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For

The Provision of Electric Metering

In a

Competitive Environment

New York State Department of Public Service

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CHAPTER I - OVERVIEW

A. Introduction

This practices and procedures document has been prepared to foster a competitive environment for electric metering by setting forth the rules for the market. These practices and procedures are established pursuant to an Order of the New York State Public Service Commission (Commission or PSC) in Case 94–E-0952, issued and effective June 16, 1999, which determined that electric metering shall be furnished competitively to large customers.

The Commission's Order directed Staff to recommend appropriate standards and practices, with technical input from the parties through a continuing working group. The practices and procedures set forth in this manual are intended to implement the competitive metering model adopted by the Commission and the following clarifications agreed to by the Commission at its July 16, 2000 Session:

1. Competitive metering and meter data services can be offered to customers independent of whether customers procure commodity service from non-utility entities.

2. Customers eligible for competitive metering may contract directly with meter service providers (MSPs) or meter data service providers (MDSPs) procure metering services;

3. A Direct Customer may not act as its own MSP or MDSP; and

4. The option of meter ownership is continued for large time-of-use customers according to the provisions of Opinion No. 97-13.

B. General Provisions

1. Physical metering and metering services, consisting of the installation, maintenance, testing and removal of meters and related equipment is opened to competition by MSPs.

2. Meter data services, consisting of meter reading, meter data translation, and customer association, validation, editing and estimation (CAVEE) are also opened to competition. These services will be provided, either individually or in combination, by MDSPs.

3. The responsibility for meter services and meter data services will reside with either the customer's MSP/MDSP or utility.

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4. The utility shall be the provider of last resort (POLR) for metering and meter data services.

5. Utilities, MSPs and MDSPs are required to adhere to applicable procedures, performance standards and regulations relative to the provision of metering services. Such requirements are contained within this document, 16 NYCRR and utility tariffs.

6. Customers with demands of 50 kW or greater for two (2) consecutive months during the most recent twelve (12) consecutive months may obtain competitively-provided billing meters and associated metering and meter data services.

7. Meter removals for the purpose of intentionally disconnecting electric service for any reason may only be performed by the utility.

8. Customers may obtain competitive meter services, in whole or in part, from a competitive provider. The competitive meter services are: (1) meter ownership; (2) meter installation, maintenance, and testing; and (3) three promary meter data services -- meter reading, meter data translation, and customer association, validation, editing and estimation (CAVEE).

9. Staff will monitor the provision of metering services regardless of the entity providing such services.

10. Notwithstanding any other Commission rules or orders to the contrary, the rights, duties and obligations of the utility concerning meter reading, estimated bills, and backbilling found in 16 NYCRR Part 13 shall not apply customers who utilize a competitive meter provider.

11. Until the implementation of electronic data interchange (EDI) in New York, the parties are responsible for developing mutually agreeable mechanisms for transmitting data.

C. Control of Service Endpoints

1. Utilities are responsible for certain functions related to monitoring and controlling the service end points in their distribution system including: keeping records of installed meters and owners of all meters attached to service end points, coordination of the identification, sealing and locking of meters by competitive providers, tracking of competitive meter installations and replacements, and audits of metering sites and meter maintenance work performed by MSPs as directed by Staff.

2. Nothing shall limit the rights and duties of the utility to enter, at all reasonable times, any building or other location supplied with service by

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the utility for the inspection and examination of meters, pipes, fittings, wires and works for supplying or regulating the supply of electricity and of ascertaining the quantity of electricity supplied, as set forth in 16 NYCRR Part 13.14.

(a) At its own cost, the utility may inspect service endpoints and metering installations at all customer locations in its service territory, regardless of meter ownership.

(b) Utilities will continue to have access to meter equipment at customer's premises for the purpose of maintaining the distribution system, responding to customer calls related to interruptions of electric service, and termination of a customer's service for non-payment.

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CHAPTER II – STANDARDS AND COMPLIANCE REQUIREMENTS FOR NON-UTILITY MSP AND NON-UTILITY MDSP ELIGIBILITY

A. Filing Requirements

1. Written Application

MSPs and MDSPs are required to file a written application to the DPS requesting eligibility to provide meter and meter data services in New York. If an entity chooses to perform multiple functions, it may seek eligibility from the DPS for multiple functions through one application.

