



May 29, 2024

Via Electronic Filing

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

Re: Notice of Intent to Submeter at 1270 Fifth Avenue, New York, NY 10029 (Case No. 24-E-0046)

Dear Secretary Phillips:

On behalf of The Twelve Seventy Fifth Ave. Cooperative, Inc. (the ‘Building’), Metergy Solutions LLC (“Metergy”) provides this filing to include a summary of resident comments filed to date in Case 24-E-0046.

Since the summary of responses filed in the abovementioned matter on April 18, 2024, twenty-six (26) additional comments were submitted by seven (7) residents as noted in the table below. This filing includes responses to each of the comments, along with PDF copies of the emails sent to residents. Email addresses have been redacted.

Resident	Date(s) Filed
Lynne Altstatt	4/24/2024 4/24/2024 4/25/2024 5/2/2024 5/2/2024 5/2/2024 5/2/2024 5/2/2024 5/2/2024 5/2/2024 5/3/2024* 5/6/2024 5/6/2024 5/6/2024
Barbara Askins	5/7/2024
Ronit Haviv	4/29/2024 5/6/2024
Alicia Hobbs	5/7/2024
Joan Logue	4/27/2024 4/29/2024

	4/29/2024 4/29/2024 5/6/2024
Joseph Mordok	5/6/2024
Peggy Strait	4/23/2024

**5/3/2024 comment submitted by Janice Altstatt but signed by Lynne Altstatt*

The comments raised several resident concerns, primarily related to the following: how submetering billing would work in practice; affordability; and the process of approving submetering from both an internal corporate and external regulatory perspective.

Internal Corporate Process: Several comments addressed the terms of the Occupancy Agreement.

Response: The position of the Board is that the proposed electric submetering complies with the language in the Occupancy Agreement. The Corporation currently furnishes electricity, and all shareholders are currently responsible for paying the electricity bills for the building through their monthly carrying charges. In a transition to electric submetering, the Corporation would continue to furnish electricity, but the calculation of costs will be split into individual unit usage charges and common area usage charges (which will still be included in the monthly carrying charges). The electricity rate will remain the same.

Regulatory Process: Commenters also questioned the adequacy of the notices and notice period, as well as next steps for the Notice of Intent.

Response: The Board has complied with all notice requirements. It sent a notice to all residents prior to submitting the Notice of Intent, and after filing the Notice of Intent. Notice was sent electronically to all residents with an email on file, and in hard copy to residents without an email address. Information providing guidance on how to file comments was included the post-filing resident notification, and all comments were responded to, including those received prior to the official SAPA notice period.

Billing & Affordability: Commenters raised concerns about the affordability of submetering, as well as how the general billing process would work.

Response: The responses provided information outlining the general monthly billing process and included a sample electricity bill and information about budget billing. The responses also included an approximate timeline of when billing might commence, and noted that Metergy will begin two months of shadow billing, starting in June, to familiarize residents with the monthly billing cycle process.

Meter Accuracy: Some comments raised concerns about the access to and accuracy of the electric submeters.

Response: Responses provided information about a resident's right to an annual meter accuracy test at no charge to the resident.

Respectfully,

/s/ Lena Golze Desmond

Lena Golze Desmond

Senior Regulatory Counsel

Metergy Solutions LLC

347-345-3889

lena.desmond@metergysolutions.com

From: [Michael Maksym](#)
To: [REDACTED]
Subject: [EXTERNAL] PSC Comment Response
Date: Friday, May 24, 2024 11:40:15 AM
Attachments: [Response \(L. Altstatt\) \(5.21.24\).pdf](#)
[Sample Metergy Invoice \(Bulk\).pdf](#)

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Good afternoon Ms. Altstatt,

Thank you for your comment on the PSC website.

Attached please find a response to your comment.

Respectfully,

Michael Maksym

Assistant Project Manager

212-271-0281 mmaksym@akam.com

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99 Park Avenue, 14th FL, NY, NY, 10016

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May 24, 2024

Lynn Altstatt
1270 Fifth Avenue
New York, NY 10029

**Re: Notice of Intent to Submeter at 1270 Fifth Avenue, New York, NY 10029
(Case No. 24-E-0046)**

Dear Ms. Altstatt:

Thank you for taking the time to share your comments on Case No. 24-E-0046. We have included responses to the issues you addressed below.

Occupancy Agreement

The position of the Board is that the proposed electric submetering complies with the language in the Occupancy Agreement. [Please note that this application cannot address your comments regarding the general legitimacy of Board meetings, as it is outside the scope of the submetering application process].

The Corporation currently furnishes electricity, and all shareholders are currently responsible for paying the electricity bills for the building through their monthly carrying charges. In a transition to electric submetering, the Corporation will continue to furnish electricity, but the calculation of costs will be split into individual unit usage charges and common area usage charges (which will still be included in the monthly carrying charges). The electricity rate will remain the same.

