

September 29, 2026

VIA Electronic Mail and First-Class Mail

Capital Region Apartment Rentals LLC
c/o Jessica Crowley
678 Peach Tree Lane
Franklin Lakes, NJ 07417

Nancy Taylor

Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or Utility)
Attn: Carly Booth
300 Erie Boulevard West
Syracuse, NY 13202
Carly.Booth@nationalgrid.com

Re: Shared Meter Case 454279
1562 Rugby Road
Schenectady, NY 12308

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

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Introduction

On November 7, 2024, the Public Service Commission (Commission) received a letter from Jessica Crowley, on behalf of Capital Region Apartment Rentals LLC (Owner), appealing National Grid's May 29, 2024 determination of a shared electric meter condition. On January 14, 2025, Office of Consumer Services (OCS) Staff upheld the Utility's determination of a shared electric meter condition and forwarded the case to the Commission's Designee (Designee) for review of the Utility's subsequent billing of a twelve-month assessment in the amount of \$5,540.35, shared usage charges totaling \$250.82, and bills rendered on the shared meter to the Owner as the customer of record from September 26, 2024 to December 4, 2024. The Designee now accepts the Owner's appeal and modifies the Utility's billing under the provisions of Public Service Law (PSL) § 52 for the reasons stated below.

Background

On April 16, 2024, Nancy Taylor (Tenant) contacted the Utility and initiated a shared meter investigation. The Utility conducted an inspection responding to the Tenant's concerns on May 8, 2024.¹ The Utility's May 8, 2024 inspection found the Tenant's electric meter was supplying service to two 40-watt lights and an outlet on the front outside porch; two 40-watt lights in the back hallway; two 40-watt lights and one large ceiling light in the front hallway; and, one 40-watt light and one motion activated spotlight on the back porch. National Grid was unable to access the basement to inspect the meters during the Utility's field visit.² The Utility estimated the shared usage to be 468 kWh of electricity per month.

On May 29, 2024, the Utility notified the Owner 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 Owner to correct the condition.

On June 27, 2024, National Grid completed a full inspection with access to the basement and found that the only shared appliances consisted of a 40-watt light, two flood lights, and a 240-volt outlet on the back porch.

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 § 52.4(c) states in part "failure of an owner to provide access to any common area in the building or to cooperate with any reasonable request made by the investigating utility shall result in a determination that a customer's dwelling is served by a shared meter."

Because repairs were not confirmed prior to September 26, 2024, the Utility established the Owner as the customer of record for the shared electric service effective September 26, 2024 as per the statute.³

On December 4, 2024, National Grid verified corrections by field visit and re-established the Tenant as the customer of record effective this same date.

Owner's Position

On November 7, 2024, the Owner stated that they hired two licensed electricians inspect the premises, and neither found that a shared electric meter condition existed. The Owner stated that they are seeking a new inspection by National Grid.

On November 24, 2024, the Owner reiterated that they are seeking a new inspection

On December 16, 2024, the Owner stated that they are disputing the shared meter charges and twelve-month assessment.

Tenant's Position

On January 14, 2024, OCS Staff wrote to the Tenant requesting comment on the Owner's appeal. Staff's letter advised the Tenant that the twelve-month assessment could be reduced to 25 percent of the original amount billed. Staff did not receive a response from the Tenant and Staff's letter was not returned by the Post Office.

³ 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."

Analysis

Based on the May 8, 2024 field inspection, the Utility determined a shared electric meter condition existed at the premises and informed the Owner in writing on May 29, 2024.⁴ PSL § 52 states that an owner is responsible for service used outside of a tenant's dwelling. On October 18, 2024, National Grid notified the Owner by letter of the shared meter charges⁵ and twelve-month assessment⁶ billed. On January 14, 2025, OCS Staff upheld the Utility's determination of a shared gas meter condition and forwarded the case to the Designee for review of the billed charges.

Staff found that National Grid should have established the Owner as the customers of record for electric service effective September 27, 2024 to provide the Owner with the full 120-day period to make repairs. Therefore, Staff directed National Grid to cancel the electric bills rendered to the Owner for September 26, 2024 (one day of service). This resulted in cancelled charges totaling \$7.14 to the Owner's account. The Utility was time barred from billing the Tenant for these charges.

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 8, 2024 inspection report that there was estimated shared

⁴ 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."

⁵ 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."

⁶ 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."

usage in the amount of 468 kWh of electricity per month outside of the apartment. Staff found that National Grid's estimate of 468 kWh of shared electricity per month was overestimated based on the Tenant's appliances⁷ and the actual billed consumption.⁸ Staff determined that the shared electric meter condition was minimal⁹ with the potential to be above minimal. Therefore, Staff directed National Grid to cancel the shared meter charges of \$250.82 originally billed to the Owner's account. The Utility was time barred from debiting the Tenant for this same amount.

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. However, in cases where the shared meter condition is determined to be minimal, a twelve-month assessment is not debited to the Owner. Therefore, Staff directed National Grid to cancel the twelve-month assessment of \$5,540.35 previously debited to the Owner and canceled the initial 25 percent assessment credit of \$1,385.09 previously credited to the Tenant. National Grid was allowed to debit the Tenant's account because the twelve-month assessment and initial 25 percent assessment credit are not bills for service

⁷ Based on the appliance survey conducted by National Grid during the field inspection, the Tenants' appliances average monthly consumption was approximately 1,328 kWh of electricity.

⁸ Staff found that the average consumption billed on the Tenant's electric meter was approximately 1,410 kWh of electricity per month from January 1, 2024 through September 26, 2024.

⁹ NYCRR 16 Part 11 § 11.30(d) defines minimal service as "whenever the quantity of service on a shared meter, that is used outside of the tenant's dwelling, is estimated to be less than ten percent of the total monthly consumption recorded on the meter, based on average monthly service for the immediately preceding 12 month period (or if insufficient history is available, based on the best available information), or 75 kWh/month of electricity, 5 therms/month of gas or 1 mlb/month of steam, whichever is greater." In cases where the shared meter condition involves one or more outlets, permanent corrections to the outlet(s) must be completed to eliminate the potential for above minimal usage. In this case the shared usage was approximately 82 kWh per month was approximately 2.6 percent of the total monthly consumption recorded on the meter prior to the inspection.

Conclusion

As Owner of the property, Capital Region Apartment Rentals LLC is not responsible for the shared meter charges of \$250.82 or the twelve-month assessment charges of \$5,540.34. These charges totaling \$5,791.16 have been cancelled.

The cancelled charges of \$5,791.16 do not include the bills rendered on the shared electric account from September 27, 2024 until December 4, 2024, when National Grid verified corrections to the shared meter condition. The Owner is responsible for those charges under the provisions of the statute.