

1 **Electricity Submetering for Multi-Unit Facilities**  
2

3 (a) **Purpose.** This section implements XXXX Utilities Code XXXX. This section shall apply to  
4 multi-unit facilities, to include dwelling units, apartment housing, assisted living facilities, senior  
5 living facilities, parking facilities, electric vehicle charging stations, campgrounds, marinas,  
6 recreational trailer parks, boat hookups, and other facility types as deemed appropriate by the  
7 State Department of XXXX.  
8

9 (b) **Definitions.** The following words and terms, when used in this section, shall have the  
10 following meanings, unless the context clearly indicates otherwise.

11 (1) **Apartment house** - One or more buildings containing more than five dwelling units,  
12 each of which is rented primarily for non-transient use with rent paid at intervals of one week or  
13 longer. The term includes a rented or submeterer-occupied residential condominium or  
14 cooperative apartment.

15 (2) **Assisted Living Facilities** - Multi-unit residential premises, identified as assisted  
16 living facilities and certified by the XXXX State Department of Health as such, which provide  
17 congregate residential housing with supportive services, including on-site monitoring, and  
18 personal care services and/or home care services in a homelike setting.

19 (3) **Campground, recreational trailer park, marinas, and parking facilities** -  
20 Facilities for use on an intermittent, temporary, or irregular basis by campground, recreational,  
21 trailer park, marina, or vehicle charging stations where electric service is delivered by the utility  
22 to the facility submeterer and redistributed to individual campsites, trailers, boats or plug-in  
23 electric vehicle charging stations with or without submetering.

24 (4) **Condominium** - Separate ownership of individual units in a multi-unit residential  
25 premises. Each unit submeterer holds title to a unit of real property and also owns a common  
26 tenancy with owners of other units for the common areas of the building, which are managed by  
27 a homeowners' association, or as established in the condominium bylaws.

28 (5) **Cooperative Apartment** - Multi-unit residential premises in which residents own a  
29 share in the corporation that owns the real estate, which entitles the shareholder to occupy a  
30 dwelling unit. Each shareholder is granted the right to occupy one housing unit through an  
31 occupancy agreement, which is similar to a lease. A board of directors manages the cooperative.

32 (6) **Direct metering** - In multi-unit residential premises, the measurement of electricity  
33 use in each unit through a meter that has been provided by the distribution utility company,  
34 wherein each individual residential unit is assigned its own meter.

35 (7) **Dwelling unit** - One or more rooms suitable for occupancy as a residence and that  
36 contain kitchen and bathroom facilities, or a mobile home in a mobile home park.

37 (8) **Electric heating** - Heat provided to an entire living space with electricity primarily by  
38 means of nonportable electric heating appliances.

39 (9) **Electric submetering** - A system of measuring electricity use by a submeterer in a  
40 master-metered multi-unit facility by means of a submeter installed on the wiring to each unit.

41 (10) **Electrical Submeter** - An electrical meter or meter system downstream of the  
42 master meter.

43 (11) **Master meter** - A meter used to measure, for billing purposes, all electric usage of  
44 an apartment house or mobile home park, including common areas, common facilities, and  
45 dwelling units.

46 (12) **Month or monthly** - The period between any two consecutive meter readings by the  
47 utility, either actual or estimated, at approximately 30-day intervals.

48 (13) **Rate cap** - The maximum rate, calculated in each billing period, that may be used to  
49 compute the charges for electric service to a submetered resident. Unless a different rate cap is  
50 set the rate cap shall be the rates and charges of the distribution utility, and approved by the  
51 XXXX Public Utility Commission, for delivery and commodity in that billing period to similarly  
52 situated, direct metered residential customers. Where residents are billed for time-of-use, the  
53 maximum rate for purposes of calculating 1 the rate cap shall be the average annual residential  
54 rate.

55 (14) **Resident** - The occupant of a unit used as a home in a multi-unit residential  
56 premises.

57 (15) **Senior Living Facility** - Multi-unit residential premises in which energy-efficient  
58 housing and other services are provided, and will be provided in the future, to resident senior  
59 citizens, in which electric usage does not vary significantly from unit to unit because units are  
60 uniform in size and in the types of appliances, and which promotes economic development.