Studies have repeatedly shown that a transition from master metering to individual metering will help reduce overall electricity usage.¹ Electricity usage is one of the factors used in calculating a building's overall carbon footprint for purposes of compliance with Local Law 97.

<https://www.be-exchange.org/calculator/>

¹ https://www.hud.gov/program_offices/public_indian_housing/programs/ph/phecc/strat_m4

Comment Notice Period

In submitting the Notice of Intent to Submeter Electricity, the Board has provided all notice required under 16 NYCRR 96.3(c) for conversions to submetering. Akam sent notices regarding the submetering application via the building link platform to residents that have provided an email address, and provided hard copies to those residents without an email address. The post-filing notification dated January 25, 2024 provided residents with information for how to file comments, and all comments were responded to, including those from several residents who filed comments prior to the opening of the official comment period.

The official comment period is now closed. Staff at the Department of Public Service (DPS) – the consumer protection arm of the NYPSC – will review all comments submitted and our responses. DPS will let us know if they have questions or want us to provide further information. Should Staff be satisfied that we have provided all the required information, they will then submit the application for approval at the monthly meeting of NYPSC Commissioners. Once approved, the NYPSC will issue an Order, identifying any additional notice or compliance requirements. Because we want to include the summer months (which are the months when most residents use the most electricity), we want to begin shadow billing before the application is or could be approved. We will provide more information about the shadow billing process shortly.

Role of Metergy Solutions

Metergy has been contracted by the Board to install and maintain the submeters, and to record meter usage and bill residents. Metergy has decades of experience in submetering, and Quadlogic Controls Corporation, which will install and maintain the meters, has been a leader in submetering technology for more than 40 years, primarily in New York. Metergy is involved in this proceeding because the application requires that the billing service provider provide certain information e.g. sample invoices, consumer protection notices, meter manufacturer information, etc.

If and when the submetering application is approved, the metering and billing process will be very similar to how Con Edison bills its direct metered customers, except that Metergy will bill residents instead of Con Edison. Below is an outline of the monthly billing cycle:

- Your submeter records your individual monthly usage.
- Con Edison sends the building a ‘master meter’ bill for the entire building’s electric usage
- Metergy reads your submeter to determine your monthly usage (Metergy aligns its meter read with the dates that Con Edison reads the building’s master metered bill). Metergy will read the meter (which is done remotely via connected communication devices) and determine how much electricity your unit used since the last reading (e.g. on May 1 your meter read 0000500, and on June 1 your meter read 0001000, so the difference would be 500kWh).
- Metergy will multiply your usage by the building’s master-metered rate (calculated as the building’s total charges divided by the building’s total kWh) to determine your monthly charges. See the attached sample bill for an example of what your bill will look like (please note that this is a sample only).
- Metergy will send a copy of the bill to your email address or mail a hard copy if requested.
- All residents will be entitled to request one meter accuracy test of their submeter at no cost each year. The accuracy tests must follow specific testing requirements, per 16 NYCRR Parts 92 and 93.

Metergy will offer all interested residents an opportunity to enroll in budget billing, which breaks payments into 12 equal payments, based on historical usage data. Additional payment plans are available for shareholders with restricted income.

Resident Rights & Regulatory Consumer Protection

The attached Notification of Rights and Procedures includes an overview of your rights and protections under submetering, including registration for special protections. All residents and shareholders may also reach out at any time to Staff from the Department of Public Service (DPS) if they have specific concerns regarding the submetering process, billing, or accuracy of meters.

- In writing: New York State Department of Public Service, 3 Empire State Plaza, Albany, New York 12223
- By telephone: (800) 342-3377, by facsimile at (212) 417-2234
- In person: 90 Church Street, New York, New York 10007 or 3 Empire State Plaza, Albany, NY 12223
- Via the Internet: www.dps.ny.gov

We appreciate your engagement with this process. We will continue to keep you and all residents informed about the developments of this application.

Respectfully,

Michael Maksym
Assistant Project Manager
212-271-0281
AKAM
99 Park Avenue, 14th floor, NY 10016
mmaksym@akam.com

NOTIFICATION OF RIGHTS AND PROCEDURES

As a residential customer for electricity, you have certain rights assured by New York's Home Energy Fair Practices Act ("HEFPA") and the order issued by the New York State Public Service Commission on **date**, in Case 24-E-0046: Notice of Intent of The Twelve Seventy Fifth Ave. Cooperative, Inc. to Submeter Electricity at 1270 Fifth Avenue, New York, Located in the Territory of Consolidated Edison Company of New York, Inc. (the "Submetering Order"). This notification is an overview of those rights and certain policies and procedures regarding the service and billing of your electricity.