2. Information Required

The application shall include the applicable information, as defined by the PSC, required to be provided in an ESCO application for eligibility, and in addition shall include the following information:

(a) A listing of the utilities in whose service territories the MSP/MDSP intends to provide metering services;

(b) a listing of services to be provided;

(i) for MSPs, a listing of the varying voltage levels and types of metering services it intends to provide, including compensated metering, VAR and VA metering, transformer rated metering, on site totalization, and recording of profile, where applicable, and an attestation that the MSP's employees are capable of performing such metering services;

(ii) for MDSPs, a listing of the specific meter data services the MDSP intends to provide, including meter reading, meter data translation, and/or CAVEE, and an attestation that the MDSP's employees are capable of performing such meter data services;

(c) attestation as to the MSP's/MDSP's commitment to maintain on-going training to ensure continued employee competence;

(d) a description of the provider's facilities including,

(i) for MSP's, a description of the MSP's program for testing of meter devices, including attestation that the MSP's meter test program complies with the requirements set forth in 16 NYCRR Part 92, and the location of the test facilities that

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the MSP will use, which shall be located within New York State;

(ii) For MDSPs, as applicable, a description of the hardware and software systems the MDSP will utilize to obtain meter readings, perform validation and/or convey meter data to the appropriate parties in the format set forth in this document;

(e) attestation that the MSP/MDSP has a security system in place to protect meter equipment and/or meter data from unauthorized physical or electronic entry or tampering, including standards governing security and confidentiality for its employees;

(f) a description of how and where records of meter installations and/or meter data will be kept, as well as plans for disaster recovery of those records and a means of insuring that those records will be available to the utility in event the MSP/MDSP leaves the market or suffers financial failure;

(g) attestation that the MSP/MDSP maintains worker's compensation insurance for its employees; and

(h) an acknowledgment that the services of the MSP/MDSP will be subject to audits by Staff and/or the utilities.

3. Agreement to Comply with Commission Procedures and Regulations

The application shall state that by submitting its application, the MSP/MDSP agrees to abide by all of the applicable requirements contained in 16 NYCRR Parts 13, 92, 93, and 125, any applicable New York State Business Laws, all applicable state, local, and federal regulations and code requirements including OSHA and other safety related regulations, electrical codes and environmental requirements, all consumer protections and complaint handling procedures required by the Commission to be provided by ESCOs, and the provisions of this document for the supply of metering and/or meter data services and for complaint handling.

4. Insurance Coverage

(a) The application must be accompanied by evidence of insurance coverage that is sufficient to cover any claims that might be brought against the MSP, MDSP and/or utility/ESCO for metering-related activities and that meets the following specifications:

(i) the insurance shall be commercial general liability insurance with an aggregate limit not less than $2 million;

(ii) the aggregate coverage limit shall not be less than $1 million for each occurrence for bodily injury, property damage and personal injury; and

(iii) coverage shall be sufficient to cover claims that are filed for a period of 2 years after the MSP/MDSP ceases metering activities within the State, for events that occur during the insured period.

(b) MSPs/MDSPs acting as subcontractors for ESCOs or other MSPs/MDSPs may submit evidence that one or more of the other entities carries liability insurance adequate to provide the coverage specified above.

(c) Any liability insurance policies shall include a statement that thirty (30) days written notice shall be provided to the Department of Public Service, customers who directly contract with the MSP/MDSP, any ESCO on whose behalf the MSP/MDSP will provide metering or meter data services, and any utility in whose territory the MSP/MDSP will provide such services, before the policy is canceled or there is any diminution in coverage.

5. Review Process

Upon receipt of the application and the other supporting documents, Staff will review the documents for compliance with these requirements. If the application is in compliance, Staff will issue a letter of eligibility within twenty (20) days of receipt of a satisfactory application. Upon receipt of the letter, the MSP/MDSP may offer metering or meter data services to the ESCOs, customers who directly contract with the MSP/MDSP, or to the utilities. If the application is rejected, the notification will include the reason(s) for rejection.

6. Witnessing of MSP's Initial Installations

After receiving its letter of eligibility, each MSP shall be required to submit a work schedule to each utility for a selection of at least 10 new meter installations representative of the different meter types and sizes the MSP expects to install in that utility's service area. The work schedule submitted by the MSP to the utility shall include the customer name, service point address, and the date and time of change. A copy of these work schedules shall also be provided to Staff.

7. Amendments to Application

An MSP/MDSP shall submit an amendment to its application for eligibility within five (5) days of the effective date of any changes to any

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of the information included on its application, or any subsequent amendment. Eligible MSPs/MDSPs filing amended applications will continue to be eligible unless otherwise notified by Staff.

B. Suspension or Revocation

Should it be determined that the MSP/MDSP is not in compliance with any of the conditions of eligibility, its eligibility may be suspended or revoked if timely corrective action is not implemented. The specific facts and circumstances will be examined and appropriate action determined on a case by case basis.

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CHAPTER III - METER WORK AT CUSTOMERS' PREMISES

A. Applicability

The following chapter specifies the minimum requirements for MSPs inspecting, servicing, or installing meters at customers' premises.

B. Site Inspections

The MSP must perform a site inspection, for the conditions described in this section, on each visit to a customer's site. The MSP must ensure that the meter and associated equipment is correctly identified and has the correct characteristics for the type of service provided to the customer. Any necessary repairs identified during the inspections should be completed in a timely manner. This list is not intended to cover all possible situations that could be faced by workers, rather a sample of conditions that may pose a potential threat to safety and property:

1. Hazards Related to Customer Premises.

(a) Inadequate or unsafe access to the building.