61 (16) **Submeterer** - Any multi-unit residential premises owner or utility customer of  
62 record who purchases electricity for delivery by the utility to the premises and facilitates the sale  
63 or redistribution of such electricity for use by the premises occupants whose units are separately  
64 metered and billed based on the measurement of electricity use in each occupant's unit. Any  
65 entity acting on behalf of such owner that arranges for the installation of submeters and the  
66 billing of submetered usage to individual residents shall be considered the agent of the  
67 submeterer. The submeterer may engage the services of a submetering service provider to install  
68 meters, read meters and/or handle billing.

69 (17) **Submetering** - A system of measuring utility use by a submeterer in a master  
70 metered multi-unit facility by means of a submeter installed on each unit.

71 (18) **Time-of-use meter** - A meter that registers accumulated energy consumption (data)  
72 over specific time intervals.

73 (19) **Time-of-use rates** - The pricing of electricity based on actual usage during  
74 particular time intervals. Time-of-use rates may be applicable to blocks of time over a 24 hour  
75 period.

76 (20) **Utility customer** - For purposes of this Part, an electricity consumer whose use of  
77 electricity is directly metered by the distribution utility and is a customer of record of the  
78 distribution utility.

79  
80 (c) **Records and reports.**

81 (1) The submeterer shall maintain and make available for inspection by the tenant the  
82 following records:

83 (A) the billing from the utility or retail electric provider to the apartment  
84 submeterer for the current month and the 12 preceding months;

85 (B) the calculation of the cost per billing unit or, *i.e.*, kilowatt-hour for the current  
86 month and the 12 preceding months;

87 (C) all submeter readings and tenant billings for the current month and the 12  
88 preceding months;

89 (D) all submeter test results for the current month and the 12 preceding months.

90 (2) Records shall be made available at the resident manager's office during reasonable  
91 business hours or, if there is no resident manager, at the dwelling unit of the tenant at the  
92 convenience of both the submeterer and tenant.

93 (3) All records shall be made available to the XXXX upon request.  
94

95 (d) **Billing.** All rental agreements between the submeterer and the tenants shall clearly state that  
96 the dwelling unit is submetered, that the bills will be issued thereon, that electrical consumption  
97 charges for all common areas and common facilities will be the responsibility of the submeterer  
98 and not of the tenant, or part of the monthly rent or common charges and that any disputes  
99 relating to the computation of the tenant's bill and the accuracy of the submetering device will be  
100 between the tenant and the submeterer. Each submeterer shall provide a tenant, at the time the  
101 lease is signed, a copy of this section or a narrative summary as approved by the XXXX to  
102 assure that the tenant is informed of his rights and the submeterer's responsibilities under this  
103 section.

104 (1) **Rendering and form of bill.**

105 (A) Bills shall be rendered for the same billing period as that of the electric utility,  
106 generally monthly, unless service is rendered for less than that period. Bills shall be  
107 rendered as promptly as possible following the reading of the submeters. The submeters  
108 shall be read within three days of the scheduled reading date of the electric utility's  
109 master meter.

110 (B) The billing unit shall be that used by the electric utility in its billing to the  
111 submeterer.  
112

113 **SUBSTANTIVE RULE S APPLICABLE TO ELECTRIC SERVICE PROVIDERS.**

114  
115 **Subchapter G. SUBMETERING.**  
116

117 (C) The submeterer shall be responsible for determining that the energy billed to  
118 any dwelling unit shall be only for that submetered and consumed within that unit.

119 (D) Submetered billings may be included as part of the rental payment or as part  
120 of billings for any other service to the tenant as long as it is a separate line item on the  
121 bill. A separate billing may be issued or, if issued on a multi-item bill, submetered billing  
122 information must be separate and distinct from any other charges on the bill and conform  
123 to information required in subparagraph (H) of this paragraph. The submetered bill must  
124 clearly state "submetered electricity."

125 (E) The bill shall reflect only submetered usage. Allocation of central systems for  
126 air conditioning, heating and hot water is not prohibited by this section.