The building at 1270 Fifth Avenue, New York, NY 10029 (the "Building") is a submetered facility. The Twelve Seventy Fifth Ave. Cooperative, Inc. (the "Owner") is the owner of the Building. The Owner, through its managing agent (together with the Owner, the "Submeterer"), is responsible for the administration of submetering to your residential unit and will invoice you for your monthly electric usage. A third-party billing company under contract with the Submeterer prepares residents' invoices for their respective monthly electricity usage. Residents, in turn, receive their monthly submetered electricity bills from the Submeterer or its third-party billing company, Metergy Solutions.

If you have any questions or complaints concerning your electricity bill, please contact Metergy Solutions toll-free at 1-888-422-9319, or by mail at 1270 Fifth c/o Metergy Solutions Customer Care Center, PO Box 1867, Long Island City, NY 11101, or by email at customerservice@metergysolutions.com. In the event of a complaint about the submetered electricity bill, you shall submit such complaint in writing to the Submeterer by mail to the address in the previous sentence. In turn, the Submeterer and/or its third-party billing company shall investigate your complaint within fifteen (15) days of the receipt of the complaint and will report the results to the complainant thereafter. As part of this response, you shall be advised of the disposition of the complaint and the reason therefore. If you and the Submeterer cannot reach an equitable agreement and you continue to believe the complaint has not been adequately addressed, then you may file a complaint with the PSC through the Department of Public Service. Alternatively, you 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, by facsimile at (212) 417-2234, in person at the nearest office at 90 Church Street, New York, New York 10007 or 3 Empire State Plaza, Albany, NY 12223 or via the Internet at www.dps.ny.gov.

The electricity bills that you receive show the amount of kilowatt hours ("kWh") that you used. The bills you receive shall provide, in clear and understandable form and language, the charges for service. In no event will the total monthly charges (including any administrative charges but excluding sales tax) exceed your electric utility's direct metered residential rate. The Submeterer may terminate or disconnect service under certain conditions (*i.e.*, nonpayment of electricity bills) pursuant to HEFPA.

You have the right to request messages on bills and notices in Spanish. To make such a request, contact the Submeterer. *Usted tiene el derecho de solicitar información en facturas e informativos en Español. Para solicitar información en español, póngase en contacto con el Submeterer.*

You may request budget billing for the payment of electricity charges. This plan shall be designed to reduce fluctuations in customer bills due to seasonal patterns of consumption. Budget billing divides your electricity costs into twelve (12) equal monthly payments. Periodically, the Submeterer or its third-party billing company will review the budget billing for conformity with actual billings and may adjust that monthly amount as necessary. After those reviews, you may be responsible to pay for any electricity costs in excess of the budget billing amount(s) you previously paid. You may contact the Submeterer to discuss the details of a budget billing plan, if you are interested.

Your meter is read because it measures and records the actual amount of electricity you use; this enables an accurate bill to be sent to you. Making sure your electricity bills are accurate and correct is important to the Submeterer and to you. That is why every effort is made to read your meter regularly.

You may qualify for a rate reduction the equivalent of that which is provided by Con Edison to customers who are enrolled in its low-income program pursuant to its tariff (*see* P.S.C. No. 10 – Electricity, Rider S). If you receive benefits under Supplemental Security Income, Temporary Assistance to Needy Persons/Families, Safety Net Assistance, or Supplemental Nutrition Assistance Program, the federal Lifeline program or any other program associated with the federal Lifeline program, or have received a Home Energy Assistance Program grant in the preceding twelve (12) months, please alert the Submeterer by telephone or in writing and we will work with you to determine your eligibility.

If you are having difficulty paying your electricity bill, please contact the Submeterer by telephone or in writing in order to see if you qualify for a deferred payment agreement, whereby you may be able to pay the balance owed over a period of time. A deferred payment agreement is a written agreement for the payment of outstanding charges over a specific period of time, signed by both the Submeterer and customer. If you can demonstrate to the Submeterer a financial need, the Submeterer can work with you to determine the length of the agreement and the amount of each monthly payment. You may not have to make a down payment, and installment payments may be as little as \$10.00 per month. The Submeterer will make reasonable efforts to help you find a way to pay your bill.

Regardless of your payment history relating to your electricity bills, your electricity service will be continued if your health or safety or the health or safety of any other resident is threatened. Specifically, please notify the Submeterer if either of the following conditions exists:

- (a) **Medical Emergencies.** You must provide a medical certificate from a doctor or local board of health establishing that you and/or another resident is suffering from a medical emergency.

(b) **Life Support Equipment.** You must provide a medical certificate from a doctor or local board of health if you and/or another resident suffers from a medical condition requiring electricity service to operate a life-sustaining device.

When the Submeterer becomes aware of such hardship, the Submeterer can refer you to the local Department of Social Services.

Special protections may be available if you are, and those living with you are age, eighteen (18) or younger or sixty-two (62) or older, blind, or disabled. Please contact the Submeterer to ensure that you receive all of the protections for which you are eligible.