(b) Inadequate or unsafe access to the meter.

(c) Vicious or unrestrained animals.

(d) Vagrants or vermin in or around doors and electrical panels.

(e) Evidence of criminal activity in or around the site.

2. Physical Hazards.

(a) Tripping hazards.

(b) Slipping hazards such as water or other liquids covering the floor.

(c) Debris or stored materials in the working space.

(d) Activity or stored materials around the meter and related equipment.

(e) Environmental hazards, such as caustic or acidic chemicals, volatile chemicals, high sound levels, biological agents, asbestos, or lead.

(f) Meter mounting hazards, such as loose meter mounting, undue vibration, inability to securely seal meters, or unleveled meters.

3. Customer Life Support Equipment

(a) If a customer's premise has life support equipment, as indicated by a notification of life support status by the utility or as the result of an investigation by the MSP, a standard life support seal shall be installed on the meter securing mechanism. If the seal is not present, it must be installed by the MSP. Note: The MSP should conduct an independent investigation to determine if a premise has life support equipment

(b) When a site has been identified as containing life support equipment, MSPs shall be cautious in performing meter work so as to minimize interruption to electric service to the customer's premises.

(c) If service will be or is likely to be unavoidably interrupted during meter work, the MSP shall notify the customer and obtain the customer's consent prior to performing any metering work.

(d) If the MSP determines that life support equipment is in use on a customer's premises and the customer's record does not contain life support information, the MSP shall notify the ESCO or utility, and the MDSP of the presence of life support equipment. If the life support seal is not present, it must be installed by the MSP.

4. Electrical Hazards

(a) Exposed or defective wiring.

(b) Loose or broken insulators.

(c) Damaged sockets.

(d) Missing panels.

(e) Damaged test blocks.

(f) Improper grounding.

(g) Defective service switch/disconnect.

(h) Any condition which fails to conform to the state's electric service requirements.

(i) For 480-Volt service, the MSP shall ensure that a 480 V sticker is in place on the meter panel near the meter before leaving the site.

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(j) The MSP shall determine if the service is being subdivided at the service entry point, or if any other condition exists which may require additional metering.

5. Theft of Service

(a) MSPs must be aware of conditions, which cause a meter to under-register electric usage or divert energy around metering. MSPs must be able to identify and report the following theft of service conditions:

(i) Irregularities in the service conductor's insulation.

(ii) Unauthorized connection to the service entrance.

(iii) Unsealed or improperly sealed equipment.

(iv) Unauthorized seals.

(v) Suspicious wiring.

(vi) Jumpers across current leads.

(vii) Signs of tampering with the meter.

(b) When a theft condition is identified the following actions shall be taken:

(i) The MSP shall compare a customer’s connected significant loads with the energy registration of the meter to determine if the meter is registering correctly.

(ii) MSPs must immediately notify the utility and/or ESCO of evidence of meter tampering, energy theft, or meter security compromise on a customer’s premises.

(iii) The MSP shall secure the site and the meter with any related metering equipment to safeguard evidence.

(iv) The utility will have an opportunity to issue a bill to the customer and to terminate the customer’s service if payment is not made in accordance with the rules.

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C. Compliance with Codes and Standards

1. Electrical Codes

All site wiring must comply with the provisions of the National Electrical Code (NEC) and any applicable state or local codes. MSPs may refer to the utility for specific requirements.

2. Occupational Safety and Health Administration (OSHA) Regulations

All MSPs must comply with OSHA regulations.

3. Applicability of 16 NYCRR Part 92

Electric meters shall be tested and maintained according to the rules established by the Public Service Commission that are contained in 16 NYCRR Part 92.

D. Meter Compatibility

1. Compatibility Criteria

For meters that are owned, installed, maintained, and read by MSPs, compatibility criteria (a) through (d) below shall apply. For meters that are owned by customers or other third parties, but installed, maintained and read by the utility, the compatibility criteria (a) through (f) below shall apply.

(a) Electrical Compatibility

The meter used must comply with all applicable federal and industry standards as well as with both the manufacturer's and national specifications for accuracy, functionality, and monitoring the electrical service for which they will be used, and must be approved by the Commission for use in New York State.

(b) Physical Compatibility

(i) The meter must physically interface with the service end points of the utility's distribution system.

(ii) It will be the responsibility of the customer to undertake any costs related to ensuring physical compatibility of the desired meter with the host utility's system.

(c) Displays and Controls

(i) All meters must have a visual read capability.

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(ii) Demand reset mechanisms in manually read meters must have key locks that are keyed in such a manner as to allow operation by the utility. Keying or sealing is allowed, as mutually agreed to between the utility and MSP.

