

# BAY CITY METERING COMPANY, INC.

247 WEST 37TH STREET SUITE 600

NEW YORK, NY 10018-5078

PHONE (212) 575-0785 FAX (212) 575-9321

E-MAIL : [JCAREY@BAYCITYMETERING.COM](mailto:JCAREY@BAYCITYMETERING.COM)

Honorable Jaclyn A. Brillling  
Secretary of the Public Service Commission  
3 Empire Plaza  
Albany, New York 12223

Re: Notice of Intent to Submeter at 50 and 80 Guion Place . New Rochelle, N.Y.

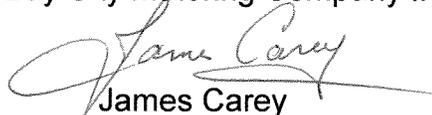
Dear Ms. Brillling:

We are submitting this Notice of Intent to Submeter the above referenced premises located in New Rochelle New York. We have been retained by the Management Firm to prepare this Notice to Submeter and submit it to the Commission for approval of the project in accordance with the rules and regulation of the Commission for this type of project.

The Bay City Metering Company located at 247 West 37<sup>th</sup> Street New York, N.Y. 10018 will be retained to service the account in the event approval to proceed has been granted by the Commission. All questions concerning this Notice of Intent should be addressed by Bay City Metering at their offices at 212 575-0785.

Thanking you in advance for your cooperation we remain:

Bay City Metering Company Inc.

  
James Carey

## Notice of Intent to Submeter

Honorable Jaclyn A. Brillling  
Secretary of the Public Service Commission  
3 Empire Plaza  
Albany, New York 12223

Re: Electrical Submetering Information  
For 50-80 Guion Place, New Rochelle, New York  
Con Edison Company Service Area

This request is being made by the Managing Agent for two residential buildings that are presently owned by the Sound Shore Hospital and are in the process of being sold to new Owners. The buildings were utilized by the hospital to house hospital employees and resident doctors and nurses as residences on a rental basis. The apartments each carry a one year lease and the residents residing there will be given the right to enter into a new lease with the new Owners if they so desire and the new lease will inform the residents of the intent to submeter the electricity for the apartments. The prospective new Owners and Managing Agent have reviewed the benefits of converting the electrical metering and billing to Master Metering and Submetering as per the regulations required by the Public Service Commission. We herewith submit details of the metering installation and methodology of the billing for the residents of the Buildings. The Public Service Commission that regulates all Utilities in New York State requires that sufficient information regarding the submetering program be provided to each resident so that they can be made aware of the provisions of the electrical submetering program of the electrical service. Presently the buildings are Master Metered for electricity with each building having one (1) meter servicing the building that the Management pays for the total electrical billing to Con Edison for the Resident's and the Common Area's usage of the service. Residents that decide to remain in the buildings will enter into a new lease which explains the submetering conditions for the use of the electric service

The new Owners want to install separate meters for each resident and bill each resident for his or her own use of the service which must be approved by the Public Service Commission and agrees to follow their rules and requirements to protect the residents from unacceptable practices by the Management. The Management will have separate meters installed for each apartment by a licensed contractor who will install New York State approved electric meters. These meters will be of a type approved by the New York State Energy Research and Development Authority who will provide a rebate to the Owners for the meters. Con Edison will still deliver the electrical power to the building and will continue to read and bill the properties based upon the one (1) Master Meter for each building. The new electrical meters will be installed for each apartment within the apartments that will measure only the electrical consumption of each apartment's service. The submeters are to be read by a private metering company who will prepare individual bills for the monthly charges and provide the information required by the Public Service Commission to be provided to the Residents. The Electrical charges are not to be considered as RENT at any time.

The meters to be installed will be similar and equal to Leviton IMS Dual Element Mini Meters. These meters have been approved by NYSERDA for installation in their latest submetering program. The meters are current transformer meters with 200:1 transformers, single phase, 3 wire, 208 Volt, radio frequency equipped in complete accordance with the provisions of 16 NYCRR 92 and 93. The meters will be equipped with viewable registers that will be accessible

to the residents for their review. In the event the meter has a register multiplier, the bill shall clearly indicate the multiplier for the service. The meters will be located in each apartment generally in close proximity to the electrical panel for the apartment. These meters will also be capable of remote reading on a computer program for each resident with a computer installation.

The Resident's monthly electric bills are paid to the Management which, in turn, pays the monthly Consolidated Edison bill for the entire Building. The Submetering Company retained by the Corporation, reads the meters monthly and prepares the billing, tests the meters, repairs and replaces the meters as required, audits the Con Edison Company bills, and answers Resident billing complaints and questions promptly. The rates charged to the Residents will be based upon the actual cost per kilowatthour to the Management each month calculated upon the Con Edison Rate Schedule SC-8. The actual cost per kilowatthour is determined from the total dollars indicated on the Con Edison monthly bill plus the Submetering Agent's monthly fee and DIVIDING that total by the NUMBER OF KILOWATTHOURS shown on that bill to arrive at the actual cost per kilowatthour for that particular month. This calculated cost is applied to the usage indicated on each Resident's meter readings monthly to arrive at the charge. This charge will never be higher than the charge that would have been charged by Con Edison for the same amount of service calculated on the Con Edison SC-1 Rate Schedule. Presently each resident has included in his lease with the hospital corporation an amount for the payment of the electric service. This charge will be maintained until the end of the current lease. When the lease expires the residents that elect to continue residence will enter into a new lease with submetering conditions that are approved by the Commission including the HEFPA rules and regulations.

The meters are read each month and bills prepared showing the dates covered, the previous reading, the present reading, the usage, the multiplier if any, the meter number, the account number, and the amount of the charge. The bills will also indicate the name and phone number of the submetering agent and to whom the bill is to be paid. Copies of the individual bills are given to each Resident for his or her information, and in the event there is a question or complaint all of the information necessary to discuss the problem or questions with the Management or Submetering Agent is included on the bill provided.

The SUBMETERING COMPANY answers all questions and complaints in accordance with the Home Energy Fair Practices Act, HEFPA, (Public Service Law, Section 31-50; 16 NYCRR, Parts 11 and 12), which assures that the rate charged is NEVER higher than the resident would have paid if directly metered by the Con Edison Company. This Act, (HEFPA) is State Law and the conditions must be followed. This Act provides for protection of each resident so that they are fairly treated in all of their dealings with the Utility Company supplying the electric service. In this case the "Utility Company" is the Management Company. It also provides for a grievance procedure that the resident complaints are responded to promptly by the Submetering Agent and the Management. The Submetering Agent will attempt to resolve the complaint by investigating the meter and billing to insure that the proper rates and charges are correctly charged. In the unlikely event the Submetering Agent can not resolve the complaint; the resident may contact the Public Service Commission and request they review the complaint. The Public Service Commission will request all of the billing information from the Submetering Agent and the reasons for the complaint and make a determination as to the resolution which will be binding upon both the Management and the resident.

One of the main advantages of submetering is that each resident pays for only the power that is consumed within their apartment, from readings obtained from the new meter servicing that apartment.