127 (F) The submeterer shall not impose any extra charges on the tenant over and  
128 above those charges approved for in the rate cap, with the exception of administration  
129 fees approved by the XXXX Public Utility Commission. The bill may not include a  
130 deposit, late penalty, reconnect charge, or any other charges unless otherwise provided  
131 for by these sections.

132 (i) A one-time penalty not to exceed 10% may be made on delinquent  
133 accounts. If the penalty is applied, the bill shall indicate the amount due if paid by  
134 the due date and the amount due if the late penalty is incurred. No late penalty  
135 may be applied unless agreed to by the tenant in a written lease which states the  
136 exact dollar or percentage amount of the late penalty.

137 (ii) In a mobile home park a reconnect fee may be applied for a mobile  
138 home not leased by the mobile home park submeterer if service to the pad site  
139 tenant is disconnected for non-payment of submetered bills in accordance with  
140 subsection (e)(1) of this section. Such reconnect fee shall be calculated based on  
141 the average actual cost to the submeterer for the expenses associated with the  
142 reconnection, but under no circumstances shall exceed \$XX. No reconnect charge  
143 may be applied unless agreed to by the tenant in a written lease which states the  
144 exact dollar amount of such reconnect charge.

145 (G) The tenant's submeter bills shall be calculated in one of the two following  
146 manners: after the electric bill is received from the utility the submeterer may divide the  
147 net total charges for electrical consumption, plus applicable tax, by the total number of  
148 kilowatt-hours to obtain an average cost per kilowatt-hour or using the rate cap. Either  
149 average kilowatt-hour cost or rate cap may then be multiplied by each tenant's kilowatt-  
150 hour consumption to obtain the charge to the tenant. The computation of the cost per  
151 kilowatt-hour shall not include any penalties charged by the utility or the retail electric  
152 provider to the submeterer for disconnect, reconnect, late payment, or other similar  
153 service charges.

154 (H) The tenant's electric submeter bill shall show all of the following information:

155 (i) the date and reading of the submeter at the beginning and at the end of  
156 the period for which the bill is rendered;

157 (ii) the number of billing units metered;

158 (iii) the computed rate per billing unit;

159 (iv) the total amount due for electricity used;

160 (v) a clear and unambiguous statement that the bill is not from the utility  
161 or retail electric provider, which shall be named in the statement;

162 (vi) the name and address of the tenant to whom the bill is applicable;

163 (vii) the name of the firm rendering the submetering bill and the name or  
164 title, address, and telephone number of the person or persons to be contacted in  
165 case of a billing dispute;

166 (viii) the date by which the tenant must pay the bill; and

167 (ix) the name, address, and telephone number of the party to whom  
168 payment is to be made.

169 (2) **Due date.** The due date of the bill shall not be less than fifteen days after issuance. A  
170 bill for submetered service is delinquent if not received by the party indicated on the bill by the  
171 due date. The postmark date, if any, on the envelope of the bill or on the bill itself shall constitute  
172 proof of the date of issuance. An issuance date on the bill shall constitute proof of the date of  
173 issuance if there is no postmark on the envelope or bill. If the due date falls on a holiday or  
174 weekend, the due date for payment purposes shall be the next workday after the due date.

175 (3) **Disputed bills.** In the event of a dispute between the tenant and the submeterer  
176 regarding any bill, the submeterer shall promptly make an investigation as shall be required by  
177 the particular case and report the results to the tenant. The investigation and report shall be  
178 completed within 30 days from the date the tenant notified the submeterer of the dispute.

179 (4) **Tenant access to records.** The tenants of any dwelling unit whose electrical  
180 consumption is submetered shall be allowed by the submeterer to review and copy the master  
181 billing for the current month's billing period and for the 12 preceding months, and all submeter

182 readings of the entire apartment house or mobile home park for the current month and for the 12  
183 preceding months.

184 (5) **Estimated bills.** Estimated bills shall not be rendered unless the meter has been  
185 tampered with, data cannot be collected for over two months, or is out of order, and shall be  
186 distinctly marked “estimated bill”.