(d) Availability and Appropriateness of Parameters Needed for Billing

The meter must be capable of developing and supplying billing determinants in a manner and timeframe consistent with the requirements of the ESCO and utility.

(e) Meter Formatting or Programming Software

(i) The utility must have the means of programming the device and have developed procedures to install the format files needed for proper meter operation.

(ii) It will be the responsibility of the customer to establish the capability to program the meter.

(f) Testing Procedures and Maintenance Requirements

The utility must have the equipment and procedures needed to test and maintain the meter type.

2. Determination of Meter Compatibility

(a) The meter owner shall provide utilities with the baseline information needed to test the compatibility of a meter with its system, and any other information reasonably required to perform a compatibility investigation.

(b) A utility will be obligated to complete its investigation within 30 days. If the compatibility assessment cannot be accomplished within that time, the parties may seek dispute resolution services from Staff.

(c) If the meter is deemed compatible by the utility, the MSP will be notified and the MSP and utility will work out any details related to deployment.

(d) If the meter is deemed incompatible by the utility, it will advise the MSP and they both will attempt to resolve the problems.

(e) If the utility and MSP are unable to resolve the compatibility issues, the MSP may appeal to the Commission.

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E. Meter, Provider, and Service Delivery Point Identification

1. Meter Identifiers

(a) Any meter being used on the utility's system must have a unique identifier relative to the other meters supported by the utility.

(b) All meters must be identified by a permanent serial number, the identification of the manufacturer, type, form, voltage and current ranges, and the meter identification number.

(c) The meter identification number shall be labeled on the meter in accordance with ANSI C12.10 standards.

(d) Each utility will provide an MSP offering competitive metering services with a block of meter identification numbers for use within the service territory of that utility.

(e) The meter number used for a specific site shall be provided to the utility by the MSP, using the format and timing described in this document.

(f) A new meter identification number shall be applied to all new meters and all re-numbered meters. MSPs may not re-use meter numbers from retired meters.

(g) If a meter will be re-numbered, the history of that meter, including its past identification number, purchase date, and accuracy record, shall be maintained by the MSP.

2. Provider Identifiers

A label affixed to the meter shall identify the meter owner and/or the MSP.

3. Service Delivery Point Identifiers (SDP IDs)

(a) SDP IDs will be assigned by the utility for each meter socket that will be affected as part of the enrollment process the first time a customer switches to an MSP.

(b) SDP IDs for unmetered accounts will be assigned as part of the enrollment process the first time a customer with unmetered service delivery points switches to an MSP.

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F. Demarcation

1. The demarcation point for competitive metering services will be at the connection of the meter on the line side of the meter socket or the line side termination at the test block.

2. CTs and PTs are considered part of the distribution system and will remain the property of the utility and under their direct control.

3. The demarcation point for meters which contain telephone modems or pulse outputs will be at a specified demarcation point located at or near the meter.

G. Meter Equipment Sealing and Locking

1. Meter Securing and Sealing

(a) Detachable meters shall be secured into the socket.

(b) At a minimum, the meter shall be secured with a seal.

(c) The utility will maintain control over high tension CTs and PTs and their enclosures.

(i) Where these enclosures are locked, the utility will provide the lock.

(ii) If the MSP requires access to a high tension CT or PT, the MSP must coordinate with the utility for appropriate system conditions to be established and for the lock to be removed.

(iii) The utility may charge the MSP up to $20 for the utility visit.

2. Meter Locks

(a) When an MSP locks a meter and/or associated equipment, the lock used must be operable by the utility in the event that emergency service work is required.

(b) Each utility shall publish a list of approved locks for use within its service territory, and shall consider additions to its list at MSP request.

(c) MSPs shall maintain control of meter lock keys in a manner that minimizes the possibility of unauthorized duplication or use.

3. Meter Security for Programmable Meters

If a programmable meter is installed, a security password shall be applied to prevent unauthorized access to internal registers and unauthorized modifications of the meter data and program.

4. Meter Panel and Associated Equipment Securing and Sealing

(a) The meter panel and any enclosures housing equipment associated with the metering for an installation shall be secured with a seal and/or locked, using the same criteria described for locking of the meter.

(b) This requirement applies to CT/PT enclosures, profile recorders, relays, totalizers, and any other equipment that is used to accomplish the revenue metering function.

5. Meter Socket Covering, Securing, and Sealing

When a site is left with an empty, energized meter socket, the socket shall be covered with a non-conductive cover and secured with a seal and/or lock.

6. Life Support Seal

The standard physical identification marker for a customer's premises that has a life support device or equipment shall be a life support seal. The seal can either be white with red lettering or red with white lettering and must have the caduceus symbol on it.