You can also designate a third party as an additional contact to receive (1) total amounts due, (2) amounts past due, (3) amounts of any payments paid by or on behalf of the residential customer, and (4) copies of all notices relating to service termination or collection of amounts due, provided that the designated third party agrees in writing to receive such notices. The Submeterer shall inform the designated third party that the authorization to receive such notices does not constitute acceptance of any liability on the third party for service provided to you. The Submeterer shall promptly notify you of the refusal or cancellation of such authorization by your designated third party. You may also opt to continue to receive such notices in addition to the designated third party. If you are interested in this voluntary third-party notice, please notify the Submeterer with the third party's contact information and written agreement of the third party to receive copies of all notifications relating to past due balances, the disconnection of service, or other credit actions sent to you.

Please review the attached "Special Protections Registration Form" relating to some of the rights discussed above. Although you are not required to do so, please fill it out if you qualify for any special protection described on the form. You may return the completed form to the Submeterer.

SPECIAL PROTECTIONS REGISTRATION FORM

Please complete this form if any of the following applies. Return this form to the address below, or email it to customerservice@metergysolutions.com.

1270 Fifth c/o

Metergy Solutions LLC

Customer Care Center

PO Box 1867

Long Island City, NY 11101

ACCOUNT INFORMATION (*please complete before mailing or submitting*)

Name: _____

Address: _____

Telephone Contact: _____

Email: _____

Account Number (as shown on bill): _____

I would like to be considered for Special Protections.

In my household (*check all that apply*):

- ☐ Resident is 62 years of age or over, and any and all persons residing therewith are either 62 years of age or under 18 years of age
- ☐ Resident is blind (Legally or Medically)
- ☐ Resident has a permanent disability
- ☐ Resident has a Medical Hardship that requires special protection (describe): _____
- ☐ Resident has a Life Support Hardship (describe): _____

I receive government assistance:

- ☐ I receive Public Assistance (PA). My case number is: _____
- ☐ I receive Supplemental Security Income (SSI). *Note*: SSI benefits are not the same as Social Security Retirement Benefits. My Social Security Number is (*providing a Social Security Number is optional*): _____

Please send me more information about Balanced Billing

- ☐ Yes
- ☐ No

To be completed by Third Party

Please let me know if this customer's bill is overdue or if the service might be turned off. As "Caregiver" I understand that I am not responsible for payment of this bill.

Caregiver/Agency: _____

Address: _____

Telephone Contact: _____

Email: _____

Designee Signature: _____

From: [Michael Maksym](#)
To: [REDACTED]
Subject: [EXTERNAL] PSC Comment Response
Date: Friday, May 24, 2024 11:38:49 AM
Attachments: [Response \(B. Askins\) \(5.24.24\).pdf](#)

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Good afternoon Barbara,

Thank you for your comment on the PSC website.

Attached please find a response to your comment.

Respectfully,

Michael Maksym

Assistant Project Manager

212-271-0281 mmaksym@akam.com

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May 24, 2024

Barbara Askins
1270 Fifth Avenue
New York, NY 10029

**Re: Notice of Intent to Submeter at 1270 Fifth Avenue, New York, NY 10029
(Case No. 24-E-0046)**

Dear Ms. Askins:

Thank you for taking the time to share your comments on Case No. 24-E-0046. Your comments identified potential concerns regarding the proposed transition to individual metering and we would like to take the opportunity to address these concerns below.

Your comment included a copy of the Minutes from the April 17 Board meeting, which provided a status update regarding the electric submetering application. The \$350 installation charge will be assessed only if and when the submetering application is actually approved by the NYPSC.

The official comment period is now closed. Staff at the Department of Public Service (DPS) – the consumer protection arm of the NYPSC – will review all comments submitted and our responses. DPS will let us know if they have questions or want us to provide further information. Should Staff be satisfied that we have provided all the required information, they will then submit the application for approval at the monthly meeting of NYPSC Commissioners. Once approved, the NYPSC will issue an Order, identifying any additional notice or compliance requirements. Because we want to include the summer months (which are the months when most residents use the most electricity), we want to begin shadow billing before the application is or could be approved. We will provide more information about the shadow billing process shortly.

If and when approval is received, we will provide notice before Metergy begins to bill residents directly. If the application is not approved, residents will not be charged for their individual usage.

We appreciate your engagement with this process. We will keep you and all residents informed about the developments of this application.

Respectfully,
Michael Maksym
Assistant Project Manager
212-271-0281
AKAM - mmaksym@akam.com
99 Park Avenue, 14th floor, NY 10016

From: [Michael Maksym](#)
To: [REDACTED]
Subject: [EXTERNAL] PSC Comment Response
Date: Friday, May 24, 2024 11:27:47 AM
Attachments: [Response \(R. Haviv\) \(5.24.24\).pdf](#)

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Good afternoon Ravi,

Thank you for your comment on the PSC website.

Attached please find a response to your comment.