The Management is sending this Notice of Intent to the Commission for approval to permit electrical submetering in the Two Buildings. This Notice of Intent will state all of the conditions required by the Commission for them to be able to decide if the submetering will provide safe and adequate electric service to each apartment and is in the Public Interest. The meters to be installed will be manufactured by the Leviton Company complete with a communication system that will permit reading of the meters by a computer to avoid missed or improper readings. The meters are not capable of termination of the service to any apartment due to the wiring distribution within the building. Should the need arise in accordance with the HEFPA requirements special conditions will be instituted to gain access to the meters for termination of the service..

A summary of the HEFPA rules for residential properties are as follows:

### **HEFPA Requirements**

#### **Termination or Disconnection of Service:**

A Submeterer may disconnect service under the following conditions if the resident:

- Fails to pay the charges for the services rendered;
- Fails to pay amounts due under a deferred payment agreement
- Fails to pay a lawfully required deposit, and is sent a final disconnection notice no less than 15 days before the disconnection date shown on the notice.

A final disconnection notice shall clearly state or include the following:

- the earliest date on which the disconnection will occur;
- the reasons for the disconnection including the total amount required to be paid and the manner in which disconnection may be avoided;
- the address and phone number of the office of the submeterer that the resident may contact in reference to his/her account;
- the availability of procedures for handling complaints;
- a summary of protections available under HEFPA, and in a size and type capable of attracting immediate attention a statement that reads, " THIS IS A FINAL DISCONNECTION NOTICE. PLEASE REFER TO THIS NOTICE WHEN PAYING THIS BILL;

There will be special conditions that will apply in the event a notice of Disconnection is received:

#### **- Medical Emergencies**

No submeterer shall disconnect or refuse to restore service when a medical emergency exists.

#### **- Life Support Systems**

If a customer or a resident of the premises suffers from a medical condition requiring utility service to operate a life-sustaining device, certification by a medical doctor or qualified official of a local board of health the electrical service shall remain energized effective until terminated by the Commission or its designee, provided the residential customer demonstrates an inability to pay charges for the service.

#### **- Customers Who Are Elderly, Blind or Disabled**

No submeterer shall disconnect or refuse to restore service where a residential customer is known to or identified to the submeterer to be elderly, blind, disabled or 62 years of age or older, and all remaining residents of the household are 62 years of age or older, 18 years of age or under, or blind or disabled, without complying with the procedures specified in HEFPA.

#### **- Cold Weather Periods**

- Every submeterer shall develop and maintain methods to identify all residential households in its buildings whose utility service is heat related.

- During the period beginning November 1st of each year and ending April 15th of the following year, every submeterer shall observe, at a minimum, the procedures in HEFPA Section 11.5 (c) (2).

**- Voluntary Third-Party Notice:**

Every submeterer shall permit a residential customer to designate a third party to receive all notifications relating to disconnection of service or other credit actions sent to such residential customer provided that the designated third party agrees in writing to receive such notices. The submeterer shall inform the third party that the authorization to receive such notices does not constitute acceptance of any liability on the third party for service provided to the customer. The submeterer shall promptly notify the residential customer of the refusal or cancellation of such authorization by the third party.

**Deferred Payment Agreement:**

A deferred payment agreement will be entered into for the payment of outstanding bills over a specific period of time, signed by both the submeterer and customer. A submeterer must make reasonable efforts to contact eligible customers or applicants by phone, mail, or in person for the purpose of offering a deferred payment agreement and negotiating terms tailored to the customer's financial circumstances when payment of a bill or arrears is owed on an account.

**Budget or Levelized Payment Plans:**

A submeterer shall offer residential customers a voluntary budget billing or levelized payment plan designed to reduce fluctuations in customer's bills due to seasonal patterns of consumption. The plan shall be based on a customer's recent 12 month billing data and if not available then 12 months of billing data for the premises shall be used. If 12 months of billing data are not available for the premises then the utility shall estimate consumption over the next 12 month period. Bills shall clearly indicate consumption and state the amounts that would be due without levelized or budget billing. In addition each plan shall provide that bills will be subject to regular review for conformity with actual billings.

**Quarterly Billing Plan:**

Public Service Law (not HEFPA) also allows a submeterer to offer residential customers who are 62 years of age or older, as an alternative to monthly billing, a plan for payment on a quarterly basis of charges for service rendered provided that such customer's average annual billing is not more than \$ 150.00.

**Deposits:**

Deposits for submetered accounts may be required if:

- Tenant is a seasonal or short term customer.
- Customer accumulates two consecutive months of arrears without making reasonable payment. A submeterer shall provide a customer written notice, at least 20 days before it may assess a deposit.
- Customer had electric service terminated, disconnected, or suspended for non-payment during the preceding six months.
- Submeterer permits the customer to pay the deposit in installments over a period not to exceed 12 months.
- Deposits for submetered accounts shall not be required or held if:
  - Submeterer knows customer to be a recipient of public assistance, supplemental Security income, or additional State payments.
- Submeterer knows the customer is 62 years of age or older unless such customer has had service terminated disconnected or suspended within the past six months.

**Deposits** should be a reasonable amount not greater than twice the average monthly bill except in cases of electric space heating where it may not exceed twice the estimated average monthly bill for the heating season.

Interest must be paid on deposits at a rate prescribed annually by the Commission. Interest will be applied to the bill when the deposit was held for a period of one year. If The customer is not delinquent in payment of bills during the one year period, the deposit and the interest is refunded promptly.

### **Late Payment Charges**

A submeterer may impose a one-time or continuing late payment charge, not in excess of 1 ½ percent per month, on the unpaid balance of any bill for service provided the bill clearly shows the amount billed, whether any charge will be imposed for late payment, when the late payment charge becomes applicable, and the time period during which the bill may be paid without the imposition of the late payment charge. Residential customers on fixed incomes shall be offered the opportunity to pay their bills on a reasonable schedule that is adjusted for such customer's periodic receipt of income without such customers incurring late payment charges provided that the offer may prescribe a late payment charge where payment is not made within 20 days of the scheduled due date.

### **Contents of Bills:**

Each submeterer bill to a residential customer shall provide, in clear and understandable form and language, the charges for service. The residential bills shall include:

- the name, address and account number of the customer, dates of the present and previous meter readings, whether the reading is actual or estimated, amount of electricity consumed for the period being billed, the amount owed for the latest period including any applicable fees or taxes for service, the date by which payment may be paid without penalty. the penalty charge for bills paid late will be in accordance with LATE PAYMENT CHARGES above.
- if the bill is issued under a budget or levelized billing plan, an identification of the type of plan, the total of the year's budget or levelized amounts billed to the end of the period covered by the current bill. the debit or credit balances will be provided upon request, and an explanation of how or where the bill may be paid.

### **Notification Requirements:**

At the time service is initiated, including the implementation of submetering, all submeterers must provide residential customers a copy of their Notification of Rights and Responsibilities, and at least annually thereafter, in compliance with the Home Energy Fair Practices Act (HEFPA).

