



The Energy and Technology Committee

Public Hearing, March 7, 2013

Office of Consumer Counsel

Elin Swanson Katz, Consumer Counsel

Testimony of Elin Swanson Katz

**Proposed H.B. 5587,
*An Act Concerning Submetering at Apartment Buildings
and Condominiums.***

The Office of Consumer Counsel (OCC) has carefully reviewed Proposed House Bill (H.B) No. 5587, *An Act Concerning Submetering at Apartment Buildings and Condominiums*, and conditionally supports the bill. The bill seeks to amend Connecticut General Statutes Section 16-19ff to allow submetering at apartment buildings and condominiums. Section 16-19ff currently provides, in relevant part, that “each electric company or electric distribution company shall allow the installation of submeters at a recreational campground, individual slips at marinas for metering the electric use by individual boat owners or in any other location approved by [PURA].” Although the “any other location” language arguably gives PURA the ability to allow submetering in apartment buildings and condominiums at present, in reality PURA has not seen fit to do so. OCC is open to adjustments to Section 16-19ff to clarify and promote submetering in apartment buildings and condominiums, but only with robust consumer protections and ongoing PURA oversight.

OCC recognizes that submetering of electricity can promote the efficient use thereof, in comparison to master metering (having one electricity bill for the whole building that tenants or occupants do not see), which still occurs in old apartment buildings or condominiums. Also, it can be more cost-effective to renovate old

apartment buildings by putting in submeters rather than re-wiring the whole building to allow for utility meters.

However, safeguards are necessary to ensure that Connecticut residents who dwell in apartment homes and condominiums have the right to verify their electricity usage and contest the accuracy of their submetered bill or the electric submeters. Many issues can arise as to the accuracy of and billing for submetering, including cross-wiring of apartments, faulty submeters, charging tenants for common areas, landlords using the submetered bills as a profit center (charging tenants in the aggregate more than the utility bill), and so forth.

To protect customers, property owners must provide new tenants with written notice indicating that the premises are subject to submetering of electricity. A PURA Complaint Process should be established to provide tenants subject to submetering with information as well as recourse to resolve submetering disputes with property owners. OCC recommends that PURA handle submetering questions and complaints using procedures similar to those used for customers of electric distribution companies.

In addition, tenants subject to submetering should be afforded the opportunity to have the accuracy of their submeters tested, just as they do for utility meters. Tenants should have the right to request one meter test in a twelve (12) month period conducted by a party independent from the property owner, at the property owner's expense. In the event that the meter test does not resolve the dispute, PURA should be notified so that the tenant and property owner may work in good faith with PURA to reach a resolution, with PURA being the ultimate arbiter of any consequences. There should also be records retention requirements for property owners, including meter results and tenant bills.

Finally, OCC is concerned about the potential for a property owner to terminate a tenant's electric service in error. To that end, property owners should not be able to terminate electric service to any tenant, for any reason, except when the property owner reasonably believes that continued electric service would result in an imminent risk of personal injury or property damage. The Housing Court should be the arbiter of any

issues concerning non-payment of electricity bills by tenants, and, in any event, it is doubtful that there will be many situations where a tenant is fully compliant with rent payments but not submetered electricity payments.

In sum, OCC generally supports H.B. 5587, as long as robust consumer protections, as described above, are enacted.