H. Access, Coordination and Timing of Site Work

1. Access

Customers must provide the utility and/or ESCO, and MSP with clear access to the metering site for the purpose of meter installation, reading, inspecting or auditing the metering installation, recovery of metering equipment, or maintaining metering equipment.

2. Coordination and Timing

(a) For scheduled work where a site visit requires the presence of the utility and/or the ESCO and/or MSP, at least 24 hours of notice will be given.

(i) Each party must agree to meet within 15 minutes of the agreed upon time.

(ii) Failure of either party to arrive within the appropriate time frame will be cause for rescheduling of the visit and charging of the offending party for the cost associated with the missed visit, up to a maximum of $20.

(b) Where the customer suffers a service interruption and coordination between utility and MSP is required to restore service, less than 24 hours notice may be given, and the utility and MSP shall cooperate to restore service as soon as possible, and within 24 hours.

I. Record Keeping Requirements

1. General Records

The MSP is responsible for maintaining in-service data for the meter population that it supports. That data must include all information needed to comply with the provisions of 16 NYCRR Part 92.

2. Meter Test Records

(a) The MSP must maintain test data for all meters for which it has provided service or calibration for the life of the meter, and for 2 years after the meter has been retired.

(b) In event of an MSP ceasing business in the State, this data must be transmitted to the new provider of metering services to the customer.

3. Metering Standard Records

(a) The MSP must maintain records of the calibration of all instruments used in the testing of revenue meters for the life of the instrument.

(b) Records shall be maintained, at a minimum, according to the rules established by the Commission that are contained in 16 NYCRR Part 92.

(c) Records of retired instruments must be maintained for the period of time specified in 16 NYCRR Part 92.

4. Traceability

MSPs must adhere to the traceability standards set forth in 16 NYCRR Part 92.

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J. Meter Installation

1. New Installations

In new installations, the MSP must ensure that any appropriate inspections by regulatory authorities and the utility are completed prior to the installation of the meter.

2. Removal of Existing Equipment

(a) If a locked utility owned meter and/or associated equipment is presently installed on the site, the MSP must arrange with the utility for unlocking prior to meter removal. The utility should make every effort to remove the lock prior to the switch date.

(b) If authorized by the utility, an MSP may remove the lock or seal on a particular utility provided metering, or cut a lock, provided that this can be done without damage to other equipment.

(c) Close out readings must be taken from the existing meter before it is removed from service.

(d) The meter must be returned to its owner within 10 days.

3. On-Site Checks of Installed Meters

(a) The MSP must verify any billing constant through consideration of site CT and PT ratios.

(b) Meter registration must be established through an observation of the display for electronic meters or the disk for electromechanical meters. This registration must be compared against the estimated customer load at the time of installation.

(c) A check must be made of any communication channel that is used for remote interrogation or programming of the meter. The MSP shall verify that the remote location is operational through local and/or network systems checks.

(d) A check must be made of any pulse outputs from the meter to insure correct functionality.

(e) Before leaving the site, the meter must be sealed and/or locked in accordance with the provisions of this document.

(f) The MSP must verify that the customer account records match the installed meter.

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K. Repair or Replacement of Defective Equipment

1. MSP Responsibilities

(a) Unless otherwise specified in this document, the MSP is responsible to repair or replace any unsafe, inoperative or defective metering equipment that is under its control within 24 hours of receipt of notice of such a defect.

(b) It shall be the responsibility of the MSP to secure the cooperation of the customer if any action is required on the part of the customer in order to effect the repair or replacement.

(c) If a hazardous condition exists which poses an immediate threat to health or safety, or if the customer suffers a service interruption as a result of a malfunction of the metering equipment, the MSP shall expedite repair the customer's service to correct the hazardous and/or unsafe condition.

(i) Both MSP and utility shall coordinate where joint efforts are required to respond within 2 hours.

(ii) Both MSP and utility will designate an emergency response contact name and telephone number for the other party to contact in cases where the coordination is required and normal data communications are inoperative or would not effect response within 2 hours.

(d) If a theft of service condition exists, the MSP shall secure the site and notify the utility and /or ESCO in accordance with Chapter III.B.5 (b) of this Manual.

2. Utility Responsibilities

(a) In situations where the MSP does not respond within 10 days, the utility may replace the competitive meter with a utility owned meter until such time as the MSP can make arrangements to have the meter replaced with an appropriate device.

(b) In these cases, the MSP is responsible for utility costs up to $150 associated with the meter replacement.

(c) If a hazardous condition exists which poses an immediate threat to health or safety, or if the customer suffers a service interruption as a result of a malfunction of the metering equipment, the MSP shall expedite repair the customer's service to correct the hazardous and/or unsafe condition.

(i) Both MSP and utility shall coordinate where joint efforts are required to effect a repair within the 2-hour timeframe.

(ii) Both MSP and utility will designate an emergency response contact name and telephone number for the other party to contact in cases where the coordination is required and normal data communications are inoperative or would not effect repair of the customer's service within the 2 hour timeframe.

