

ANNUAL NOTIFICATION OF RIGHTS
Home Energy Fair Practices Act (HEFPA)

As you are aware, as part of our utility conservation program you pay for the electricity used in your apartment unit via a submetered system. As a residential customer of electricity you have certain rights under the Home Energy Fair Practices Act (HEFPA). This notice describes those rights and provides additional information related to the submetered program.

Please note that a full copy of HEFPA rules is available at www.dps.state.ny.us/hefpa.htm.

Complaint process

If you have questions or concerns about your electric submetered bill or you believe your bill is inaccurate, please contact the management company at:

Please submit your complaint to the property manager in writing, via telephone, e-mail or in person. Please include the action or relief requested and the reason for the complaint about the submetered bill. We shall investigate and respond to the complaint in writing within fifteen (15) days of the receipt thereof. If you are dissatisfied with our response, you may request a review of the outcome by filing a written protest within fifteen (15) days from the date of the response. If we still cannot reach an equitable agreement within fifteen (15) days of this protest, you may contact the Department of Public Service, www.dps.state.ny.us, or if you are dissatisfied regarding management's response to their complaint. Alternatively, you may contact the Department of Public Service at any time concerning your submetered service in writing at New York State Department of Public Service, 3 Empire State Plaza, Albany, New York 12223, by telephone at 1-800-342-3377 or (212) 417-2223, in person at the nearest office at 90 Church Street, New York, New York 10007, or via the Internet at www.dps.state.ny.us.

We shall afford you all notices and protections available to you pursuant to the Home Energy Fair Practices Act (HEFPA) before any action(s) based on such nonpayment, including termination of service is/are commenced. As a residential customer for electricity, you have consumer rights and protections available under the Home Energy Fair Practices Act ("HEFPA") and you may wish to refer to this act for further information about your rights via the department's website.

Consumer rights and protections are available to you under Home Energy Fair Practices Act. You may contact the Department of Public Service at any time if you are dissatisfied regarding management's response to your complaint:

PSC Helpline - toll free number: **1-800-342-3377**

Online: www.dps.state.ny.us or www.askPSC.com

Mailing address:

NYS Public Service Commission – office of Consumer Services
Three Empire State Plaza, Albany, NY 12223

NYS Public Service Commission – office of Consumer Services
90 Church Street, New York, NY 10007

NYS Public Service Commission – office of Consumer Services
Ellicott Square Building, Room 814, 295 Main Street, Buffalo, NY 14203

Termination or Disconnection of Service:

We may disconnect service under the following conditions if you:

- fail to pay charges for services rendered; or
- fail to pay amounts due under a deferred payment agreement;
- fail to pay a lawfully required deposit; and
- are sent a final disconnection notice no less than 15 days before the disconnection date shown on the notice.

A final disconnection notice shall clearly state or include:

- the earliest date on which disconnection may occur;
- the reasons for disconnection, including the total amount required to be paid, and the manner in which disconnection may be avoided;
- the address and phone number of our office that the customer may contact in reference to his/her account;
- the availability of procedures for handling complaints;
- a summary of protections available under HEFPA; and
- in a size type capable of attracting immediate attention a statement that reads, "THIS IS A FINAL DISCONNECTION NOTICE. PLEASE REFER TO THIS NOTICE WHEN PAYING THIS BILL."

Reconnecting service

If your service has been shut off for non-payment, we must turn service back on within 24 hours, where possible, in the following situations:

- you have paid the amount due or signed a payment agreement and made the down payment, if required,
- the local Department of Social Services agrees to make a direct payment on your behalf or provides a written guarantee of payment,
- the service provider is notified that serious harm to health or safety is likely to result if service is not reconnected, or
- the PSC directs the service provider to restore service.

Special Procedures:

Notify us if any of the below conditions exist, as they may provide you with rights not otherwise available.

- Medical Emergencies

We cannot disconnect or refuse to restore service when a medical emergency exists. You must provide a medical certificate from a doctor or local board of health.

- Life Support Systems

If a customer or a resident of the customer's premises suffers from a medical condition requiring utility service to operate a life-sustaining device, certification by a medical doctor or qualified official of a local board of health shall remain effective until terminated by the commission or its designee, provided the residential customer demonstrates an inability to pay charges for service. You must have life support equipment and provide a medical certificate from a doctor or local board of health.

