

# Consumer Power Advocates

Continuum Health Partners  
Fordham University  
Luthin Associates, Inc.  
Memorial Sloan Kettering Cancer Center

Montefiore Medical Center  
Mount Sinai Medical Center  
New York University  
NYU Hospitals Center

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Via e-mail: [luann\\_scherer@dps.state.ny.us](mailto:luann_scherer@dps.state.ny.us)

Ms. LuAnn Scherer  
New York State Department of Public Service  
161 Delaware Ave.  
Delmar NY 12054-1310

Re: Part 96. RESIDENTIAL ELECTRIC SUBMETERING, August 17, 2011 draft revision.

Consumer Power Advocates (CPA) is an association of large, non-profit universities and medical institutions whose primary goal is to decrease the cost of energy to consumers through regulatory intervention, advocacy before governmental officials, and the development of energy efficiency, economic development, and other programs and initiatives targeted to large energy consumers in New York City. Member organizations include Continuum Health Partners, Fordham University, Memorial Sloan Kettering Cancer Center, NYU Medical Centers, Mount Sinai Medical Center, Montefiore Medical Center, and New York University.

CPA supports revisions to the submetering rules to the extent that these revisions make the approval process more transparent and less uncertain for applicants. We agree that it is important for all end users to take responsibility for their own energy use through individually metered premises, and we support the consumer protections included in the revised rules.

However, we oppose the new prohibition on submetering in new and renovated buildings.

Prohibiting submetering in new buildings prevents developers from choosing the most economical way to provide service. Submetering allows several options in large buildings which are not available if direct metering is used. In a direct metered building it is not possible to receive high tension service, nor can building owners purchase market supply, use clean distributed generation (DG) or participate at the building level in demand response programs. In many cases, the aggregated building load will attract more favorable supply terms than the individual loads can, and these savings, by both the current and proposed rules, must be passed on to tenants. Ironically, eliminating master metering contradicts the Commission's policy preference for the use of market supply, clean DG and demand response programs, while providing no real benefit or added protection for tenants.

We understand that protections are needed for tenants subject to submetering, and we agree that particular attention must be paid to buildings in which inefficient electric space heating is used, but we are not aware of any new buildings in which resistance heating will be used. In any event, the proposed rules include protections for tenants in existing buildings with electric heat, and these same rules are adequate for tenants in new buildings.

Sincerely,

*ss//John Dowling*

Director, Regulatory Issues