Respectfully,

Michael Maksym

Assistant Project Manager

212-271-0281 mmaksym@akam.com

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May 24, 2024

Ronit Haviv
1270 Fifth Avenue
New York, NY 10029

**Re: Notice of Intent to Submeter at 1270 Fifth Avenue, New York, NY 10029
(Case No. 24-E-0046)**

Dear Mr. Haviv:

Thank you for taking the time to share your comments on Case No. 24-E-0046. Your comments identified potential concerns regarding the proposed transition to individual metering and we would like to take the opportunity to address these concerns below.

Application Notice & Comment Notice Period

In submitting the Notice of Intent to Submeter Electricity, the Board has provided all notice required under 16 NYCRR 96.3(c) for conversions to submetering. Akam sent notices regarding the submetering application via the building link platform to residents that have provided an email address, and provided hard copies to those residents without an email address. The post-filing notification dated January 25, 2024 provided residents with information for how to file comments, and all comments were responded to, including those from several residents who filed comments prior to the opening of the official comment period. Anyone wishing to see a copy of the application, or receive a hard copy, may contact us by email at mmaksym@akam.com, or by telephone at 917-398-3646, or in person at the Akam Management Office at 99 Park Ave, 14th Floor, New York, NY.

The official comment period is now closed. Staff at the Department of Public Service (DPS) – the consumer protection arm of the NYPSC – will review all comments submitted and our responses. DPS will let us know if they have questions or want us to provide further information. Should Staff be satisfied that we have provided all the required information, they will then submit the application for approval at the monthly meeting of NYPSC Commissioners. Once approved, the NYPSC will issue an Order, identifying any additional notice or compliance requirements. Because we want to include the summer months (which are the months when most residents use the most electricity), we want to begin shadow billing before the application is or could be approved. We will provide more information about the shadow billing process shortly.

We appreciate your engagement with this process, and we will continue to keep you and all residents informed about the developments of this application.

Respectfully,

Michael Maksym
Assistant Project Manager
212-271-0281
AKAM
99 Park Avenue, 14th floor, NY 10016
mmaksym@akam.com

From: [Michael Maksym](#)
To: [REDACTED]
Subject: [EXTERNAL] PSC Comment Response
Date: Tuesday, May 28, 2024 3:39:30 PM
Attachments: [Response \(A. Hobbs\) \(5.28.24\).pdf](#)

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Good afternoon Ms. Alicia Hobbs-Rogers,

Thank you for your comment on the PSC website.

Attached please find a response to your comment.

Respectfully,

Michael Maksym

Assistant Project Manager

212-271-0281 mmaksym@akam.com

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May 28, 2024

Alicia Hobbs-Rogers
1270 Fifth Avenue Apt 9D
New York, NY 10029

**Re: Notice of Intent to Submeter at 1270 Fifth Avenue, New York, NY 10029
(Case No. 24-E-0046)**

Dear Ms. Hobbs-Rogers:

Thank you for taking the time to share your comments on Case No. 24-E-0046.

Per Article 16 of the Occupancy Agreement, representatives of the Board may enter residential units in order to make necessary inspections and perform necessary work to make upgrades and installations necessary to comply with City code.

We appreciate your engagement with this process. We will keep you and all residents informed about the developments of this application.

Respectfully,

Michael Maksym
Assistant Project Manager
212-271-0281
AKAM
99 Park Avenue, 14th floor, NY 10016
mmaksym@akam.com

From: [Michael Maksym](#)
To: [REDACTED]
Subject: [EXTERNAL] PSC Comment Response
Date: Friday, May 24, 2024 11:33:19 AM
Attachments: [Response \(J. Logue\) \(5.24.24\).pdf](#)

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Good afternoon Joan,

Thank you for your comment on the PSC website.

Attached please find a response to your comment.

Respectfully,

Michael Maksym

Assistant Project Manager

212-271-0281 mmaksym@akam.com

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99 Park Avenue, 14th FL, NY, NY, 10016

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May 24, 2024

Joan Logue
1270 Fifth Avenue
Unit 10M
New York, NY 10029

**Re: Notice of Intent to Submeter at 1270 Fifth Avenue, New York, NY 10029
(Case No. 24-E-0046)**

Dear Ms. Logue:

Thank you for taking the time to share your comments on Case No. 24-E-0046.

Occupancy Agreement

The position of the Board is that the proposed electric submetering complies with the language in the Occupancy Agreement.

The Corporation currently furnishes electricity, and all shareholders are currently responsible for paying the electricity bills for the building through their monthly carrying charges. In a transition to electric submetering, the Corporation will continue to furnish electricity, but the calculation of costs will be split into individual unit usage charges and common area usage charges (which will still be included in the monthly carrying charges). The electricity rate will remain the same.

Per Article 16 of the Occupancy Agreement, representatives of the Board may enter residential units in order to make necessary inspections. It is the position of the Board that this includes entry in order to make approved upgrades and installations necessary to comply with City code.

