

GENERAL INFORMATION

18. MINIMUM INSULATION STANDARDS

18.1 MINIMUM INSULATION STANDARDS FOR NEW DWELLINGS

(A) Definitions

- (1) Dwelling - A building designed or used as the living unit for one or more families. For the purposes of this standard, mobile homes shall not be considered dwellings.
- (2) Historic Building - Any building or structure designated historically significant by the State or local governing body, or listed (or determined by the Secretary of the Interior to be eligible to be listed) in "The National Register of Historic Places."

(B) Applicability and Compliance

- (1) All new dwellings in the State of New York for which an application for a building permit was made and plans were filed on or after January 1, 1979, and all new dwellings within the State for which construction was begun on or after January 1, 1979, will not be eligible for electric service unless these dwellings comply with the New York State Energy Conservation Construction Code. Compliance with this Code will be satisfied under any of the following circumstances:
 - (a) A building permit is obtained for the dwelling from a building code authority or similar authority empowered by local law to issue building permits; or,
 - (b) An affirmation is given by the contractor or builder on a certificate of compliance (contained in General Information Section No. 18) that the construction of the dwelling will comply with the Energy Conservation Construction Code within 30 days after occupancy; or
 - (c) A modification or variance from the requirements of the Energy Conservation Construction Code is issued by the State Board of Review as constituted pursuant to the Executive Law.

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18. MINIMUM INSULATION STANDARDS (Continued)

18.1 MINIMUM INSULATION STANDARDS FOR NEW DWELLINGS (Continued)

(B) Applicability and Compliance (Continued)

- (2) For any dwelling constructed after April 1, 1977, but before January 1, 1979, electric service will not be provided without compliance with the Minimum Insulation Standards promulgated by the Commission in Opinion 77-10 (Case 26286, November 2, 1977) as amended.

(C) Waivers

For any dwelling subject to the requirements of General Information Section No. 18.1(B)(2) a waiver from these requirements may be granted by:

- (1) The Company when the overall heat loss for the building envelope does not exceed the total heat loss which would result from conformance to the individual requirements. The heat loss calculations shall be certified by a licensed engineer or architect.
- (2) The Company, if the applicant for service can establish through two estimates that the purchase price and installation charge (excluding financing charges) will be greater than seven times the anticipated annual savings to be obtained, (based on the present cost of the fuel currently used in the dwelling).
- (3) The Public Service Commission for just cause, in unusual circumstances, if the applicant for electric service has been denied a waiver pursuant to sections (1) or (2) above.

A copy of each variance granted or denied by the Company shall be made available to the Commission, and each applicant denied a variance shall be promptly informed by the Company of the right to appeal to the Commission.

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18. MINIMUM INSULATION STANDARDS (Continued)

18.1 MINIMUM INSULATION STANDARDS FOR NEW DWELLINGS (Continued)

(C) Waivers (Continued)

(4) Certificate of Compliance

- (a) A Certificate of Compliance, contained on General Information Section No. 18.3, shall be used in all areas of the State where no local authority exists, to assure compliance with the insulation requirements of the Energy Conservation Construction Code.
- (b) Each Certificate of Compliance shall be signed by the builder or contractor and the owner shall receive a copy of such certificate.

(5) Compliance Procedures

- (a) In areas where there is no local building code authority, upon a complaint by a dwelling owner or tenant concerning noncompliance with the provisions of General Information Section No. 18.1(B), the company will perform an on-site inspection to determine conformance with the standards concerning roofs, walls, foundation walls, floors, windows, and doors. The result of this inspection will be provided in writing to the owner (and tenant when applicable) of the building.
- (b) Whenever the Company finds, as a result of such inspection or notification by the local building code authority, more than one outstanding complaint against any particular contractor wherein a dwelling constructed by such contractor or builder was found to be in noncompliance with the applicable standards, the Company shall refuse to provide electric service to any construction site of that contractor or builder until all existing violations are corrected. The Company shall undertake random inspections of the future construction work of a past noncomplying contractor or builder until such time as the Company is satisfied that the applicable standards are being met.