### **Complaints to the Submeterer:**

Customer complaints about bills for utility service, deposit requests or other service problems shall first be made to the submeterer. The submeterer shall allow complaints to be accepted and processed in a simple manner and form. Every submeterer shall promptly investigate any complaint in a fair manner and report the results to the complainant. The complainant shall be informed of the availability of the Commission's complaint handling procedures including the commission's address and telephone number.

### **Complaint Process**

Submeter entities should use the following section as a guide in preparing a complaint process for residents to follow when filing a complaint regarding submetered electric service.

#### **To initiate a complaint:**

If there are any questions or concerns regarding your electric service, residents are instructed to contact the owner/managing agent of the building by telephone or mail to:

Mr. Mark DeFeo  
c/o Soundview Management Associates LLC  
P.O.Box 1183  
Greenwich, Conn 06836  
Tel # 203-661-1406

**OR**

Customer Service Department  
Attention: David Miller  
c/o Bay City Metering Company, Inc  
247 West 37<sup>th</sup> Street, 6<sup>th</sup> Floor  
New York, NY 10018  
Tel #: 212-575-0785

**To escalate a complaint:**

If your concerns are not resolved promptly, you may request that the issue be escalated to a supervisor/manager within the Submetering Agent's office. This request can be made by telephone or mail to:

Marc Reimer  
c/o Bay City Metering Co. Inc  
247 West 37<sup>th</sup> Street, 6<sup>th</sup> Floor  
New York, NY 10018  
Tel #: 212-575-0785

A determination will be made and the results reported to the resident.

**Further review:**

After the concerns has been escalated to a supervisor/manager, within the Submetering Agent's office, and the complaint is still not resolved in whole or in part the resident may contact the Public Service Commission at New York State Department of Public Service, 3 Empire State Plaza, Albany, New York 12223 or at 90 Church Street, New York, New York 10007 or call its HELPLINE at 1-800-342-3377 and file a complaint seeking to have the issue resolved by the Public Service Commission. The website for the Public Service Commission is [www.dps.state.ny.us](http://www.dps.state.ny.us).

The Public Service Commission may be called at any time to receive questions and Complaints at 1-800-342-3377.

If the complaint is in regard to a billing issue, the resident will not be asked to pay the disputed portion of the bill while the matter is being investigated by the owner/managing agent or the Public Service Commission. However, the remaining balance of the bill in question and any future bills should be paid when due.

**Complaints to the Submeterer**

Resident complaints about bills for utility service, deposit requests or other service problems shall first be made to the Management. The Management will refer the resident to the Submetering Agent who will respond to the complaint and attempt to resolve the problem. In the event the Submetering Agent can not resolve the problem, the resident may contact the Public Service Commission and explain the problem to their agent. They will attempt to obtain a resolution to the problem and if necessary enter a case number and start proceedings with the submeterer to determine a resolution to the problem. Their decision will be binding upon both the resident and the submeterer.

The Public Service Commission may be contacted at any time there is a question or complaint.

The meters will be installed within the apartments since the distribution system in the building is a Common riser installation system with main switches and feeders for each apartment line located in the basement. The meters will be read electronically which avoids reading errors and does not require entrance into the apartments to read the meters.

The following pages consist of the forms to be utilized when different conditions apply with the customers to conform to the HEFPA rules and regulations.

We have also included a copy of the proposed new lease agreement which explains to new residents the conditions for submetering of the electric service.

We have also included a copy of the Submetering Identification Form to be sent to the Con Edison Company to be completely filled out with the necessary information and a copy submitted to the Commission when approval has been granted for submetering of this project.

We are also including a copy of a six page letter that will be sent to each resident providing the information concerning the submetering program and the metering and billing procedures as well as the HEFPA requirements.

We are including a copy of the Five page letter from the Commission titled Final Notice of Termination as a checklist of the reasons for termination and agree that the conditions outlined in this document are and will be part of conditions to be applied when there is the necessity for termination of service for any customer of the Management.

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## Final Notice of Termination

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If by the 20th calendar day after payment was due, the utility has neither received payment nor negotiated a new DPA the utility may demand full payment of the total outstanding charges and send a final notice of termination to the customer. The final notice of termination must include:

- the earliest date on which termination or disconnection may occur;
- the reasons for termination, including the total amount required to be paid, and the manner in which termination may be avoided;
- the address and phone number of the office of the utility that the customer may contact in reference to his account;
- the availability of utility procedures for handling complaints;
- a summary, prepared or approved by the commission or its authorized designee, of the protections available together with a notice that any customer eligible for such protections should contact the utility.
- The Final Notice of Termination may include any additional information not inconsistent with the regulations.
- The Final Notice of Termination must state, in a size type capable of attracting immediate attention, language conveying the following: THIS IS A FINAL TERMINATION NOTICE. PLEASE REFER TO THIS NOTICE WHEN PAYING THIS BILL.
- The Final Notice of Termination must inform the customer that suspension of the customer's distribution service can accompany the ESCO's commodity termination, even if the customer's account for distribution service is current.

### Special Notification of Social Services

After a utility has sent a final notice of termination to a residential customer who it knows is receiving public assistance, supplemental security income benefits or additional State payments pursuant to the Social Services Law, and for whom the utility has not received a guarantee of future payment from the local social services commissioner, it shall, not more than five days nor less than three days before the intended termination or disconnection, notify an appropriate official of the local social services district that payment for utility services has not been made.

- Such notification shall state that the customer has been sent a final notice of termination, specify the amount of arrears, and state the earliest date on which termination or disconnection may occur.
- In the case of a customer for whom the utility has received a guarantee of future payment from the local social services commissioner, the utility shall send a notice of nonpayment stating that payment has not been made and indicating the amount of the arrears to the recipient and to the local social services commissioner at the time the account would otherwise be subject to a final notice of termination or disconnection.
- If the notification is made orally, the utility shall within one business day mail a written notification to such social services official.
- Each utility shall, after consultation with an appropriate official in the social services district of each county served by the utility in whole or in part, compile and maintain a list of the social services officials who are to receive such notifications.
- A utility may notify an appropriate social services official that a customer it knows is receiving public assistance, supplemental security income benefits or additional State payments has failed to make timely payment for utility service, whenever it believes special circumstances affecting

such customer should be brought to the immediate attention of the social services official. Such notification shall describe the special circumstances observed, specify the amount of arrears, and state the scheduled date of termination or disconnection, if one has been set.

### **Final Notice of Suspension (ESCO accounts ONLY)**

The Final Notice of Suspension from, or on behalf of, an ESCO shall inform the customer that suspension of the customer's distribution service can accompany the ESCO's commodity termination, even if the customer's account for distribution service is current, and shall state the amounts which must be paid to

restore commodity supply and, if different,

to end suspension of distribution service.

Further, when the ESCO seeks suspension of distribution service, two notices are required:

a notice to the customer stating that his or her service is subject to suspension after 15 days, the amount to be paid to avoid suspension, the amount to be paid to resume service after suspension and, if different, the amount necessary to end suspension;

and a notice to the utility requesting suspension of the customer's distribution service and certifying that the HEFPA provisions have been satisfied.

