

GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

14. Gas Service Curtailments - Continued

(F) Curtailment Guidelines-Continued

(b) Curtailments shall be limited in scope and duration as necessary to alleviate an emergency situation, and, to the extent possible, shall be localized.

(c) Economic considerations shall not be the basis for a curtailment.

(d) In the event that the Company declares a curtailment, as well as when the situation returns to normal, the Company shall notify the Director of the Office of Electric, Gas and Water of the New York State Department of Public Service.

(e) The Company shall provide periodic updates to ESCOs and curtailed customers so that they can plan accordingly.

Failure of the Company to adhere to one or more of the above criteria is not a basis for ESCOs or Direct Customers not to comply with requirements of the curtailment but may provide the basis for a complaint to the Commission regarding the Company's behavior.

If, during a curtailment period, the Company becomes aware of ESCOs or Direct Customers that are not responding to the required actions, it shall make all reasonable efforts to inform the non-responding ESCOs and Direct Customers that the required actions are not being taken. Lack of notice shall not relieve any ESCO or Direct Customer of its obligations.

15. Minimum Insulation Standards

Eligibility of any "new dwelling" for gas service, and eligibility of any existing dwelling for gas service for conversion to space heating are governed by, among other provisions, the requirements set forth in the State of New York Official Compilation of Rules and Regulations of 16 NYCRR 233, which provide in relevant part as follows:

(General Information - Continued on Leaf No. 91)

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(Name of Officer, Title, Address)

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COMPANY: CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(A) Definitions applicable to New Dwellings and to Existing Dwellings Converting to Gas Space Heating:

- (1) The term "Dwelling" shall mean a building designed or used as the living unit for one or more families. For the purposes of this standard, mobile homes shall not be considered dwellings.
- (2) The term "Historical Building" shall mean any building or structure designated historically significant by the State or local governing body, or listed (or determined by the Secretary of the Interior to be eligible to be listed) in "The National Register of Historic Places."

(B) For New Dwellings:

- (1) Applicability and Compliance:
 - (a) All new dwellings in the State of New York for which an application for a building permit was made and plans were filed on or after January 1, 1979, and all new dwellings within the State for which construction was begun on or after January 1, 1979, will not be eligible for gas service unless these dwellings comply with the New York State Energy Conservation Construction Code. Compliance with this Code will be satisfied under any of the following circumstances:

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(B) For New Dwellings - Continued

(1) Applicability and Compliance - Continued

(a) - Continued

- (i) A building permit is obtained for the dwelling from a building code authority or similar authority empowered by local law to issue building permits; or
 - (ii) An affirmation is given by the contractor or builder on a certificate of compliance that the construction of the dwelling will comply with the Energy Conservation Construction Code within 30 days after occupancy; or
 - (iii) A modification or variance from the requirements of the Energy Conservation Construction Code is issued by the State Board of Review as constituted pursuant to the Executive Law.
- (b) For any dwelling constructed after April 1, 1977, but before January 1, 1979, gas service will not be provided without compliance with the Minimum Insulation Standards as set forth by the Commission in Opinion 77-10 (Case 26286, November 2, 1977) as amended.

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards-Continued

(B) For New Dwellings - Continued

(2) Waivers:

For any dwelling subject to the requirements of paragraph (b) of Subdivision B (1) a waiver from these requirements may be granted by:

- (a) The Company when the overall heat loss for the building envelope does not exceed the total heat loss which would result from conformance to the individual requirements. The heat loss calculations shall be certified by a licensed engineer architect.
- (b) The Company, if the applicant for service can establish through two estimates, one of which may be a Company audit, that the purchase price and installation charge (excluding financing charges) will be greater than seven times the anticipated annual savings to be obtained, (based on the present cost of the fuel currently used in the dwelling).
- (c) The Public Service Commission for just cause, in unusual circumstances, if the applicant for gas service has been denied a waiver pursuant to paragraphs (a) or (b) of Subdivision B (2).

A copy of each variance granted or denied by the Company shall be made available to the Commission, and each applicant denied a variance shall be promptly informed by the Company of the right to appeal to the Commission.

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(B) For New Dwellings - Continued

(3) Certificate of Compliance:

- (a) A Certificate of Compliance shall be used in all areas of the State where no local authority exists, to assure compliance with the insulation requirements of the Energy Conservation Construction Code.
- (b) Each Certificate of Compliance shall be signed by the builder or contractor and the owner shall receive a copy of such certificate.