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18. MINIMUM INSULATION STANDARDS (Continued)

18.1 MINIMUM INSULATION STANDARDS FOR NEW DWELLINGS (Continued)

(C) Waivers (Continued)

(6) Penalties for Noncompliance

- (a) In the event the Company finds that any dwelling fails to comply with General Information Section Nos. 18.1(B)(1) or 18.1(B)(2), the Company shall impose a 25 percent surcharge on any bill for electric service to the customer until such violations are corrected.
- (b) The effective date of the surcharge rate shall be:
 - (i) Immediately after notice, in the event the owner is directly responsible for the noncompliance.
 - (ii) Ninety days after notice, in the event the owner has not contributed to the deficiencies. No surcharge shall be applied if the owner brings the building into compliance within 90 days.
- (c) In the event the owner is not billed for the provision of-Company service, no surcharges will be applied to the bills of the non-owner occupants of the dwelling. Instead, after notification to the owner that the building is not in compliance, a surcharge will be billed to the owner. The surcharge will be 25 percent of the Company bills for the dwelling that is not in compliance.

In the event that circumstances prevent collecting the surcharge amount from the owner of the non-complying building, the Company may refuse future connections for service to new tenants in the dwelling until it is brought into compliance.

Furthermore, if the owner is an occupant of the dwelling, but is not billed for any electric service, the surcharge will be imposed on the bill for service to the unit occupied by the owner.

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18. MINIMUM INSULATION STANDARDS (Continued)

18.2 MINIMUM INSULATION STANDARDS FOR EXISTING DWELLINGS CONVERTING TO ELECTRIC SPACE HEAT

(A) Definitions

- (1) Dwelling - A building designed or used as the living unit for one or more families. For the purposes of this standard, mobile homes shall not be considered dwellings.
- (2) Historical Building - Any building or structure designated historically significant by the State or Local governing body, or listed (or determined by the Secretary of the Interior to be eligible to be listed) in "The National Register of Historic Places."

(B) Applicability and Conditions

An existing dwelling will not be supplied electric service for the purpose of converting to electric space heat unless:

- (1) The roof/ceiling has at least six inches of insulation or insulation with an R value of 19 or greater,
- (2) The dwelling has storm windows, or thermal windows with multiple glazing, and
- (3) The entrances have storm doors or thermal doors.

(C) Waivers

- (1) The Company may waive the requirements in General Information Section No. 18.2(B) where:
 - (a) The applicant for service can establish through two estimates that the purchase price and installation charge (excluding interest charges) will be greater than seven times the anticipated annual savings to be obtained (based on the present cost of the fuel currently used in the building).
 - (b) The dwelling is an historical building, or

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18. MINIMUM INSULATION STANDARDS (Continued)

18.2 MINIMUM INSULATION STANDARDS FOR EXISTING DWELLINGS CONVERTING TO ELECTRIC SPACE HEAT (Continued)

(C) Waivers (Continued)

(1) (Continued)

- (c) Other measures have been taken so that the overall heat loss for the building envelope does not exceed the total heat loss which would result from conformance with the minimum requirements of General Information Section No. 18.2(B). Such a heat loss calculation must be certified by a licensed architect or engineer.
- (2) In the case of a dwelling having a flat roof, compliance with the roof insulation standard will not be required if four or more inches of insulation are already in place or if insulation can be installed only by means of cutting an opening in the roof.
- (3) In the case of a dwelling having six or more stories, storm windows will not be required as long as the Company certifies that the dwelling's windows are caulked and weatherstripped. This certification shall be made in writing to the Commission. A storm window will not be required on any window opening onto a fire escape.
- (4) Copies of waivers granted or denied by the Company shall be made available to the Commission. Applicants denied waivers shall be informed of their right to appeal that denial to the Commission.
- (5) The Commission may grant a waiver of the requirements of General Information Section No. 18.2(B) for just cause after an applicant for electric service has been denied a waiver by the Company.

