

Understanding Shared Meters



National Fuel[®]

A Helpful Guide to Recognizing Shared Meter Conditions

If you are a tenant, owner or manager of any rental dwelling for which gas use is measured by a meter at an apartment that also measures gas usage outside of that apartment, please read this information. Section 52 of the New York State Public Service Law requires this notice be sent by mail to all residential customers and known owners and/or managers.

Shared Meter Law Highlights

On July 19, 1995, the New York State Shared Meter Law was amended. This law may be found in Section 52 of the Public Service Law of New York State.

A Message to Tenants:

As a residential customer, you are required to pay for the utility service used only in your apartment and for any area or equipment under your exclusive use and control. If there is a shared meter condition in your building, you may be paying for service used by others.

If you think you may be affected by a shared gas meter condition, please call National Fuel and we will investigate. To verify a shared meter condition, we will need access to your apartment and the owner or building manager's name, address and telephone number, if you have it.

If you are a tenant who receives the benefit of heat, hot water or gas through another tenant's meter, furnace or hot water tank, you will be billed for the portion of the service that is used in your apartment or dwelling.

A Message to Owners and Building Managers:

As of October 24, 1991, the New York State Shared Meter Law makes building owners responsible for gas and electricity registered through a shared meter. Although this law was amended on July 19, 1995, owners remain responsible for energy used outside the tenant's dwelling or control.

If National Fuel finds a shared meter condition, the charges for all service provided through the shared meter will be allocated between the owner and the tenant. The tenant will be billed for the utility service used in their dwelling and for areas and equipment under the tenant's exclusive use and control. The owner will be billed for the remaining service used. We will notify the owner and advise that the condition must be eliminated within 120 days. If the condition is not corrected within that time period, the owner will be billed for all

What is a Shared Meter?

A shared meter is any residential utility meter that measures gas, electric or steam service used outside a tenant's dwelling. This could include heat and/or hot water provided to other areas common such as another apartment, common area, hallway or separate room.

A shared meter condition may also include a common hot water tank or heating equipment.



future utility service through the meter. Regardless of whether the condition is corrected, the law also requires us to bill the owner an estimated 12-month charge for all of the service measured through the meter.

If the shared meter condition cannot be eliminated because of a legal impediment or extraordinary cost, or if the amount of shared service

is minimal, as defined by the Public Service Commission (PSC), a mutually acceptable written agreement may be reached between the owner and the tenant. A copy of this agreement must be mailed to: National Fuel—Shared Meter Department, 6363 Main St., Williamsville, NY 14221.

A **legal impediment** includes a restriction or legal prohibition that prevents separate metering or re-piping.

Extraordinary cost means the cost, as determined by a qualified professional, of installing equipment necessary to eliminate a shared meter in a dwelling or portion thereof which is in excess of the amount of rent for four months rental of such dwelling, or two months rental of such dwelling if the amount of service measured by the shared meter, that is used outside the dwelling, is less than 20 percent of the average total monthly consumption recorded on the meter for the immediately preceding 12-month period (or if insufficient history is available, based on the best available information).

Minimal service is when either less than 10 percent of the total monthly consumption recorded on the meter, based on the preceding 12-month period (or if insufficient history is available, based on the best available information), or 500 cubic feet of natural gas is used per month outside the tenant's dwelling.

If there is a valid lease that was in effect prior to October 24, 1991, the tenant will be responsible to pay for service under the terms of the lease until it expires.

If your tenant believes that a shared meter condition exists, National Fuel is required to inspect your building. It is the owner's responsibility to cooperate with our reasonable requests in providing access to the areas under his or her control. If you do not provide National Fuel with access to the dwelling, we are required to assume that a shared meter condition exists and to follow our normal procedures, which may result in placing the entire gas account in your name.

If you participate in our Customer Choice Program, notice of our shared meter investigation results will also be provided to your natural gas supplier who, like the utility, is also responsible for making appropriate billing adjustments in accordance with the results of the investigation.

Special Protection:

It is also important to know that in the event the service is placed in the owner's name and the account balance becomes past due, National Fuel will notify the tenant and advise how termination of service may be avoided.

Know Your Rights:

When the utility determines that a shared meter condition exists and the owner disagrees with such a determination, the owner has 45 days from receipt of the utility's written shared meter determination to make a complaint to the Office of Consumer Services at the address listed below. Late requests will be rejected.

An owner may request reduction of the estimated charge for 12 months of service by writing to the PSC's designee, the director of the Office of Consumer Services, at the address listed below, provided the request is received by the designee at the specified address within 45 days of the date of the utility's letter. Late requests will be rejected.

Either the owner or the tenant may ask the designee to alter the utility's decision about the amount of the shared area charges by making a written request to the designee, at the address below, within the same 45-day limit. Late requests will be rejected.

If you are a tenant and the owner lives out of state, please contact National Fuel or forward this notice to him or her.

For additional information or a copy of the New York State Shared Meter Law, please contact:

National Fuel

716-686-6123 or 1-800-365-3234

or

NYS Department of Public Service
Commission's Designee—Shared Meters
90 Church St., 4th Floor, New York, NY 10007
**1-800-342-3377 from 8:30 a.m. to 4 p.m.,
Monday through Friday. • www.dps.state.ny.us**



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