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]

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

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 impediment[4] 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 charges[6] and twelve-month assessment[7] 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 impediment[8] 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.