(D) Certificate of Compliance

- (1) A dwelling's compliance with General Information Section No. 18.2(B) shall be certified either by:
 - (a) the owner,
 - (b) a contractor of the owner's choice who has inspected the building, or
 - (c) a Company representative who has inspected the building at the owner's request.

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18. MINIMUM INSULATION STANDARDS (Continued)

18.2 MINIMUM INSULATION STANDARDS FOR EXISTING DWELLINGS CONVERTING TO ELECTRIC SPACE HEAT (Continued)

(D) Certificate of Compliance (Continued)

- (2) The Company will provide the Certificate of Compliance to the applicant at the time of application for service, so that the applicant will be apprised of the requirements for service and the methods by which compliance can be certified.

(E) Penalties for Noncompliance

- (1) The Company shall impose a 25 percent surcharge on any bill for electric service to any dwelling which has been converted to electric space heat and which does not comply with the standards set forth in Section (B)(2).
- (2) The effective date of the surcharge rate shall be:
 - (a) Immediately after notice, in the event the owner is directly responsible for the noncompliance.
 - (b) Ninety days after notice, in the event the owner has not contributed to the deficiencies. No surcharge shall be applied if the owner brings the building into compliance within 90 days.
- (3) In the event the owner is not billed for the provisions of Company service, no surcharges will be applied to the bills of the non-owner occupants of the dwelling. Instead, after notification to the owner that the building is not in compliance, a surcharge will be billed to the owner. The surcharge will be 25 percent of the Company bills for the dwelling that is not in compliance.

In the event that circumstances prevent collecting the surcharge amount from the owner of the non-complying building, the Company may refuse future connections for service to new tenants in the dwelling until it is brought into compliance.

Furthermore, if the owner is an occupant of the dwelling, but is not billed for electric service the surcharge will be imposed on the bill for service to the unit occupied by the owner.

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18. MINIMUM INSULATION STANDARDS (Continued)

18.4 FORM FOR CERTIFICATE OF COMPLIANCE FOR DWELLING CONVERTING TO ELECTRIC SPACE HEAT

One of the following certificates shall be completed and signed:

- (A) Certificate of Compliance For Dwelling Converting to Electric Space Heat by Owner

ORANGE AND ROCKLAND UTILITIES, INC.

Certificate of Compliance
Dwelling Converting to Electric Space Heat

I _____ am aware that the Minimum
(Owner)

Insulation Standards for Dwellings Converting to Electric Space Heat require my house to have storm doors, storm windows and at least R-19 (usually six inches) roof insulation. I certify that my building at _____

(Location)

meets those requirements, or that I have obtained a waiver; and I understand that should my building be found not in compliance, a 25 percent surcharge on my bill may be imposed or electric service may be discontinued.

The undersigned attests that all statements and representations contained in this certificate are true and accurate.

Signature of Owner

Address

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18. MINIMUM INSULATION STANDARDS (Continued)

18.4 FORM FOR CERTIFICATE OF COMPLIANCE FOR DWELLING CONVERTING TO ELECTRIC SPACE HEAT (Continued)

(B) Certificate of Compliance For Dwelling Converting to Electric Space Heat by Contractor or Company Representative

ORANGE AND ROCKLAND UTILITIES, INC.

Certificate of Compliance
Dwelling Converting to Electric Space Heat

I have inspected the building at _____
(Location)

owned _____ and certify that it
by _____

(Owner)

meets the requirements of the Minimum Insulation Standards for Dwellings Converting to Electric Space Heat.

The undersigned certifies that a properly executed copy of this certificate will be delivered to the owner and further attests that all statements and representations contained in this certificate are true and accurate.

Date

Signature of Contractor or Company Representative