer through such meter."

⁶ PSL § 52.5(b) states in part "if the owner has not eliminated the shared meter... the utility shall establish an account in the owner's name as the customer of record for service measured through the shared meter and bill the owner for all applicable shared area charges and all future service measured through the shared meter."

⁷ PSL § 52.5(d) states in part, if the discovery of a shared meter condition is not in response to an Owner's request, the utility shall "bill the owner and refund to the shared meter customer an estimated amount of charges for twelve-months of all service measured by the shared meter; provided, however, that this paragraph shall not apply to a shared meter condition if service measured through the shared meter is minimal under commission rules adopted pursuant to subdivision eight of this section."

the Tenant's apartment for an appliance survey; however, the electric meter was inaccessible. Therefore, a second appointment was required. OCS Staff finds no fault by the Utility in this instance for the delay in a written determination letter to the Tenant and Owners.

OCS Staff reviewed the Owners' statement that legal impediment⁸ prohibited them from access to repair the condition. In this case, legal impediment as defined in PSL § 52 does not apply. The Owners' inability to access the premises they own is a landlord/tenant dispute and is a civil matter the Owners should consider addressing with an attorney. Here, regardless of repairs to the condition, the regulations require the Utility to debit the Owners for shared meter charges and a twelve-month assessment, as the Utility stated in their May 2, 2025 determination letter.

Shared Meter Charges

PSL § 52.5(b) provides that an owner is responsible for the service used outside of a tenant's apartment. The Utility found in its May 1, 2025 inspection report that there was estimated shared usage in the amount of 281 kWh of electricity per month outside of the apartment. Therefore, the Owners are responsible for the shared meter charges of \$2,034.79, as calculated by the Utility. Staff reviewed the basis the Utility used to calculate the charges and found it fair based on the Tenant's appliances, the shared area appliances, and the Tenant's billed electric consumption history.

Twelve-Month Assessment

PSL § 52.5(b) provides that an owner is billed a twelve-month assessment equivalent to twelve-months of bills on the shared meter. In this case, the shared meter condition existed for 20.7 months and the annual shared meter charges were estimated at \$1,179.59, which is 38 percent of the twelve-month assessment amount. Because the Tenant was fairly compensated, through

⁸ Supra footnote 4.

apportionment for shared usage, the Designee directs Con Edison to reduce the twelve-month assessment to \$1,166.09, which is 38 percent of the original billed amount of \$3,068.65.

Conclusion

As Owners of the property, Shiman Shabtai and Devora Shabtai are responsible for the shared meter charges of \$2,034.79 and the reduced twelve-month assessment charges of \$1,166.09, as provided by PSL § 52. These charges total \$3,200.88.

The charges of \$3,200.88 do not include the bills rendered on the shared electric account from August 31, 2025, until such date when Con Edison verifies that repairs have been completed. The Owners are also responsible for those charges under the provisions of the statute.



Current balance due

\$10,275.59Due Upon
Receipt

SHABTAI SHIMAN

Account: [REDACTED]

Service delivered to: [REDACTED]

Next Billing Date: Tuesday, August 11, 2026

Your bill breakdown



Last billing period

Your billing summary as of Jul 14, 2026

Your previous charges and payments

Total charges from your last bill

\$9,710.05

Payments through Jul 13

None

Balance from previous bill

\$9,710.05

Your new charges

Billing period: Jun 11, 2026 to Jul 13, 2026

Electricity charges - for 32 days

\$429.32

Late payment charges

\$136.22

Total from this billing period

\$565.54

Total amount due

\$10,275.59

Payment is due upon receipt of this bill. To avoid a late payment charge of 1.5%, please pay the total amount due by **Aug 05, 2026**.

Your average daily electric usage

27.41
kWh

Messages For You

To save on energy and heating costs with energy efficiency solutions, visit conEd.com/Savings.

Let's get in touch! Please go to conEd.com and give us your primary phone number and email address. It will help us serve you better.

YOUR DOLLAR FOR ENERGYSHARE CAN MAKE A DIFFERENCE

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