Financial Hardships & Options

Metergy will offer all interested residents an opportunity to enroll in budget billing. Under a budget billing plan, Metergy will project how much your energy will cost for a year by estimating your

future consumption over the next 12-month period. Your annual cost is then divided by 12 to determine your monthly level payment amount. Once your plan is set up, you'll usually pay the same amount every billing period for the next year. After the plan ends, if your actual energy use is lower than what you were billed, you'll get a credit on your next bill. If it's higher, you'll be billed the difference. You will also be able to track your monthly usage via your account with Metergy. Additional payment plans are available for shareholders with restricted income.

Resident Rights & Regulatory Consumer Protection

The attached Notification of Rights and Procedures includes an overview of your rights and protections under submetering, including registration for special protections. All residents and shareholders may also reach out at any time to Staff from the Department of Public Service (DPS) if they have specific concerns regarding the submetering process, billing, or accuracy of meters.

- In writing: New York State Department of Public Service, 3 Empire State Plaza, Albany, New York 12223
- By telephone: (800) 342-3377, by facsimile at (212) 417-2234
- In person: 90 Church Street, New York, New York 10007 or 3 Empire State Plaza, Albany, NY 12223
- Via the Internet: www.dps.ny.gov

We appreciate your engagement with this process. We will continue to keep you and all residents informed about the developments of this application.

Respectfully,

Michael Maksym
Assistant Project Manager
212-271-0281
AKAM
99 Park Avenue, 14th floor, NY 10016
mmaksym@akam.com

NOTIFICATION OF RIGHTS AND PROCEDURES

As a residential customer for electricity, you have certain rights assured by New York's Home Energy Fair Practices Act ("HEFPA") and the order issued by the New York State Public Service Commission on **date**, in Case 24-E-0046: Notice of Intent of The Twelve Seventy Fifth Ave. Cooperative, Inc. to Submeter Electricity at 1270 Fifth Avenue, New York, Located in the Territory of Consolidated Edison Company of New York, Inc. (the "Submetering Order"). This notification is an overview of those rights and certain policies and procedures regarding the service and billing of your electricity.

The building at 1270 Fifth Avenue, New York, NY 10029 (the "Building") is a submetered facility. The Twelve Seventy Fifth Ave. Cooperative, Inc. (the "Owner") is the owner of the Building. The Owner, through its managing agent (together with the Owner, the "Submeterer"), is responsible for the administration of submetering to your residential unit and will invoice you for your monthly electric usage. A third-party billing company under contract with the Submeterer prepares residents' invoices for their respective monthly electricity usage. Residents, in turn, receive their monthly submetered electricity bills from the Submeterer or its third-party billing company, Metergy Solutions.

If you have any questions or complaints concerning your electricity bill, please contact Metergy Solutions toll-free at 1-888-422-9319, or by mail at 1270 Fifth c/o Metergy Solutions Customer Care Center, PO Box 1867, Long Island City, NY 11101, or by email at customerservice@metergysolutions.com. In the event of a complaint about the submetered electricity bill, you shall submit such complaint in writing to the Submeterer by mail to the address in the previous sentence. In turn, the Submeterer and/or its third-party billing company shall investigate your complaint within fifteen (15) days of the receipt of the complaint and will report the results to the complainant thereafter. As part of this response, you shall be advised of the disposition of the complaint and the reason therefore. If you and the Submeterer cannot reach an equitable agreement and you continue to believe the complaint has not been adequately addressed, then you may file a complaint with the PSC through the Department of Public Service. Alternatively, you 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, by facsimile at (212) 417-2234, in person at the nearest office at 90 Church Street, New York, New York 10007 or 3 Empire State Plaza, Albany, NY 12223 or via the Internet at www.dps.ny.gov.

The electricity bills that you receive show the amount of kilowatt hours ("kWh") that you used. The bills you receive shall provide, in clear and understandable form and language, the charges for service. In no event will the total monthly charges (including any administrative charges but excluding sales tax) exceed your electric utility's direct metered residential rate. The

Submeterer may terminate or disconnect service under certain conditions (*i.e.*, nonpayment of electricity bills) pursuant to HEFPA.

You have the right to request messages on bills and notices in Spanish. To make such a request, contact the Submeterer. ***Usted tiene el derecho de solicitar información en facturas e informativos en Español. Para solicitar información en español, póngase en contacto con el Submeterer.***

You may request budget billing for the payment of electricity charges. This plan shall be designed to reduce fluctuations in customer bills due to seasonal patterns of consumption. Budget billing divides your electricity costs into twelve (12) equal monthly payments. Periodically, the Submeterer or its third-party billing company will review the budget billing for conformity with actual billings and may adjust that monthly amount as necessary. After those reviews, you may be responsible to pay for any electricity costs in excess of the budget billing amount(s) you previously paid. You may contact the Submeterer to discuss the details of a budget billing plan, if you are interested.