### **Deferred Payment Agreements (DPA)(§11.10)**

A Deferred Payment Agreement (DPA) is a written agreement for the payment of outstanding charges over a specific period of time, signed by both the utility and the customer or applicant. A utility must make reasonable efforts to contact eligible customers for the purpose of offering a DPA and negotiating terms tailored to the customer's financial circumstances, prior to making the written offer of a DPA. A DPA:

must provide for installments as low as \$10 per month and no down payment, when the customer demonstrates financial need for such terms;

may provide for any size or no down payment, and installments on any schedule over any period of time if mutually agreed to by the parties;

### **DPA Form**

A DPA form shall in clear and understandable language and format contain the following information:

that the utility is required to offer a DPA that the customer is able to pay, considering his or her financial circumstances, and that the DPA should not be signed if the customer is unable to pay its terms;

that if the customer demonstrates financial need, alternate terms will be available, a down payment may not be required, and installments may be as low as \$10 per month above current bills;

that assistance to pay utility bills may be available to recipients of public assistance or supplemental security income from a local social services office;

that if the customer is unable to pay the terms of the DPA, or if for any other reason the customer wishes to discuss the DPA, the customer should call the utility at a specified telephone number, and that if any further assistance is needed, the customer should call the Public Service Commission at a specified telephone number;

that by signing and returning the form together with any required down payment to the utility within the required time period, the customer will be entering into a DPA, and by doing so, will avoid termination, disconnection or suspension of service;

the date by which the copy signed by the customer, and any applicable down payment, must be received by the utility in order to avoid termination, disconnection or suspension of service, if applicable, provided, however, that such date may not be less than six business days after the DPA is sent by the utility;

the utility's policy if the DPA is not signed and returned as required;

the total amount due, the required down payment, if any, and the exact dollar amount and due date of each installment;

that if the customer fails to comply with the terms of the DPA, the utility will take steps to terminate, disconnect or suspend service;

that the customer has a right to immediate enrollment on a levelized payment plan. This notice must be placed close to the signature line, include a conspicuous check-box option, and give a specified telephone number to call the utility for more information;

brief explanation of the levelized payment plan;

and that if the customer later can demonstrate that his or her financial circumstances have changed significantly because of conditions beyond his or her control, the utility must amend the terms of the DPA to reflect such changes.

### **Written Procedures**

A utility must develop written DPA procedures and forms for evaluating the financial need of a customer or applicant, for assuring the confidential handling of such information, for arriving at fair and equitable payment terms and for training its personnel, which procedures shall be filed with the Office of Consumer Services.

### **Asset Evaluation Form**

A utility may require that a customer complete a form showing assets, income and expenses, and provide reasonable substantiation of the information on that form.

The form must be handled confidentially.

### **Reminder Notice**

If a customer fails to make timely payment in accordance with a DPA, the utility must send a reminder notice at least eight calendar days prior to the day when a final notice of termination, disconnection or suspension will be sent, stating in conspicuous, bold type that:

the customer must meet the terms of the existing DPA by making the necessary payment within 20 calendar days of the date payment was due or a final termination, disconnection or suspension notice may be issued;

if the customer can demonstrate that he or she is unable to make payment under the terms of the DPA because his or her financial circumstances have changed significantly because of conditions beyond his or her control, the customer should immediately contact the utility at a specified telephone number because a new DPA may be available.

If by the 20th calendar day after payment was due, the utility has neither received payment nor negotiated a new DPA, the utility may demand full payment of the total outstanding charges and send a final termination, disconnection or suspension notice which states:

that if the customer can demonstrate that he or she is unable to make payment under the terms of the DPA because his or her financial circumstances have changed significantly because of conditions beyond his or her control, the customer should immediately contact the utility at a specified telephone number because a new DPA may be available;

that assistance to maintain utility service may be available from a local social services office;

that before the social services office will provide assistance, the customer generally must provide the utility with information showing assets, income and expenses to evaluate whether the customer is entitled to a new DPA; and

either the address and telephone number of the appropriate social services office, or the local social services information number.

If the final termination, disconnection or suspension notice is sent because the customer has broken a DPA which required payment over a shorter period than the standard DPA for that customer would allow, the final termination, disconnection or suspension notice must also be accompanied by a written offer of a new DPA to pay the outstanding balance in monthly installments.

## **Budget/Levelized Payment Plans**

- Every utility shall offer residential customers a voluntary budget billing or levelized payment plan for the payment of charges.
- The plan shall be designed to reduce fluctuations in customers' bills due to seasonal patterns of consumption.
- Any such plan shall also be offered to customers who are condominium associations or cooperative housing corporations.
- Unless otherwise authorized by the commission, each such plan shall be based on the customer's recent 12-month experience, adjusted for known changes. If 12 months of billing data are not available for the customer, then 12 months of billing data for the premises shall be used. If 12 months of billing data are not available for the premises, then the utility shall estimate future consumption over the next 12-month period.
- Each such plan shall provide that bills clearly identify consumption and state the amounts that would be due without levelized or budget billing; such information need not be supplied on interim bills for customers billed on a bimonthly basis.
- Each such plan shall provide that bills be subject to regular review for conformity with actual billings.
- Each such plan shall be filed with the commission, and any significant changes in the plan shall be submitted to the commission for review before implementation.

## **Annual Notification of Rights**

Every utility shall, at the time service is initiated to a residential customer and at least annually thereafter, by a notice accompanying a regular bill or in a separate mailing, provide residential customers with a summary of their rights and obligations under the Home Energy Fair Practices Act and the Energy Consumer Protection Act of 2002.

At a minimum, the summary shall include the following:

- a description of the complaint-handling procedures available at the utility and the commission;
  - the rights and obligations of residential customers relating to payment of bills, termination, disconnection and suspension of service and reconnection of service;
  - a description of special protections afforded the elderly, blind and disabled; persons with medical emergencies; persons receiving public assistance, supplemental security income benefits or additional State payments; and persons in two-family dwellings;
  - a request that residential customers who qualify for the protections referred to above voluntarily so inform the utility;
  - the right of a customer to designate a third party to receive copies of all notices relating to termination, disconnection and suspension of service or other credit notices;
  - appropriate forms that customers claiming the protections identified above may fill out and return;
  - a description of the customers' rights in regard to deferred payment plans and the holding and demanding of security deposits by the utility; and
  - a description of the utility's budget or levelized payment plans.
- Every utility which is permitted to offer time-of-use rates shall provide the following information, at least twice per year, by a notice accompanying a regular bill or in a separate mailing to its customers billed on such rates:
- a description of the hours for which these rates are available for both standard and daylight savings time;
  - if resetting the electric time-of-use meter is necessary to restore the effective hours of the time-of-use rates following an interruption of service, a description of procedures such customers shall follow in order to have their time-of-use electric meter reset; and

**[ ]** if resetting the electric time-of-use meter is necessary, when the utility has knowledge of an outage, a statement within 60 days of such outage that the time-of-use rate may not be applied at the previously stated times until the time-of-use electric meter is reset.