- Customers Who Are Elderly, Blind or Disabled

We cannot disconnect or refuse to restore service where a residential customer is known to or identified to us to be elderly, blind, disabled or 62 years of age or older, and all remaining residents of the household are 62 years of age or older, 18 years of age or under, or blind or disabled, without complying with the procedures specified in HEFPA.

- Cold Weather Periods

We shall develop and maintain methods to identify all residential households in its buildings whose utility service is heat related.

During the period beginning November 1st of each year and ending April 15th of the following year, every submeterer shall observe, at a minimum, the procedures in HEFPA Section 11.5 (c) (2).

- Special Notification of Social Services

After we have sent a final notice of termination to a residential customer who it knows is receiving public assistance, supplemental security income benefits or additional State

payments pursuant to the Social Services Law, and for whom we have not received a guarantee of future payment from the local social services commissioner, we shall, not more than five days nor less than three days before the intended termination or disconnection, notify an

appropriate official of the local social services district that payment for submetered services has not been made.

Voluntary Third-Party Notice: We shall permit you to designate a third party to receive all notifications relating to disconnection of service or other credit actions sent to such residential customer, provided that the designated third party agrees in writing to receive such notices. We shall inform the third party that the authorization to receive such notices does not constitute acceptance of any liability on the third party for service provided to the customer. We shall promptly notify you of the refusal or cancellation of such authorization by the third party.

If you are interested in Voluntary Third-Party Notice notify us with the party's contact information and written agreement of the third party to receive copies of all notifications relating to disconnection of service or other credit actions sent to you.

Deferred Payment Agreements: A deferred payment agreement is a written agreement for the payment of outstanding charges over a specific period of time, signed by both of us. We must make reasonable efforts to contact eligible customers or applicants by phone, mail or in person for the purpose of offering a deferred payment agreement and negotiating terms tailored to the customer's financial circumstances when payment of a bill or arrears is owed on an account.

You may contact us to discuss details if interested.

Budget or Levelized Payment Plans: We shall offer residential customers a voluntary budget billing or levelized payment plan for the payment of charges. The plan shall be designed

to reduce fluctuations in customers' bills due to seasonal patterns of consumption. The plan shall be based on your recent 12-month billing data and if not available then 12 months of billing data for the premises shall be used. If 12 months of billing data are not available for the premises then the utility shall estimate consumption over the next 12-month period. Bills should clearly identify consumption and state the amounts that would be due without levelized or budget billing. In addition each plan shall provide that bills will be subject to regular review for conformity with actual billings.

You may contact us to discuss details if interested.

Quarterly Billing Plan: Public Service Law (not HEFPA) also allows us to offer residential customers who are 62 years of age or older, as an alternative to monthly billing, a plan for payment on a quarterly basis of charges for service rendered provided that such customer's average annual billing is not more than \$150.

You may contact us to discuss details if interested.

Deposits: We may require a deposit from you if for submetered if:

- You are a seasonal or a short-term customer.
- You accumulate two consecutive months of arrears without making reasonable payment. We shall provide you written notice, at least 20 days before it may assess a deposit.
- You have electric service terminated, disconnected or suspended for nonpayment during the preceding six months.
- We permit the customer to pay the deposit in installments over a period not to exceed 12 months.

Deposits for submetered accounts shall not be required or held if:

- We know customer to be a recipient of public assistance, supplemental security income, or additional State payments.
- We know customer is 62 years of age or older unless such customer has had service terminated, disconnected or suspended for nonpayment of bills within the preceding six months.

Requirement:

- Deposits should be a reasonable amount not greater than twice the average monthly bill except in cases of electric space heating, where it may not exceed twice the estimated average monthly bill for the heating season.
- Interest must be paid on deposits at a rate prescribed annually by the Commission. Interest will be applied to the bill when the deposit was held for a period of one year. If the customer is not delinquent in payment of bills during the one year period, the deposit and the interest is refunded promptly.

Late Payment Charges: We may impose a one-time or continuing late payment charge, not in excess of 1 ½ percent per month, on the unpaid balance of any bill for service provided the bill clearly shows the amount billed, whether any charge will be imposed for late payment, when the late payment charge becomes applicable, and the time period during which the bill may be paid without the imposition of the late payment charge. Residential customers on fixed incomes shall be offered the opportunity to pay their bills on a reasonable schedule that is adjusted for such customer's periodic receipt of income without such customers incurring late payment charges provided that the offer may prescribe a late payment charge where payment is not made within 20 days of the scheduled due date.