Your meter is read because it measures and records the actual amount of electricity you use; this enables an accurate bill to be sent to you. Making sure your electricity bills are accurate and correct is important to the Submeterer and to you. That is why every effort is made to read your meter regularly.

You may qualify for a rate reduction the equivalent of that which is provided by Con Edison to customers who are enrolled in its low-income program pursuant to its tariff (*see* P.S.C. No. 10 – Electricity, Rider S). If you receive benefits under Supplemental Security Income, Temporary Assistance to Needy Persons/Families, Safety Net Assistance, or Supplemental Nutrition Assistance Program, the federal Lifeline program or any other program associated with the federal Lifeline program, or have received a Home Energy Assistance Program grant in the preceding twelve (12) months, please alert the Submeterer by telephone or in writing and we will work with you to determine your eligibility.

If you are having difficulty paying your electricity bill, please contact the Submeterer by telephone or in writing in order to see if you qualify for a deferred payment agreement, whereby you may be able to pay the balance owed over a period of time. A deferred payment agreement is a written agreement for the payment of outstanding charges over a specific period of time, signed by both the Submeterer and customer. If you can demonstrate to the Submeterer a financial need, the Submeterer can work with you to determine the length of the agreement and the amount of each monthly payment. You may not have to make a down payment, and installment payments may be as little as \$10.00 per month. The Submeterer will make reasonable efforts to help you find a way to pay your bill.

Regardless of your payment history relating to your electricity bills, your electricity service will be continued if your health or safety or the health or safety of any other resident is threatened. Specifically, please notify the Submeterer if either of the following conditions exists:

- (a) **Medical Emergencies.** You must provide a medical certificate from a doctor or local board of health establishing that you and/or another resident is suffering from a medical emergency.
- (b) **Life Support Equipment.** You must provide a medical certificate from a doctor or local board of health if you and/or another resident suffers from a medical condition requiring electricity service to operate a life-sustaining device.

When the Submeterer becomes aware of such hardship, the Submeterer can refer you to the local Department of Social Services.

Special protections may be available if you are, and those living with you are age, eighteen (18) or younger or sixty-two (62) or older, blind, or disabled. Please contact the Submeterer to ensure that you receive all of the protections for which you are eligible.

You can also designate a third party as an additional contact to receive (1) total amounts due, (2) amounts past due, (3) amounts of any payments paid by or on behalf of the residential customer, and (4) copies of all notices relating to service termination or collection of amounts due, provided that the designated third party agrees in writing to receive such notices. The Submeterer shall inform the designated third party that the authorization to receive such notices does not constitute acceptance of any liability on the third party for service provided to you. The Submeterer shall promptly notify you of the refusal or cancellation of such authorization by your designated third party. You may also opt to continue to receive such notices in addition to the designated third party. If you are interested in this voluntary third-party notice, please notify the Submeterer with the third party's contact information and written agreement of the third party to receive copies of all notifications relating to past due balances, the disconnection of service, or other credit actions sent to you.

Please review the attached "Special Protections Registration Form" relating to some of the rights discussed above. Although you are not required to do so, please fill it out if you qualify for any special protection described on the form. You may return the completed form to the Submeterer.

SPECIAL PROTECTIONS REGISTRATION FORM

Please complete this form if any of the following applies. Return this form to the address below, or email it to customerservice@metergysolutions.com.

1270 Fifth c/o

Metergy Solutions LLC

Customer Care Center

PO Box 1867

Long Island City, NY 11101

ACCOUNT INFORMATION *(please complete before mailing or submitting)*

Name: _____

Address: _____

Telephone Contact: _____

Email: _____

Account Number (as shown on bill): _____

I would like to be considered for Special Protections.

In my household (*check all that apply*):

- ☐ Resident is 62 years of age or over, and any and all persons residing therewith are either 62 years of age or under 18 years of age
- ☐ Resident is blind (Legally or Medically)
- ☐ Resident has a permanent disability
- ☐ Resident has a Medical Hardship that requires special protection (describe): _____
- ☐ Resident has a Life Support Hardship (describe): _____

I receive government assistance:

- ☐ I receive Public Assistance (PA). My case number is: _____
- ☐ I receive Supplemental Security Income (SSI). *Note*: SSI benefits are not the same as Social Security Retirement Benefits. My Social Security Number is (*providing a Social Security Number is optional*): _____

Please send me more information about Balanced Billing

- ☐ Yes
- ☐ No

To be completed by Third Party

Please let me know if this customer's bill is overdue or if the service might be turned off. As "Caregiver" I understand that I am not responsible for payment of this bill.

Caregiver/Agency: _____

Address: _____

Telephone Contact: _____

Email: _____

Designee Signature: _____

From: [Michael Maksym](#)
To: [REDACTED]
Subject: [EXTERNAL] PSC Comment Response
Date: Friday, May 24, 2024 11:35:54 AM
Attachments: [Response \(J. Mordok\) \(5.24.24\).pdf](#)

CAUTION EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Good afternoon Joseph,

Thank you for your comment on the PSC website.