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**New York State Public Service Commission  
Office of Consumer Services**



**Submetering Identification Form**

Name of Entity			Corporate Address		
City	State	Zip	Web Site		
Phone			Utility Account Number		
Chief Executive			Account Holder Name		
Phone			E-mail		
DPS Case Number.					

**Primary Regulatory Complaint Contact**

**Secondary Regulatory Complaint Contact**

Name			Name		
Phone			Phone		
Fax			Fax		
E-mail			E-mail		
Address			Address		
City	State	Zip	City	State	Zip

*We do not send complaints to personal e-mail addresses. A shared e-mail address must be provided or the transmission will default to the fax number listed above. Please enter the e-mail address, if any, to which we should send complaints: \_\_\_\_\_*

Name of Property			Address		
City	State	Zip			
Electric Heat? Y/N			Electric Hot Water? Y/N		
# Units Occupied by: Sr. Citizens Disabled			Total # of Units		
Rent Stabilized	# Rent Controlled		# Rent-Regulated		# Market Rate
# Low Income	# Section 8		# Landlord Assist Program		# Other
Submeter / Billing Agent			Address		
City	State	Zip			
Contact Name		Contact Phone		Contact Fax	

Please return this form with 5 days to:  
 Hon. Jaclyn A. Brillling, Secretary to the Commission  
 NYS Public Service Commission  
 3 Empire State Plaza  
 Albany, NY 12223  
 e-mail: secretary@dps.state.ny.us

(Rev. 1/27/2010)

**Changes in contact  
 information should  
 be submitted within  
 5 days of any  
 personnel change.**

**CONFIDENTIAL**  
**Evaluation of Customer's Ability To Pay**  
**Soundview Management Associates LLC**

---

1. Employer Name, Address and Phone Number

\_\_\_\_\_  
\_\_\_\_\_

2. What is your monthly income?

\_\_\_\_\_

3. Please identify all other forms of income (Unemployment, Disability, and Public Assistance) and the amounts of each

\_\_\_\_\_

4. Please list all checking and savings accounts and balances:

\_\_\_\_\_

5. Please list all credit cards, balances due and the amount of the monthly payment on each:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Do you own your home or do you rent? \_\_\_\_\_

7. What is your monthly mortgage or rent payment? \_\_\_\_\_.

8. List other assets (i.e., Stocks and Bonds) :

\_\_\_\_\_  
\_\_\_\_\_

9. List other debts (bank loans, credit lines, utility bills, etc.) and the amount of the monthly payment on each:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Identify all other monthly expenditures by amount:

- Food expenses	\$	_____
- Medical expenses	\$	_____
- Telephone bills	\$	_____
- Utility bills	\$	_____
- Mandatory loan/credit card payments	\$	_____
- Other	\$	_____
	\$	_____

## BUDGET BILLING PLAN

Customer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Account# \_\_\_\_\_

Under this Plan, Soundview Management Associates LLC agrees to provide services in return for your agreement to make payments according to the terms of this Plan.

This Plan requires that you pay \$XX.XX per month for the 12 month period starting with the billing cycle commencing on MM/DD/YYYY and ending on MM/DD/YYYY.

Such equal monthly payment is based on an estimate of your annual billing, which has been calculated by multiplying the average monthly consumption by the current estimate of commodity prices over the above-referenced 12-month period. Your average monthly consumption is \_\_\_\_\_ Therms and/or \_\_\_\_\_ kwh, based on your last 12 months actual consumption. If the service address for which you will be billed under this Plan is a new property, which has not been served or for which 12 months of data is not available, your average monthly consumption will be based on a similar property in the area in which the service address is located.

The minimum number of days required in a meter reading cycle shall be at least 25 days to qualify for a budget bill for such a period. In case of shorter meter reading intervals, you will receive a bill reflecting actual charges for such shorter period. However, you will be required to make a payment only when at least 25 days have been accumulated for the budget bill amount.

The Plan shall be subject to regular review for conformity with actual billings. Soundview Management Associates LLC reserves the right to recalculate such monthly payment to reflect either (a) an increase in consumption beyond the average monthly consumption.

## BUDGET BILLING PLAN

Page 2

Each month, you will be billed the equal monthly payment and you will be required to pay such amount stated on the bill. Your bill will also inform you what your consumption for the period was, as well as the actual charge you would have incurred if you were not on the Plan. If you fail to pay the bill when due, you may be subject to termination of service pursuant to the Home Energy Fair Practices Act.

In the last month of the Plan, Soundview Management Associates LLC shall true up your account based on a comparison of the aggregate billing under this billing plan and the amount you would have been charged for the budget period if you were not on the plan. If you owe Soundview Management Associates LLC a sum of money due to the true up, you will be billed for the amount due. If you have been over billed you will be issued a credit to be applied to the next plan year.

**Yes! I would like Budget Billing:**

**Return one signed copy to Soundview Management Associates LLC by MM/DD/YYYY.**

# Residential Payment Agreement

Customer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Account# \_\_\_\_\_

The total Amount owed to Soundview Management Associates LLC for this account as of MM/DD/YYYY is **\$XX.XX**.

**Soundview Management Associates LLC** is required to offer a payment agreement that you are able to pay considering your financial circumstances. **This agreement should not be signed if you are unable to keep the terms.** Alternate terms may be available if you can demonstrate financial need. Alternate terms may include no down payment and payments as low as \$10 per month above your current bills. **If you sign and return this form, along with the down payment by MM/DD/YYYY you will be entering into a payment agreement and by doing so will avoid termination of service.**

Assistance to pay utility bills may be available to recipients of public assistance or supplemental security income from your local social services office. This agreement may be changed if your financial circumstances change significantly because of conditions beyond your control. If after entering into this agreement, you fail to comply with the terms, **Soundview Management Associates LLC** may terminate service. If you do not sign this agreement or pay the total amount due of **\$XX.XX** by **MM/DD/YYYY**, Soundview Management Associates LLC may seek to terminate your service. **If you are unable to pay these terms, if further assistance is needed, or if you wish to discuss this agreement please call Soundview Management Associates LLC at 1-203-661-1406.**

## Payment of Outstanding Balance:

**Your current monthly budget amount is: \$XX.XX**

If you are not already enrolled in our Budget Billing Program, which allows you to pay for your service in equal monthly installments, and wish to enroll, check the box below and we will start you on our program immediately.

**Yes! I would like Budget Billing**

## Acceptance of Agreement:

Customer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This agreement has been accepted by Soundview Management Associates LLC. If you and Soundview Management Associates LLC cannot negotiate a payment agreement, or if you need any further assistance, you may contact the Public Service Commission at 1-800-342-3377.

