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COMPANY: **ORANGE AND ROCKLAND UTILITIES, INC.**

INITIAL EFFECTIVE DATE: 10/15/97

STAMPS:

**PSC NO: 4 GAS**

LEAF: 95

REVISION: 0

SUPERSEDING REVISION:

RECEIVED:

STATUS:

EFFECTIVE:

**GENERAL INFORMATION**

17. MINIMUM INSULATION STANDARDS FOR NEW DWELLINGS

17.1 DEFINITIONS

- (A) 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.
- (B) 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."

17.2 APPLICABILITY AND COMPLIANCE

- (A) 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 gas 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:
  - (1) 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,
  - (2) An affirmation is given by the contractor or builder on a Certificate of Compliance (contained on Leaf No. 100) that the construction of the dwelling will comply with the Energy Conservation Construction Code within 30 days after occupancy; or,
  - (3) 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.
- (B) For any dwelling constructed after April 1, 1977, but before January 1, 1979, gas service will not be provided without compliance with the Minimum Insulation Standards promulgated by the Commission in Opinion 77-10 (Case 26286, November 1, 1977) as amended.

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#### 17. MINIMUM INSULATION STANDARDS FOR NEW DWELLINGS (Cont'd.)

##### 17.3 WAIVERS

For any dwelling subject to the requirements of Section 17.2(B), a waiver from these requirements may be granted by:

- (A) 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.
- (B) 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).
- (C) The Public Service Commission for just cause, in unusual circumstances, if the applicant for gas service has been denied a waiver pursuant to Sections (A) or (B) 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.

##### 17.4 CERTIFICATE OF COMPLIANCE

- (A) A Certificate of Compliance, contained on Leaf No. 100, 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.

##### 17.5 COMPLIANCE PROCEDURES

- (A) In areas where there is no local building code authority, upon a complaint by a dwelling owner or tenant concerning non-compliance with the provisions of Section 17.2, 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.

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17. MINIMUM INSULATION STANDARDS FOR NEW DWELLINGS (Cont'd.)

17.5 COMPLIANCE PROCEDURES (Cont'd.)

- (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 non-compliance with the applicable standards, the Company shall refuse to provide gas 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 non-complying contractor or builder until such time as the Company is satisfied that the applicable standards are met.

17.6 PENALTIES FOR NON-COMPLIANCE

- (A) In the event the Company finds that any dwelling fails to comply with Sections 17.2(A) or 17.2(B), the Company shall impose a 25 percent surcharge on any bill for gas service to the customer until such violations are corrected.
- (B) The effective date of the surcharge rate shall be:
- (1) Immediately after notice, in the event the owner is directly responsible for the non-compliance.
- (2) 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 gas service, the surcharge will be imposed on the bill for service to the unit occupied by the owner.

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