187 (6) **Overbilling and underbilling.** If submetered billings are found to be in error, the  
188 submeterer shall calculate a billing adjustment. If the tenant is due a refund, an adjustment shall  
189 be made for the entire period of the overcharges. If the tenant was undercharged, the submeterer  
190 may backbill the tenant for the amount which was underbilled. The backbilling is not to exceed  
191 six months unless the submeterer can produce records to identify and justify the additional  
192 amount of backbilling. If the underbilling is \$100 or more, the submeterer shall offer to the  
193 tenant a deferred payment plan option, for the same length of time as that of the underbilling.  
194 However, in a mobile home park, the mobile home park submeterer may not disconnect electric  
195 service to a mobile home not leased by the mobile home park submeterer if the pad site tenant  
196 fails to pay charges arising from an underbilling more than six months prior to the date the tenant  
197 was initially notified of the amount of the undercharges and the total additional amount due.  
198 Furthermore, adjustments for usage by a previous tenant may not be backbilled to the current  
199 tenant.

200 (7) **Level and average payment plans.** A submeterer may offer a level payment plan or  
201 average payment plan consistent with this paragraph.

202 (A) The payment plan may be one of the following methods:

203 (i) A level payment plan allowing eligible tenants to pay on a monthly  
204 basis a fixed billing rate of one-twelfth of that tenant’s estimated annual  
205 consumption at the appropriate rates, with provisions for quarterly adjustments as  
206 may be determined based on actual usage.

207 (ii) An average payment plan allowing tenants to pay on a monthly basis  
208 one-twelfth of the sum of that tenant’s current month’s consumption plus the  
209 previous 11 month’s consumption (or an estimate thereof, for a new customer) at  
210 the appropriate customer class rates, plus a portion of any unbilled balance.  
211 Provisions for annual adjustments as may be determined based on actual usage  
212 shall be provided. If at the end of a year the submeterer determines that he has  
213 collected an amount different than he has been charged by the utility or retail  
214 electric provider, the submeterer must refund any overcollection and may  
215 surcharge any under collection over the next year

216 (B) Under either of the plans outlined in subparagraph (A) of this paragraph the  
217 submeterer is prohibited from charging the tenant any interest that may accrue. Any  
218 seasonal overcharges or undercharges will be carried by the submeterer of the complex.

219 (C) A mobile home park submeterer may disconnect service to a mobile home not  
220 leased by the mobile home park submeterer, pursuant to subsection (e) of this section, if  
221 the pad site tenant does not fulfill the terms of a level payment plan or an average  
222 payment plan.

223 (D) The submeterer may collect a deposit from all tenants entering into level  
224 payment plans or average payment plans; the deposit will not exceed an amount  
225 equivalent to one-sixth of the estimated annual billing. Notwithstanding any other  
226 provision in these sections, the submeterer may retain said deposit for the duration of the

level or average 1 payment plan; however, the submeterer shall pay interest on the deposit.

(e) **Discontinuance of electric service.**

(1) **Application.** This subsection applies only to mobile homes in a mobile home park that are not leased by the mobile home park submeterer. Disconnection of any other dwelling unit by the submeterer is governed by XXXXXXXX

(2) **Disconnection for delinquent bills.**

(A) Electric service may be disconnected only for nonpayment of electric bills. A pad site tenant's electric service may be disconnected if a bill has not been paid within XX days from the date of issuance and proper notice has been given. Proper notice shall consist of a separate mailing or hand delivery at least five days prior to a stated date of disconnection, with the words "termination notice" or similar language prominently displayed on the notice. The notice shall include the office or street address where a tenant can go during normal working hours to make arrangements for payment of the bill and for reconnection of service.

(B) Under these provisions, a pad site tenant's electric service may be discontinued only for nonpayment of electric service.

(3) **Disconnection on holidays or weekends.** Unless a dangerous condition exists, or unless the pad site tenant requests disconnection, electric service shall not be disconnected on a day, or on a day immediately preceding a day, when personnel of the mobile home park are not available for the purpose of making collections and reconnecting electric service.