**Return one copy of this agreement signed, with the down payment, by MM/DD/YYYY. If it is not signed and returned, your service may be terminated.**

**FINAL SUSPENSION NOTICE**

**DATE**

Soundview Management Associates LLC  
P.O.Box 1183  
Greenwich, Conn 06836  
1-203-661-1406]

Customer Name  
Address  
City, State, Zip  
Account#

Dear (customer name):

**YOUR ELECTRIC SERVICE IS SUBJECT TO SUSPENSION after MM/DD/YY.**

**To avoid suspension please remit \$xx.xx by MM/DD/YY. If your service is suspended you must pay \$xx.xx to resume service.**

**Public Service Law requires that, in order to end suspension, customers pay either the total amount due the ESCO *and* (LDNAME) or the amount they would have paid for energy if they had remained a utility customer.**

**PLEASE NOTE THAT SUSPENSION OF YOUR (LDNAME) CAN ACCOMPANY THE TERMINATION OF ESCO SERVICE EVEN IF YOUR Local Distribution Company SERVICE IS CURRENT.**

**PLEASE REMIT \$XX.XX BY XX/XX/XXXX TO AVOID SUSPENSION OF YOUR ESCO ACCOUNT.**

Sincerely,

ESCO  
Credit and Collections

**FINAL TERMINATION NOTICE**

**DATE**

Customer Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Account# \_\_\_\_\_

Dear (customer name):

By letter dated MM/DD/YY, Soundview Management Associates LLC notified you that your failure to remit the past due amount of \$XX.XX by MM/DD/YY would result in Soundview Management Associates LLC terminating your service. Our records indicate that we have not received your payment. Please remit \$XX.XX or your service will be terminated after MM/DD/YY.

If you disagree with the amount owed, you may call or write the utility at P.O.Box 1183 Greenwich, Conn 06836 Tel 203-661-1406 or you may contact the Public Service Commission at 1-800-342-3377.

**THIS IS A FINAL TERMINATION NOTICE. PLEASE BRING THIS NOTICE TO THE ATTENTION OF THE UTILITY WHEN PAYING THIS BILL.**

**PLEASE REMIT \$XX.XX BY MM/DD/YY TO AVOID TERMINATION OF YOUR SERVICE.**

If you are unable to make payment because your financial circumstances have changed significantly due to events beyond your control, please contact us at 203-661-1406 If you or anyone in your household meets any of the following conditions please contact us: medical emergency; elderly, blind or disabled.

Sincerely,

Soundview Management Associates LLC  
Credit and Collections

**NOTIFICATION TO SOCIAL SERVICES OF CUSTOMERS**  
**INABILITY TO PAY**

Soundview Management Associates LLC  
P.O.Box 1183 Greenwich, Conn 06836  
203-661-1406

Customer Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Account#: \_\_\_\_\_

Customer has been sent a final notice of termination. If the total payment due of \$XX.XX is not paid by MM/DD/YYYY, termination of service may occur anytime after MM/DD/YYYY.

## Past Due Reminder Notice

CUSTOMER NAME: \_\_\_\_\_

PREMISE ADDRESS: \_\_\_\_\_

ACCOUNT NUMBER: \_\_\_\_\_

On MM/DD/YYYY you signed a Residential Deferred Payment Agreement which obligated you to make a down payment of \$XX.XX by MM/DD/YYYY and regular payments of \$XX.XX in addition to your current charges, in order to avoid termination of commodity service. You have failed to comply with the terms of the Residential Deferred Payment Agreement. We are notifying you that you must meet the terms of the existing DPA by making the necessary payment within 20 calendar days of the date payment was due, or a final termination notice may be issued to terminate your service.

If you are unable to make payment under the terms of the Residential Deferred Payment Agreement because your financial circumstances have changed significantly due to events beyond your control, you should immediately contact us at (203) 661-1406 because a new payment agreement may be available. Assistance to pay utility bills may be available to recipients of public assistance or supplemental security income from your local social services office by calling xxx-xxxx..

**The total amount owed to Soundview Management Associates LLC for this account as of MM/DD/YYYY is: \$XX.XX.**

# Quarterly Billing Plan

Customer Name \_\_\_\_\_

Premises Address \_\_\_\_\_

Account Number \_\_\_\_\_

Under this plan Soundview Management Associates LLC agrees to provide in return for your Agreement to make payments according to terms of this plan.

The customer confirms that he/she is greater than 62 years old and that the customer's bills in the preceding 12 Months starting on MM/DD/YY and ending on MM/DD/YY did not exceed \$ 150.00

Under this plan, the customer will receive the first bill on MM/DD/YY covering actual charges Incurred during the 3 month period MM/DD/YY to MM/DD/YY, and you will receive quarterly bills thereafter on or before MM/DD/YY, MM/DD/YY, and MM/DD/YY for actual charges incurred during each such preceding 3 month period.

On the dates specified above, you will be billed for actual charges incurred and you will be required to pay such amount stated on the bill. If you fail to pay the bill when it is due, you may be subject to termination of the service pursuant to the Home Energy Fair Practices Act.

**[ ] Yes I would like Quarterly Billing**

Return one completed copy to Soundview Management Associates LLC by MM/DD/YY

Electric Lease Agreement to be inserted in the conditions for occupancy based upon the current regulations of the New York State Department of Housing and Community Renewal.

### Electricity

(a) It is agreed and understood that electricity for lighting, appliances, and air conditioning units shall be provided by the Landlord on a submetered basis and the Resident shall pay to the Corporation the amounts indicated on a monthly statement for the use of the electric service within 20 days of the rendering of a bill for the service. The Resident will be billed from readings taken from a submeter for the electrical service used exclusively within the demised premises and no other space within the building. (b) Bills will be rendered monthly and calculated based upon the then current Con Edison Rate Schedule SC-1 each month for the electrical service. The rates are to be the residential rates and charges approved by the Public Service Commission for the property by the Con Edison Company servicing the area in which the building is located. These rates and charges shall include all charges for energy, adjustments, taxes, and any other fees or charges normally included in the Con Edison Company monthly residential billing for directly connected residential customers. The meters will be revenue grade meters manufactured by a reputable metering manufacturing company and will be accurate and reliable to within the same requirements as the Con Edison Company is required to follow. (d) A complaint procedure shall be in effect that is consistent with the Home Energy Fair Practices Act (HEFPA) Public Service Law, Sections 31-50; 16 NYCRR, Parts 11 and 12; (e) The Landlord will retain a reputable Submetering Agent for the property that will be responsible for reading the meters, preparation of the monthly billing, assuring the accuracy of the meters, and responding to Resident complaints and questions promptly. (f) In the unlikely event a complaint can not be resolved by the Submetering Agent, the Public Service Commission may be contacted and a case will be set up with the Public Service Commission, who will review the complaint and determine the action to be taken to resolve the complaint. Their determination will be binding upon both the Complainant and the Corporation. (g) The nearest office of the Public Service Commission office is at 90 Church Street, New York, N.Y. 10007 and the Phone Number is (800) 432-3377. (h) In the event there have been overcharges for the use of electricity to the residents in excess of the SC-1 Rates cap as approved by the Commission and the Commission has determined that the excess charges are to be returned to the residents, the Management will refund these overcharges to the residents in a timely fashion.