(d) If the utility discovers the hazardous condition or interruption of the customer's service, the utility may effect the repair itself, or notify the MSP of the need to do so. If the utility chooses to effect repair itself, no charges shall apply to the MSP.

(i) The utility shall immediately notify the MSP that they were required to repair the found hazardous condition.

(ii) If an emergency exists that requires the utility to disconnect service to the customer in order to protect health and safety, the utility shall notify the MSP using the emergency response contact name and telephone number provided by the MSP.

(iii) If a theft of service condition exists, the utility may correct the condition, remove and tag the existing meter and any associated evidence of meter tampering, and install and secure a properly registering meter.

L. Reporting Requirements

1. Responsibility

The MSP is responsible for the transmission of data regarding the identification and start readings of any new meter it installs as well as the identification and closeout readings of meters it removes.

2. Conditions Requiring Reporting

(a) MSPs must notify the customer, the utility and/or ESCO and the MDSP if they encounter and are unable to correct safety-related, hazardous or theft of service conditions found on a customer's premises. If appropriate, the MSP shall also notify the local inspection agency, appropriate regulatory authority, and any other parties that may have a material interest in the defect or condition.

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(b) Any reprogramming of an existing meter must be documented and communicated to all appropriate parties.

(c) All meter repairs or replacements associated with defective or unsafe equipment will be reported to all appropriate parties.

(d) Any discrepancies in installed equipment or stored data will be reported to all appropriate parties.

(e) The MSP must notify the utility any time it knows that work being performed on a customer's premises could result in the creation of a new metering point and/or affect distribution system facilities.

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CHAPTER IV - INQUIRY AND COMPLAINT RESOLUTION

A. Meter Testing Costs

In cases where resolution of disputes between a utility, MSP/MDSP and/or a customer concerning a competitive meter require a test of the accuracy of the meter, the following procedures shall apply:

1. Meter Tests Inaccurately

If the meter is found to register outside of the tolerance for accuracy set forth in 16 NYCRR Part 92, the cost of the test will be the responsibility of the MSP.

2. Meter Tests Accurately

If the meter is found to register within the allowable limits set forth in 16 NYCRR Part 92, the cost of the test will be the responsibility of the party demanding the test; except that a customer's liability for such costs shall not exceed $50. The balance of any such costs shall be the responsibility of the party owning the meter. If the customer provided the meter, this limitation shall not apply. Further, a utility will have the right to charge any applicable tariff fee for a meter test requested by a customer.

3. Evidence of Theft of Service

If the test results in the identification of fraud or electricity theft by a customer, the full cost of the test may be charged to the customer.

4. Witnessing Meter Tests

Any parties requesting a test, and/or effected by the test results should be given and opportunity to witness the test. In addition, upon request, Staff may witness a test.

B. Resolution of Billing Errors

If an MSP/MDSP knows of any condition affecting the customer's meter or metered data that has resulted in billing errors, or discovers such a condition in the course of an investigation, it shall advise the customer and the utility or ESCO. The utility shall provide the customer with an appropriate billing adjustment to its charges, according to the rules contained in 16 NYCRR Part 12 and 13. The MSP/MDSP shall implement appropriate corrective action as set forth in this document.

C. Disputes between an MSP and a Utility Concerning a Competitive Meter

1. Disputes Generally

(a) Disputes between an MSP/MDSP and a utility concerning a competitive meter shall be handled through the existing dispute resolution process set forth in the Uniform Business Practices for disputes between an ESCO and a utility.

2. Metering Equipment Malfunction

(a) A utility or ESCO, or MSP/MDSP shall notify the utility or ESCO and any other appropriate party when it discovers any conditions such as broken or inaccurate metering equipment or meter reading equipment (including automated meter reading systems) no later than one (1) business day after discovery. The condition shall be remedied within ten (10) days. Theft of service conditions shall be handled in accordance with Chapter 3.B.5 (b) of this Manual.

(b) If the condition is not remedied within ten (10) days, the utility shall have the right to immediately remove the meter or affected metering equipment. Upon removal, the utility shall use all reasonable efforts to substitute its own billing meter. The removed meter will be returned to the MSP within (10) days; unless required by the utility as evidence in a pending theft of service investigation, in which case the meter shall be returned as soon as practicable after its investigation is completed.

(c) An MSP may be charged a fee not to exceed $150 for the utility's removal of the MSP's metering, and the customer will not receive the monthly credit for utility metering service.

3. Meter Data Anomalies

(a) The MDSP shall examine all meter reading data for abnormally high or abnormally low recordings or any other metering data irregularities as described in this document. Where the utility, ESCO or MDSP discovers metering data irregularities, it will inform the other parties of the condition no later than one (1) business day after the irregularity is discovered.