(4) **Disconnection under special circumstances.**

(A) **Disconnection of ill and disabled.** A mobile home park submeterer shall not disconnect electric service to a pad site tenant when that tenant establishes that disconnection of electric service will cause some person residing at the tenant's mobile home to become seriously ill or more seriously ill;

(i) Each time a pad site tenant seeks to avoid disconnection of electric service under this subparagraph, the tenant must accomplish all of the following by the stated date of disconnection:

(I) have the person's attending physician (for purposes of this subsection, the term "physician" shall mean any public health official, including medical doctors, doctors of osteopathy, nurse practitioners, registered nurses, and any other similar public health official) call or contact the mobile home park submeterer by the stated date of disconnection.

(II) have the person's attending physician submit a written statement to the mobile home park submeterer; and

(III) enter into a deferred payment plan.

(ii) The prohibition against electric service termination provided by this subparagraph shall last 63 days from the issuance of the electric bill or a shorter period agreed upon by the mobile home park submeterer and the customer or physician.

(B) **Disconnection of energy assistance clients.** A mobile home park submeterer shall not disconnect electric service to a pad site tenant for a billing period in which the mobile home park submeterer receives a pledge, letter of intent, purchase order, or other

273 notification that the energy assistance provider is forwarding sufficient payment to  
274 continue service; and

275 (C) **Disconnection during extreme weather.** A mobile home park submeterer shall not  
276 disconnect electric service to a pad site tenant on a day when:

277 (i) the previous day's highest temperature did not exceed 32 degrees Fahrenheit,  
278 and the temperature is predicted to remain at or below that level for the next 24 hours,  
279 according to the nearest National Weather Service (NWS) reports; or

280 (ii) the NWS issues heat advisory for any county in which the mobile home park  
281 is located, or when such advisory has been issued on any one of the preceding two  
282 calendar days.

283

284 (f) **Submeters.**

285 (1) **Submeter requirements.**

286 (A) **Use of submeter.** All electrical energy sold by a submeterer shall be charged  
287 for by meter measurements.

288 (B) **Installation by submeterer.** Unless otherwise authorized by XXXX, each  
289 submeterer shall be responsible for providing, installing, and maintaining all submeters  
290 necessary for the measurement of electrical energy to its tenants.

291 (2) **Submeter records.** Each submeterer shall keep the following records:

292 (A) **Submeter equipment record.** Each submeterer shall keep a record of all of  
293 its submeters, showing the tenant's address and date of the any test.

294 (B) **Records of submeter tests.** All submeter tests shall be properly referenced to  
295 the submeter record provided in this section. The record of each test made shall show the  
296 identifying number of the submeter, the standard meter and other measuring devices  
297 used, the date and kind of test made, by whom made, the error (or percentage of  
298 accuracy), and sufficient data to permit verification of all calculations.

299 (3) **Submeter unit indication.** Each meter shall have a display [\(or alternate access](#)  
300 [methods\)](#) that indicates clearly the kilowatt-hours consumed by the tenant.

301 (4) **Submeters calibrated to register a fixed fraction of the electricity consumed.**

302 Those submeters should display the meter register multiplier which will be used to determine the  
303 resident's actual kilowatt hour usage. Any register multiplier used should be indicated on  
304 resident bills.

305 (5) **Submeter tests on request of tenant.** Each submeterer shall, upon the request of a  
306 tenant, and if the tenant so desires, in the tenant's or the tenant's authorized representative's  
307 presence, make a test of the accuracy of the tenant's submeter. The test shall be made during  
308 reasonable business hours at a time convenient to the tenant desiring to observe the test. If the  
309 submeter tests within the accuracy standards for self-contained watt hour meters as established  
310 by the latest edition of American National Standards Institute, Incorporated, (ANSI), Standard  
311 C12.1-2014 (American National Code for Electricity Metering), a charge of no less than \$250  
312 may be charged the tenant for making the test. However, if the submeter's accuracy is not within  
313 the appropriate accuracy standards, no charge shall be made to the tenant for making the test.  
314 Following completion of any requested test, the submeterer shall promptly advise the tenant of  
315 the results of the test.

