

December 23, 2015

Honorable Kathleen H. Burgess  
Secretary to the Commission  
State of New York  
Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

Dear Secretary Burgess:

Orange and Rockland Utilities, Inc. (the “Company”) hereby submits for electronic filing with the Public Service Commission 1st Revised Leaf No. 78 reflecting revisions to its Schedule for Electric Service, P.S.C. No. 3 – Electricity (the “Electric Tariff”). This leaf is issued December 23, 2015, to become effective March 31, 2016.

### **Background**

The Electric Tariff contains language regarding the actions the Company can take when it is unable to gain access to a residential customer’s meter as detailed in the Home Energy Fair Practices Act (“HEFPA”). If no meter reading is obtained after six months of estimated bills have been rendered to a residential customer, the Company sends a letter to both the person who controls access to the meter and the customer offering a special appointment for a meter read. If the Company receives no response after eight months of estimated bills, a second letter may be sent offering another special appointment for a meter read and advising the customer if no appointment is made, a special fee of \$25.00 will be added to the next bill and each subsequent bill. If no response is received to the second appointment letter within two months of sending it, the Electric Tariff states that the Company shall apply for a court order to gain access to the meter. *[underlining added for emphasis]*

The Commission’s regulations implementing HEFPA (i.e., 16 NYCRR §11.13(e)) state that if a distribution utility intends to obtain a court order to gain access to the meter, it shall inform a customer by certified or registered letter after the second appointment request. Therefore, the Electric Tariff is currently more restrictive than HEFPA regarding the court order language. The Company proposes to align its language regarding court orders to more closely match the HEFPA language.

### **Tariff Changes**

General Information Section No. 7.4 has been modified to indicate that the Company may apply for a court order to gain access to the meter and, if a court order is applied for, the Company shall inform the party who is responsible for meter access by certified or registered letter.

**Conclusion and Notice**

This filing is proposed to become effective on March 31, 2016. The Company will provide for public notice of the tariff changes in this filing by means of newspaper publication once a week for four consecutive weeks prior to the effective date of the proposed tariff changes. Enclosed is a proposed form of Notice of Proposed Rule Making for publications in the State Register pursuant to the State Administrative Procedures Act.

Questions regarding this filing can be directed to Cheryl Ruggiero at (212) 460-3189.

Sincerely,

/s/

William A. Atzl, Jr.  
Director – Rate Engineering

## GENERAL INFORMATION

### 7. METERING AND BILLING (Continued)

#### 7.4 METER READING (Continued)

##### (A) Residential (Continued)

- (3) If no actual meter reading is obtained after bills representing six months of estimated bills have been rendered to a residential customer, the Company shall send a letter to both the person who controls access to the meter and the residential customer, except that where the customer resides in a multiple dwelling (as defined in the Multiple Dwelling Law or the Multiple Residence Law) or in two-family dwelling that is known by the Company to contain residential units where service is provided through a single meter or meters, and the meter is not in the apartment, such letter shall be sent to the customer and such other person who controls access to the meter offering a special appointment for meter reading both during and outside the business hours. If the Company's records do not contain the address of such other person who controls access to the meter, the Company shall request that the customer furnish such information, if available.
- (4) If the Company receives no response after bills representing eight months of estimated bills have been rendered to a residential customer, the Company may send a notice advising the customer and/or such other person who controls access to the meter that if no appointment is made a charge of \$25.00 will be added to the next bill and each subsequent bill rendered to the person who controls and refuses to provide access to the meter.
- (5) If no response is received to the second appointment letter within two months of its mailing, the Company may apply for a court order to gain access to the meter. In the event that the Company intends to apply for such a court order, the Company shall so inform the party who is responsible for meter access by certified or registered letter. The letter shall inform the party that the purpose of obtaining such a court order shall be to permit the Company to gain access to the meter, at least annually, in order to inspect, read, replace or when appropriate, install a remote reading device or relocate the meter to preclude future estimated billing. The court costs, and the cost of the remote reading device or relocating the meter shall be paid for by the person who controls access to the meter.

**PROPOSED RULEMAKING  
NO HEARING(S) SCHEDULED**

**Tariff Filing by Orange and Rockland Utilities, Inc.**

**I.D. No. PSC-**

PURSUANT TO THE PROVISIONS of the State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

***Proposed action:*** The Public Service Commission (the “PSC”) is considering whether to approve or reject, in whole or in part, a proposal filed by Orange and Rockland Utilities, Inc. (the “Company”) to make various changes in the charges, rules, and regulations contained in its Schedule for Electric Service, P.S.C. No. 3 – Electricity, effective March 31, 2016.

***Statutory authority:*** Public Service Law Sections 65 and 66

***Subject:*** Tariff leaves reflecting changes to General Information Section No. 7 – Metering and Billing of the Company's Schedule for Electric service, P.S.C. No. 3 – Electricity.

***Purpose:*** Consideration of tariff change to clarify HEFPA requirements related to court orders for gaining access to meters.

***Substance of the proposed rule:*** The Company has filed a proposal to modify tariff provisions contained in P.S.C. No. 3 – Electricity.

***Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov>. For questions, contact:*** Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: Elaine.Agresta@dps.ny.gov.

***Data views or arguments may be submitted to:*** Kathleen H. Burgess, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530.

***Public Comment will be received until:*** 45 days after the publication of this notice.

***Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement***

Statements and analysis are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.