# SOUNDVIEW MANAGEMENT ASSOCIATES LLC

P.O.Box 1183

GREENWICH, CONN 06836

November 2012

To All Residents of 50 and 80 Guion Place

The Management has reviewed the benefits of converting the electrical metering and billing of the residential apartments to Master Metering and Submetering. As per the regulations required by the Public Service Commission we herewith submit an explanation of the system and methodology of the billing for the residents of the Building. It is required that the residents be informed of the proposed conversion to submetering so that they can comment to the Commission regarding the submetering proposal. The Commission regulates all Utilities in New York State and requires that sufficient information regarding the submetering program be provided to each resident so that they can comment either in favor of or rejection of the program. This letter is intended to provide the information regarding the submetering program so that this requirement can be satisfied. There are Two Hundred Ten (210) Apartments located in two properties in New Rochelle and the properties are 10 and 11 stories high.

Master Metering means that One (1) Meter is installed to measure all of the power being consumed each month by all of the Residents and the Common Areas in the building. This is how the building is presently being billed by the Con Edison Company. This Master meter is billed on the Master Metering Rate SC-8 Large User Residential Rate servicing residential buildings in Con Edison's territory in New York. If the building converts to Submetering this same Master Metering rate will still apply to the building as it provides the lowest cost for electrical energy to the building. If submetering is installed it requires a separate meter to be installed for each apartment to measure the amount of power consumed each month in each apartment and no other space within the building. Bills then can be prepared for each resident individually for their own use. This encourages each resident to conserve this expensive service and the bills to the building will reflect a considerably lower monthly billing from the Con Edison Company due to the reduced usage by the residents. Being residents in the Building, if the billing for the building is lower the Maintenance Charges can remain stable or be reduced.

The Commission has requested that a description of the reduction in charges to the shareholders is explained so that the residents can comment for or against the program for submetering. The Management will use the reduction proposed by the rental governing agency (DHCR) as the reduction that is to be provided to each resident's rent since with the installation of meters the residents will no longer be provided with electricity as a part of their rent. With submetering the residents will be charged for the service based upon their individual usage. Normally in this building the Common Area charges for corridor lighting, stairway lighting, Basement lighting, Lobby lighting, Elevators, Pumps, and miscellaneous equipment will amount to approximately Thirty to Thirty-Five percent (30%-35%) of the total Utility Company monthly billing. That leaves 65% to 70% of the total Utility Company billing for the residents.

The Corporation will employ a Submetering Agent to install, read and bill the resident meters each month and also read and bill separate meters for the Common Areas. A new check meter required by NYSEDA will be installed and the information required by NYSEDA will be sent to their office each month or as required. The new meters will be manufactured by a reputable approved meter company that is approved by the New York State Energy and Research Agency (NYSEDA) who will provide a rebate to the Building for the purchase of the meters. These new meters will become the property of the Management and the Submetering Agent will maintain the meters and prepare the monthly reading and billing for the Management. The Submetering Agent will also respond to resident questions and complaints and will test the meters as required and be responsible for the accuracy of the system. The Commission has determined that a rate cap must be installed wherein the rate charged to the residents may never be higher than Con Edison would have charged for electricity to a direct metered customer.

The billing for the residents will be based upon the average cost per kilowatt-hour to the building. This will be calculated by taking the Con Edison monthly billing to the Management and adding the Submetering Agent's fee to that charge and then dividing the charges by the number of kilowatt-hours shown on the Con Edison bill. This produces the average cost per kilowatt-hour each month to the building and that number is applied to each resident's metered usage. The rate charged by Con Edison to direct metered customers is approximately 20% higher than the average to be charged to the residents. With the existing system not being metered, residents that are NOT reasonably careful with their use of the electricity and have equipment in their apartment that use excessive amounts of power are subsidized by residents that are reasonably careful with their lights and equipment. With the meters installed each resident will pay only for their own usage. One of the features of the submetering is if the resident takes an extended vacation and turns off the refrigerator and lights the electrical bill for that period will be very low.

The requirements of the Commission include the same protections and service conditions for the residents that are provided by Con Edison Company. These protections and conditions are contained in New York State Public Service Law, Article 2, and 16 NYRR, Part 96. A brief summary of the Home Energy Fair Practices Act (HEFPA) requirements as it concerns residential residents is as follows:

Pursuant to PSL§ 30 and 53 and the Commission's Order, certain resident rights and protections are extended to residents who purchase their electricity from an entity that submeters electricity. These rights and protections include, but are not limited to, complaint handling procedures and consumer protections under the Home Energy Fair Practices Act (HEFPA).

### **HEFPA Requirements**

**Termination or Disconnection of Service:** A Submeterer may disconnect service under the following conditions if the resident:

- Fails to pay the charges for the services rendered;
- Fails to pay amounts due under a deferred payment agreement
- Fails to pay a lawfully required deposit, and is sent a final disconnection notice no less than 15 days before the disconnection date shown on the notice.

A final disconnection notice shall clearly state or include the following:

the earliest date on which the disconnection will occur;

the reasons for the disconnection including the total amount required to be paid and the manner in which disconnection may be avoided;

the address and phone number of the office of the submeterer that the resident may contact in reference to his/her account;

the availability of procedures for handling complaints;

a summary of protections available under HEFPA, and in a size and type capable of attracting immediate attention a statement that reads, "THIS IS A FINAL DISCONNECTION NOTICE. PLEASE REFER TO THIS NOTICE WHEN PAYING THIS BILL;"

There are special conditions that will apply in the event a notice of disconnection is received:

Medical emergencies No submeterer shall disconnect or refuse to restore service when a medical emergency exists

Life support systems If a customer or a resident of the customer's premises suffers from a medical condition requiring utility service to operate a life sustaining device, certification by a medical doctor or qualified official of a local board of health shall remain effective until terminated by the commission or its designee, provided the residential customer demonstrates an inability to pay charges for the service.

Residents who are Elderly, Blind, or Disabled No submeterer shall disconnect or refuse to restore service where a residential customer is known to, or identified to the submeterer to be elderly, blind, or disabled or 62 years of age or older, and all remaining residents of the household are 62 years of age or older, 18 years of age or under, or are blind or disabled without complying with the procedures specified in HEFPA.

Cold weather periods Every submeterer shall develop and maintain methods to identify all residential households in its building whose utility service is heat related. During the period beginning November 1<sup>st</sup> of each year and ending April 15<sup>th</sup> of the following year every submeterer shall observe, at a minimum, the procedures in HEFPA Section 11.5 (c) (2)

Voluntary Third-Party Notice: Every submeterer shall permit a residential customer to designate a third party to receive all notifications relating to disconnection of service or other credit actions sent to such residential customer provided that the designated third party agrees in writing to receive such notices. The submeterer shall inform the third party that the authorization to receive such notices does not constitute acceptance of any liability on the third party for service provided to the customer. The submeterer shall promptly notify the residential customer of the refusal or cancellation of such authorization by the third party.

Deferred Payment Agreement A deferred payment agreement is a written agreement for the payment of outstanding bills over a specific period of time, signed by both the submeterer and customer. A submeterer must make reasonable efforts to contact eligible customers or applicants by phone, mail, or in person for the purpose of offering a deferred payment agreement and negotiating terms tailored to the customer's financial circumstances when payment of a bill or arrears is owed on an account.