316 (6) **Bill adjustment due to submeter error.** If any submeter is found not to be within the  
317 accuracy standards in subsection (f)(5) of this section proper correction shall be made of  
318 previous readings. An adjusted bill shall be rendered in accordance with subsection (d)(6) of this

**Commented [TS1]:** Another suggestion to consider for language here is:  
"or the ability to view and access remote readings"

319 section. If a submeter is found not to register for any period, unless bypassed or tampered with,  
320 the submeterer may make a charge for units used, but not metered, for a period not to exceed two  
321 months based on amounts used under similar conditions during periods preceding or subsequent  
322 thereto, or during the corresponding period in previous years.

323 (7) **Location of submeters.** Submeters shall be installed in a location readily accessible  
324 for reading, testing, and inspection, with minimum interference and inconvenience.

325 (8) **Submeter testing facilities and equipment.**

326 (A) **Qualified expert.** Each submeterer engaged in electric submetering shall  
327 engage an independent qualified expert to provide such instruments and other equipment  
328 and facilities as may be necessary to make the submeter tests required by this section.  
329 Such equipment and facilities shall generally conform to the ANSI, Standard C12.1-2014,  
330 [and/or NEMA 5ESM](#), unless otherwise prescribed, and shall be available at all reasonable  
331 times for the inspection by its authorized representatives.

332 (B) **Portable standards.** Each submeterer engaged in electrical submetering  
333 shall, unless specifically excused by XXXX, provide or utilize a testing firm which  
334 provides portable test instruments as necessary for testing billing submeters.

335 (C) **Reference standards.** Each submeterer shall provide or have access to  
336 suitable indicating instruments as reference standards for insuring the accuracy of shop  
337 and portable instruments used for testing billing submeters.

338 (D) **Testing of reference standards.** All reference standards shall be submitted  
339 once each year or on a scheduled basis approved by the commission to a standardizing  
340 laboratory of recognized standing, for the purpose of testing and adjustment.

341 (E) **Calibration of test equipment.** All shop and portable instruments used for  
342 testing billing submeters shall be calibrated by comparing them with a reference standard  
343 at least every 120 days during the time such test instruments are being regularly used.  
344 Test equipment shall at all times be accompanied by a certified calibration card signed by  
345 the proper authority, giving the date when it was last certified and adjusted. Records of  
346 certifications and calibrations shall be kept on file in the office of the submeterer.

347 (9) **Accuracy requirements for submeters.**

348 (A) **Limits.** No submeter that exceeds the test calibration limits for self-contained  
349 watt-hour meters as set by the ANSI, Standard C12.1-2014 Section 5.1.1.2 (Acceptable  
350 Performance); [and/or NEMA 5ESM](#), shall be placed in service or left in service. All  
351 electrical current transformers, potential transformers, or other such devices used in  
352 conjunction with an electric submeter shall be considered part of the submeter and must  
353 also meet test calibration and phase angle limits set by the ANSI Standard C12.1-2014,  
354 ~~and~~ the Institute of Electrical and Electronics Engineers (IEEE) Standard C57.13- 2016  
355 [and/or NEMA 5ESM](#) for revenue billing. A nameplate shall be attached to each  
356 transformer and shall include or refer to calibration and phase angle data and other  
357 information required by the ANSI Standard C12.1-2014, ~~and~~ the IEEE Standard C57.13-  
358 2016, [and/or NEMA 5ESM](#) for revenue billing. Whenever on installation, periodic, or  
359 other tests, an electric submeter or transformer is found to exceed these limits, it shall be  
360 recalibrated, repaired, or replaced.

361 (10) **Submeter tests prior to installation.** No submeter shall be placed in service unless  
362 its accuracy has been established. If any submeter is removed from actual service and replaced  
363 by another submeter for any purpose whatsoever, it shall be properly tested before being placed  
364 in service again.



365 (11) **Restriction.** Unless otherwise provided, no dwelling unit in an apartment house or  
366 mobile home park may be submetered unless all dwelling units are submetered.

367 (12) **Same type meters required.** All submeters which are served by the same master  
368 meter shall be of the same type.