Attached please find a response to your comment.

Respectfully,

Michael Maksym

Assistant Project Manager

212-271-0281 mmaksym@akam.com

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99 Park Avenue, 14th FL, NY, NY, 10016

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May 24, 2024

Joseph Mordok
1270 Fifth Avenue
New York, NY 10029

**Re: Notice of Intent to Submeter at 1270 Fifth Avenue, New York, NY 10029
(Case No. 24-E-0046)**

Dear Mr. Mordok:

Thank you for taking the time to share your comments on Case No. 24-E-0046. Your comments identified potential concerns regarding the proposed transition to individual metering and we would like to take the opportunity to address these concerns below.

Application Notice & Comment Notice Period

In submitting the Notice of Intent to Submeter Electricity, the Board has provided all notice required under 16 NYCRR 96.3(c) for conversions to submetering. Akam sent notices regarding the submetering application via the building link platform to residents that have provided an email address, and provided hard copies to those residents without an email address. The post-filing notification dated January 25, 2024 provided residents with information for how to file comments, and all comments were responded to, including those from several residents who filed comments prior to the opening of the official comment period. Anyone wishing to see a copy of the application, or receive a hard copy, may contact us by email at mmaksym@akam.com, or by telephone at 917-398-3646, or in person at the Akam Management Office at 99 Park Ave, 14th Floor, New York, NY.

The official comment period is now closed. Staff at the Department of Public Service (DPS) – the consumer protection arm of the NYPSC – will review all comments submitted and our responses. DPS will let us know if they have questions or want us to provide further information. Should Staff be satisfied that we have provided all the required information, they will then submit the application for approval at the monthly meeting of NYPSC Commissioners. Once approved, the NYPSC will issue an Order, identifying any additional notice or compliance requirements. Because we want to include the summer months (which are the months when most residents use

the most electricity), we want to begin shadow billing before the application is or could be approved. We will provide more information about the shadow billing process shortly.

Occupancy Agreement

The position of the Board is that the proposed electric submetering complies with the language in the Occupancy Agreement. The Corporation currently furnishes electricity, and all shareholders are currently responsible for paying the electricity bills for the building through their monthly carrying charges. In a transition to electric submetering, the Corporation will continue to furnish electricity, but the calculation of costs will be split into individual unit usage charges and common area usage charges (which will still be included in the monthly carrying charges). The electricity rate will remain the same.

Meter Accuracy

All residents will be entitled to request one meter accuracy test of their submeter at no cost each year. The accuracy tests must follow specific testing requirements, per 16 NYCRR Parts 92 and 93.

We appreciate your engagement with this process. We will keep you and all residents informed about the developments of this application.

Respectfully,

Michael Maksym
Assistant Project Manager
212-271-0281
AKAM
99 Park Avenue, 14th floor, NY 10016
mmaksym@akam.com

From: [Michael Maksym](#)
To: [REDACTED]
Subject: [EXTERNAL] PSC Comment Response
Date: Friday, May 24, 2024 11:37:14 AM
Attachments: [Response \(P. Strait\) \(5.24.24\).pdf](#)

CAUTION EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Good afternoon Peggy,

Thank you for your comment on the PSC website.

Attached please find a response to your comment.

Respectfully,

Michael Maksym

Assistant Project Manager

212-271-0281 mmaksym@akam.com

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99 Park Avenue, 14th FL, NY, NY, 10016

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May 24, 2024

Peggy Strait
1270 Fifth Avenue
New York, NY 10029

**Re: Notice of Intent to Submeter at 1270 Fifth Avenue, New York, NY 10029
(Case No. 24-E-0046)**

Dear Ms. Strait:

Thank you for taking the time to share your comments on Case No. 24-E-0046, which included a copy of the Occupancy Agreement.

Occupancy Agreement

The position of the Board is that the proposed electric submetering complies with the language in the Occupancy Agreement. The Corporation currently furnishes electricity, and all shareholders are currently responsible for paying the electricity bills for the building through their monthly carrying charges. In a transition to electric submetering, the Corporation will continue to furnish electricity, but the calculation of costs will be split into individual unit usage charges and common area usage charges (which will still be included in the monthly carrying charges). The electricity rate will remain the same.

Energy Affordability

We understand that some shareholders are concerned about a potential increase in their monthly payments. If and when the building transitions to submetering, the Board will review the monthly carrying charges for potential reductions based on energy savings. Metergy will offer all interested residents an opportunity to enroll in budget billing, which breaks payments down into 12 equal monthly payments, based on historical usage data. Additional payment plans are available for shareholders with restricted income.

We appreciate your engagement with this process. We will keep you and all residents informed about the developments of this application.

Respectfully,

Michael Maksym
Assistant Project Manager
212-271-0281
AKAM
99 Park Avenue, 14th floor, NY 10016
mmaksym@akam.com