Budget or Levelized Payment Plans: A submeterer shall offer residential customers a voluntary budget billing or levelized payment plan designed to reduce fluctuations in customer's bills due to seasonal patterns of consumption. The plan shall be based on a customer's recent 12 month billing data and if not available then 12 months of billing data for the premises shall be used. If 12 months of billing data are not available for the premises the utility shall estimate consumption over the next 12 month period. Bills shall clearly indicate consumption and state the amounts that would be due without levelized or budget billing. In addition each plan shall provide that bills will be subject to regular review for conformity with actual billings.

Quarterly Billing Plan: Public Service Law (not HEFPA) also allows a submeterer to offer residential customers who are 62 years of age or older, as an alternative to monthly billing, a plan for payment on a quarterly basis of charges for service rendered provided that such customer's average annual billing is not more than \$150.00.

Deposits: Deposits for submetered accounts may be required if:

- Tenant is a seasonal or short term customer.
- Customer accumulates two consecutive months of arrears without making reasonable payment. A submeterer shall provide a customer written notice, at least 20 days before it may assess a deposit.
- Customer had electric service terminated, disconnected, or suspended for non-payment during the preceding six months.
- Submeterer permits the customer to pay the deposit in installments over a period not to exceed 12 months.
- Deposits for submetered accounts shall not be required or held if:
- Submeterer knows customer to be a recipient of public assistance, supplemental Security income, or additional State payments.
- Submeterer knows the customer is 62 years of age or older unless such customer has had service terminated disconnected or suspended within the past six months.

Deposits should be a reasonable amount not greater than twice the average monthly bill except in cases of electric space heating where it may not exceed twice the estimated average monthly bill for the heating season.

Interest must be paid on deposits at a rate prescribed annually by the Commission.

Interest will be applied to the bill when the deposit was held for a period of one year.

The customer is not delinquent in payment of bills during the one year period, the deposit and the interest is refunded promptly.

Late Payment Charges: A submeterer may impose a one-time or continuing late payment charge, not in excess of 1 ½ percent per month, on the unpaid balance of any bill for service provided the bill clearly shows the amount billed, whether any charge will be imposed for late payment, when the late payment charge becomes applicable, and the time period during which the bill may be paid without the imposition of the late payment charge. Residential customers on fixed incomes shall be offered the opportunity to pay their bills on a reasonable schedule that is adjusted for such customer's periodic receipt of income without

such customers incurring late payment charges provided that the offer may prescribe a late payment charge where payment is not made within 20 days of the scheduled due date.

Contents of Bills: Each submeterer bill to a residential customer shall provide, in clear and understandable form and language, the charges for service. The residential bills shall include the following:

- the name, address and account number of the customer, dates of the present and previous meter readings, whether the reading is actual or estimated, amount of electricity consumed for the period being billed, the amount owed for the latest period including any applicable fees or taxes for service, the date by which payment may be paid without penalty. the penalty charge for bills paid late will be in accordance with LATE PAYMENT CHARGES above.
- if the bill is issued under a budget or levelized billing plan, an identification of the type of plan, the total of the year's budget or levelized amounts billed to the end of the period covered by the current bill. the debit or credit balances will be provided upon request, and an explanation of how or where the bill may be paid.

#### Notification Requirements

All of these items will be fully explained and addressed in a Notice of Intent to Submeter. There will be a comment period to review what the residents who do not agree with the program have to say, if anything.

Complaints to the Submeterer Resident complaints about bills for utility service, deposit requests or other service problems shall first be made to the Management. The Management will refer the resident to the Submetering Agent who will respond to the complaint and attempt to resolve the problem. In the rare event the Submetering Agent can not resolve the problem to the resident's satisfaction the resident may contact the Public Service Commission and explain the problem to the Commission's agent. They will attempt to obtain a resolution to the problem and if necessary enter a case number and start proceedings with the submeterer to determine a resolution to the problem. Their decision will be binding upon both the resident and the submeterer.

The Public Service Commission may be contacted at any time there is a question or complaint.

The meters will have to be installed within the apartments since the distribution wiring in the building is a common riser system and the meters must be connected to the wiring in close proximity to the apartment circuit breaker panel. It is the intent to install the meter in a location as inconspicuously as possible and in many of the apartments the meter will be installed within a closet in close proximity to the apartment panel. The meters will be read electronically and remotely so it will not be necessary for anyone to have access to the apartment to read the meter each month. The installation of the meter will take approximately one hour and scheduling will be set up to accommodate access into the apartment for the installation.

If the conversion to submetering is approved by the majority of the residents and approval from the Commission is forthcoming, there will be further letters sent to each resident with further information as required by the Commission.

You may enter your agreement or disagreement with the decision to Submeter the electric distribution at the building by indicating your preference below. Please leave a copy at the Management Office

If you should have any further questions or comments you may contact the Public Service Commission in writing, at 90 Church Street, New York, New York 10007, or telephone them at (800) 342-3377.

If you wish, you can contact the Bay City Metering Company directly at (212) 575-0785 for additional information concerning this conversion.

The advantage to you by accepting the submetering proposal will be as a resident of the building you will receive the benefit of the improvements to the property as well as any reduction in the electrical charges the Management may decide to pass on to the residents. Since the Corporation has decided to charge the residents the building's average rate for electricity and since the rates charged can never be higher than Con Edison would have charged direct metered customers, you can not lose by accepting the submetering program.

Yes I am in favor of the installation of Electrical Submetering at 50 or 80 Guion Place

No I am not in favor of the installation Electrical Submetering at 50 or 80 Guion Place

Name \_\_\_\_\_ Apt Number \_\_\_\_\_

Thank you for your cooperation

**Comments or Questions**

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# SOUNDVIEW MANAGEMENT ASSOCIATES LLC

**P.O.Box 1183**

**GREENWICH, CONN 06836**

**Re: Affidavit on Method of Delivery of Revised Submetering Information Letters**

**December 19, 2012**

I am Mark DeFeo, the Assistant Director of Property Management of Soundview Management Associates, LLC, Two residential apartment buildings in New Rochelle, and I am submitting this affidavit to the Public Service Commission as part of the Notice of Intent for 50 and 80 Guion Place, New Rochelle, New York for approval of the electrical submetering program for this property.

On November 22, 2012 I supervised the delivery the submetering information letters to all residents of 50 and 80 Guion Place informing them of the intent to install electrical submetering and the New York State Department of Public Service regulations concerning the metering requirements and HEFPA requirements for properties that will be providing electrical services and billing based upon a submetered basis with Master Metering and Submetering for the rental residents. The information letters for the residents indicated the complaint procedures and the conditions associated with the metering of each apartment. A copy of this information letter was provided to each resident of this property which provided information concerning the electrical metering and billing of the apartments and the protections provided by the Commission and the HEFPA rules.



\_\_\_\_\_, Assistant Director of Property Management

Date \_\_December 20, 2012