(b) If on investigation the cause of a data problem is determined to be a problem that can be corrected by scaling the intervals and meter readings (examples of these situations include a meter running slow, a meter running fast, one or two phases dropped), the MDSP will advise the utility or ESCO of:

(i) the time period requiring correction; and

(ii) the scaling factor to be applied to each interval in that period.

(c) When corrected data is provided to ESCOs or utilities, unless otherwise specified in this document, it is marked as estimated if it had not been previously posted, and marked as adjusted if it had previously been posted.

(d) The MDSP shall provide any and all rereadings or other corrections to previously provided data no later than ten (10) days after identification of the incorrect data, except where the nature of the irregularity is such that a longer time is required, in which event the MDSP will inform the ESCO or utility of the date of correction.

(e) If corrective action is not completed within ten (10) days, the utility shall have the right to immediately read the meter. If corrective action is not completed within thirty (30) days, the utility shall have the right to remove the meter or affected metering equipment. Upon removal, the utility shall use all reasonable efforts to substitute a billing meter of the same type and functionality, unless the MSP elects to install a suitable substitute meter. The removed meter will be returned to the owner within (10) days.

(f) An MSP may be charged a fee not to exceed $150 for the utility's removal of the MSP's metering, and the customer will not receive the monthly credit for utility metering service.

D. Customer Complaints

1. Receipt of Complaints

(a) If a customer directs a complaint concerning a competitive meter to the utility, the utility shall inform the customer of its right to the complaint handling procedures provided by the MSP/MDSP, and its right to present its complaint to the Commission if it is not resolved.

(b) The MSP/MDSP must respond in accordance with the complaint handling procedures it has filed with the Commission.

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2. Resolution of Complaints

(a) At the time the MSP/MDSP informs the customer of its response to the customer's complaint concerning a competitive meter, it shall advise the customer of the Commission's complaint-handling procedures, including the Commission's address and toll-free telephone number.

(b) If a customer is unable to reach a satisfactory resolution of a dispute concerning a competitive meter with the utility, ESCO, or MSP/MDSP, the customer may complain, either orally or in writing, to the Commission.

(c) Upon receipt of the complaint, the Commission, or its designee, shall have the authority to request and witness the test of a meter or metering device or otherwise to call for the removal of a metering device to determine device performance under controlled conditions such as those in a meter shop.

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CHAPTER V - SWITCHING TO AND FROM COMPETITIVE METERING

A. Applicability of Uniform Business Practices

All applicable switching procedures contained in the Commission's Uniform Business Practices (UBPS) shall apply to switches to and from ESCOs or MSPs offering competitive metering. Provisions related to the voluntary or involuntary discontinuance of services contained in the UBPs shall also apply.

B. Switching To and From Competitive Metering Service

1. Site Work at the Customer's Premises

(a) If a utility site visit is required, a site visit fee not to exceed $20 may be assessed by the utility to the MSP providing competitive metering service. In cases where the customer switches between MSPs providing competitive metering, the utility's charge will be assessed to the new MSP.

(b) The owner of the existing meter must remove or arrange for the removal of its meter, if present; unless the owner of the existing meter and the new MSP mutually agree on one of the following alternatives:

(i) the new MSP removes the meter and returns it to the owner;

(ii) the owner abandons the meter in place; or

(iii) the owner resells the meter to the new MSP at a mutually agreed on price.

(c) If the owner does not remove or arrange for the removal of the meter within 10 days, the new MSP may remove the meter. If the meter is locked, the new MSP may cut the lock, provided that this can be done without damage to other equipment.

(i) If the owner does not recover the meter within 30 days, the meter is deemed abandoned in place.

(ii) The owner may be charged a fee not to exceed $150 for the new MSP removal of the owner's metering.

(iii) If the meter cannot be safely removed, the new MSP may bill the owner for its reasonable and customary monthly metering charge. The owner shall not charge the customer for its metering.

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2. Data Reporting

(a) The party removing the meter will report the data regarding such removal as set forth in Chapter III of this document.

(b) The new MSP will report all other data regarding the switch as set forth in Chapter III of this document.

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CHAPTER VI - AUDITING AND REPORTING

A. Responsibilities

1. Staff Responsibilities

The overall responsibility for the auditing of the metering infrastructure shall reside with Staff. Staff activities may include, but are not limited to: performance, or authorizing the performance, of site inspections of a customer's premises; reviews of procedures; inspections of meter testing and repair facilities; witnessing of installations in progress; and any other audits and reviews as deemed necessary by Staff.

2. Utility Responsibilities

Utilities are required to perform audits as called upon by Staff.

3. MSP/MDSP Responsibilities

(a) MSPs/MDSPs shall cooperate with the audit process.

(b) MSPs/MDSPs shall report all meter service and meter data service information in accordance with the provisions of this document.