(4) Compliance Procedures:

- (a) In areas where there is no local building code authority, upon a complaint by a dwelling owner or tenant concerning noncompliance with Subdivision B (1), the Company will perform an on-site inspection to determine conformance with standards concerning roofs, walls, foundation walls, floors, windows, and doors. The result of this inspection will be provided in writing to the owner (and tenant when applicable) of the building.
- (b) Whenever the Company finds, as a result of such inspection or notification by the local building code authority, more than one outstanding complaint against any particular contractor wherein a dwelling constructed by such contractor or builder was found to be in noncompliance with the applicable standards, the Company shall refuse to provide gas

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(B) For New Dwellings - Continued

(4) Compliance Procedures - Continued

(b) - Continued

service to any construction site of that contractor or builder until all existing violations are corrected. The Company shall undertake random inspections of the future construction work of a past noncomplying contractor or builder until such time as the Company is satisfied that the applicable standards are being met.

(5) Penalties for Non-compliance:

- (a) In the event the Company finds that any dwelling fails to comply with Subdivision B (1) (a) or (b) the Company shall impose a 25 percent surcharge on any bill for gas service to the Customer until such violations are corrected.
- (b) The effective date of the surcharge rate shall be:
 - (i) Immediately after notice, in the event the owner is directly responsible for the noncompliance.
 - (ii) Ninety days after notice, in the event the owner has not contributed to the deficiencies. No surcharge shall be applied if the owner brings the building into compliance within 90 days.

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(B) For New Dwellings - Continued

(5) Penalties for Noncompliance - Continued

- (c) In the event the owner is not billed for the provisions of Company service, no surcharges will be applied to the bills of the non-owner occupants of the dwelling. Instead, after notification to the owner that the building is not in compliance, a surcharge will be billed to the owner. The surcharge will be 25 percent of the Company bills for the dwelling that is not in compliance.

In the event that circumstances prevent collecting the surcharge amount from the owner of the non-complying building, the Company may refuse future connections for service to new tenants in the dwelling until it is brought into compliance.

Furthermore, if the owner is an occupant of the dwelling, but is not billed for any gas service, the surcharge will be imposed on the bill for service to the unit occupied by the owner.

(C) For Existing Dwellings Converting to Gas Space Heating:

(1) Applicability and Compliance:

An existing dwelling will not be supplied gas service for the purpose of converting to gas space heating unless:

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(C) For Existing Dwellings Converting to Gas Space Heating - Continued

(1) Applicability and Compliance - Continued

- (a) The roof/ceiling has at least six inches of insulation or insulation with an R value of 19 or greater;
- (b) The dwelling has storm windows, or thermal windows with multiple glazing; and
- (c) The entrances have storm doors or thermal doors.

(2) Waiver:

- (a) The Company may waive the requirements in Subdivision C (1) above where:
 - (i) The applicant for service can establish through two estimates, one of which may be a Company audit, that the purchase price and installation charge (excluding interest charges) will be greater than seven times the anticipated annual savings to be obtained (based on the present cost of the fuel currently used in the building).
 - (ii) The dwelling is a historical building, or
 - (iii) Other measures have been taken so that the overall heat loss for the building envelope does not exceed the total heat loss which would result from conformance with the minimum requirements of Subdivision C (1). Such a heat loss calculation must be certified by a licensed architect or engineer.

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(C) For Existing Dwellings Converting to Gas Space Heating - Continued

(2) Waiver - Continued

- (b) In the case of a dwelling having a flat roof, or having four or more stories and converting to gas service in a temperature controlled service classification, compliance with the roof insulation standard will not be required if four or more inches of insulation are already in place or if insulation can be installed only by means of cutting an opening in the roof.
- (c) In the case of a dwelling having six or more stories, storm windows will not be required as long as the Company certifies that the dwelling's windows are caulked and weather-stripped. This certification shall be made in writing to the Commission. A storm window will not be required on any window opening onto a fire escape.
- (d) Copies of waivers granted or denied by the Company shall be made available to the Commission. Applicants denied waivers shall be informed of their right to appeal that denial to the Commission.
- (e) The Commission may grant a waiver of the requirements of Subdivision C (1) for just cause after an applicant for gas service has been denied a waiver by the Company.

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(C) For Existing Dwellings Converting to Gas Space Heating - Continued

(3) Certificate of Compliance:

(a) A dwelling's compliance with Subdivision C (1) shall be certified either by

(i) the owner;

(ii) a contractor of the owner's choice who has inspected the building; or

(iii) a Company representative who has inspected the building at the owner's request.

(b) The Company will provide the Certificate of Compliance Form to the applicant at the time of application for service, so that the applicant will be apprised of the requirements for service and the methods by which compliance can be certified.