(c) MSPs shall provide work schedules on request of Staff or the utilities for the purpose of auditing meter installations, meter reading, and other on-site work. In addition, each MSP shall be required to submit a work schedule to each utility for the first 10 installations by the MSP in that utility's service area.

B. Quality Control Audits by Utilities

1. Staff Initiated Audits

At the direction of Staff, the utility will conduct audits of metering sites and of meter maintenance work performed by MSPs. The utility's costs of such audits will be recovered as infrastructure costs as defined in this document.

2. Utility Initiated Audits

A utility, may, at its own expense, audit the performance of MSPs/MDSPs by witnessing the work performed and/or by performing follow-up inspections.

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C. Audit Tracking

1. Data Collection

(a) The utility will track all meter removals, installations, replacements, modifications, and accuracy tests.

(b) MSPs/MDSPs will provide the utility with data related to all meter removals, installations, replacements, modifications, and accuracy tests within its service territory.

(c) Data collected as a result of audits or any other field investigations by MSPs, MDSPs, or utilities, regardless of the results, must be forwarded to the utility and the responsible service provider.

(d) The results of all customer, ESCO or utility requested meter complaint test will be provided to staff. This data will be collected to determine if an in-depth review of a meter service provider should be initiated.

(e) The utility will maintain a Meter and Site Configuration Database that contains the data needed to insure that all Service Delivery Points are metered.

(f) MSPs, MDSPs, ESCOs, and utilities will take all appropriate steps to ensure that the data collected is available only to authorized parties.

2. Reporting

(a) A report will be provided to Staff at the conclusion of each audit by any entity conducting such and audit. The report will also be provided to the MSP/MDSP, which was the subject of the audit and other interested parties upon request.

(b) Each utility shall provide to Staff, on an annual basis, a list of competitively supplied meters attached to its distribution system, identified by meter number, meter type and responsible service provider.

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CHAPTER VII – COST RESPONSIBILITES

A. General Guidelines

1. Types of Metering Costs

Costs can be differentiated as either "infrastructure" costs, defined as costs to prepare and set up the processes to implement competitive metering, or "operational" costs, defined as costs incurred to process transactions and individual actions within the competitive metering processes. Infrastructure costs are not directly related to the costs of the individual transactions that will occur within competitive metering, while operational costs are so related.

2. General Principles

(a) Incremental operational costs incurred by a utility will be recovered from the party(s) that causes the costs and/or obtains the benefit(s) of the competitive metering market.

(b) Incremental infrastructure costs incurred by a utility that are necessary to create the competitive market will be addressed in the individual utility rate proceedings.

(c) Except as expressly provided herein, costs incurred by MSPs and MDSPs are recovered through the marketplace.

B. Proposed Fee Schedule

1. Specific Principles

(a) The fee amounts shall remain in effect for 24 months, until actual field experience can be obtained. If the actual costs of performing the activities can justify a change in the amounts charged, the Commission shall consider adjustments.

(b) In an effort to bring uniformity and simplicity to the competitive market, the fees will be used throughout the state.

(c) Utilities, ESCOs, and MSPs should look to the Uniform Business Practices and current tariff rules for guidance on any fees not discussed in the chart.

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2. Metering Fees Chart

	Description of Event	**Document Cite**	**Party Causing & Benefits**	**Party Responsible**	**Staff's Proposed Fees**
1.	MSP requests meter read off schedule	Chapter 1	MSP	MSP	$20 as in UBP
2.	Utility removes MSP meter, unless otherwise agreed to.	Chapter 3	MSP	MSP	$150
3.	MSP removes utility meter, unless otherwise agreed to.	Chapter 3	Utility	Utility	$150
4.	Site visit required to switch a customer's meter from utility or MSP to MSP, including missed appointment.	Chapter 3	MSP	MSP	$20
5.	Missed appointment by the utility.	Chapter 3	Utility	Utility	$20
6.	Returning a customer switched without authorization	Uniform Business Practices	MSP	MSP	All reasonable costs incurred by the utility
7.	Utility removes MSP meter to terminate service for non-payment	Chapter 5	Customer	Customer	$150

Con Edison's charges for special services conform to those outlined in this manual and appear in General Rule 18 of the Company's Schedule for Electricity, P.S.C. No. 10 – Electricity.

Metering Charges for meter ownership, meter services, and meter data services are as specified under each Service Classification of the Schedule for Electricity. As described in General Rule 11 of the Schedule for Electricity, Metering Charges for customers served under either the EDDS Rate Schedule or SC 15 of the Schedule for Electricity are the Metering Charges that would apply under the otherwise applicable Service Classification of the Schedule for Electricity. A customer who own the meter(s) or obtains one or more metering services competitively avoids the monthly charge for each such service.

Charges in the PASNY Rate Schedule are inclusive of costs for metering services. PASNY receives Metering Credits, as shown in that Rate Schedule, if a PASNY Customer owns the meter or takes metering services competitively.