(4) Penalties for Noncompliance:

(a) The Company shall impose a 25 percent surcharge on any bill for gas service to any dwelling which has been converted to gas heat, and which does not comply with the standards set forth in Subdivision C (1).

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(C) For Existing Dwellings Converting to Gas Space Heating - Continued

(4) Penalties for Noncompliance - Continued

(b) The effective date of the surcharge rate shall be:

- (i) Immediately after notice, in the event the owner is directly responsible for the noncompliance.**
- (ii) Ninety days after notice, in the event the owner has not contributed to the deficiencies. No surcharge shall be applied if the owner brings the building into compliance with 90 days.**
- (c) In the event the owner is not billed for the provision of Company service, no surcharges will be applied to the bills of the non-owner occupants of the dwelling. Instead, after notification to the owner that the building is not in compliance, a surcharge will be billed to the owner. The surcharge will be 25 percent of the Company bills for the dwelling that is not in compliance.**

In the event that circumstances prevent collecting the surcharge amount from the owner of the non-complying building, the Company may refuse future connections for service to new tenants in the dwelling until it is brought into compliance.

Furthermore, if the owner is an occupant of the dwelling, but is not billed for any gas service the surcharge will be imposed on the bill for service to the unit occupied by the owner.

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(D) Certificate of Compliance Forms applicable to New Residential Construction and Existing Dwellings Converting to Gas Space Heating:

(1) **Consolidated Edison Company of New York, Inc.**

**CERTIFICATE OF COMPLIANCE
New Residential Construction**

The undersigned certifies that the 1 or 2 family residence multi-family residence

at

(Location)

is or will be, not later than 30 days after time of occupancy, in compliance with one of the following statute provisions (check one):

Part 1: E101.6

Part 3 New York State Energy Conservation

Part 4 Construction Code

Part 5

Appendix A, Opinion 77-10, Minimum Insulation Standards, New York State Public Service Commission (applies only to buildings on which construction began between April 1, 1977 and January 1, 1979).

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(D) Certificate of Compliance Forms applicable to New Residential Construction and Existing Dwellings Converting to Gas Space Heating - Continued

(1) - Continued

It is understood that gas service will, depending on the applicable circumstances, not be connected, be subject to a 25 percent surcharge on the Company bill until all violations are eliminated, or be disconnected, if, upon inspection the structure is found not to be in compliance with the conditions set forth above.

The undersigned certified that a properly executed copy of this certificate will be delivered to the owner prior to closing and further attests that all statements and representations contained in this certificate are true and accurate.

.....

Date

.....

Signature of Builder or Contractor

(General Information - Continued on Leaf No. 103.0)

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(D) Certificate of Compliance Forms applicable to New Residential Construction and Existing Dwellings Converting to Gas Space Heating - Continued

(2) **Consolidated Edison Company of New York, Inc.**

**CERTIFICATE OF COMPLIANCE
Dwelling Converting to Gas Space Heating**

One of the following certificates shall be completed and signed:

(a) I..... am aware that the Minimum Insulation Standards
(Owner)

for Dwellings Converting to Gas Space Heating require my house to have storm doors, storm windows and at least R-19 (usually six inches) roof insulation. I certify that my building

at..... meets those
(Location)

requirements, or that I have obtained a waiver; and I understand that should my building be found not in compliance, a 25 percent surcharge on my Company bill may be imposed or gas service may be discontinued.

(General Information - Continued on Leaf No. 104.0)

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service - Continued

15. Minimum Insulation Standards - Continued

(D) Certificate of Compliance Forms applicable to New Residential Construction and Existing Dwellings Converting to Gas Space Heating - Continued

(2) - Continued

(a) - Continued

The undersigned attests that all statements and representations contained in this certificate are true and accurate.

.....
(Signature of Owner)

.....
(Address)

(b) I have inspected the building at
(Location)

owned by and certify that it meets the
(Owner)

requirements of the Minimum Insulation Standards for Dwellings Converting to Gas Space Heating.

(General Information - Continued on Leaf No. 105)

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GENERAL INFORMATION - Continued

III. General Rules, Regulations, Terms and Conditions under Which Gas Service Will Be Supplied, Applicable to and Made a Part of All Agreements for Gas Service-Continued

15. Minimum Insulation Standards - Continued

(D) Certificate of Compliance Forms applicable to New Residential Construction and Existing Dwellings Converting to Gas Space Heating - Continued

(2) - Continued

(b) - Continued

The undersigned certifies that a properly executed copy of this certificate will be delivered to the owner and further attests that all statements and representations contained in this certificate are true and accurate.

.....

Date

.....

Signature of Contractor or
Company Representative

(General Information - Continued on Leaf No. 106)

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(Name of Officer, Title, Address)