



February 19, 2026

John McManus, Esq.  
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Re: Cases 08-E-0836 - Heritage Holdings LLC (Heritage)(formerly Frawley Plaza, LLC), 08-E-0837 - River Crossing Owner LLC (River Crossing)(formerly Metro North Owners, LLC), 08-E-0838 - Roosevelt Landings Owner LLC (Roosevelt Landings) (formerly North Town Roosevelt, LLC) and 08-E-0839 - Miles Parker Owner LLC (Miles Parker) (formerly KNW Apartments, LLC)

Dear Counsel McManus:

Staff of the Department of Public Service provides this letter to level set various regulatory principles and address various representations that may have been made by you or your clients, the owners of the above-referenced apartment complexes (Owners).

First, we remind your clients that, pursuant to the Commission's Orders in the above-referenced proceedings, tenants who are in arrears on their electric charges must be afforded all the protections and procedures available under the New York Home Energy Fair Practices Act (or HEFPA). Those protections and procedures must be provided before the Owners seek any other civil remedy based on such arrears.<sup>1</sup>

Specifically, the HEFPA notices and protections include, but are not limited to, deferred payment agreements as set forth in Public Service Law § 37 and 16 NYCRR Part 11; budget and levelized billing plans as set forth in Case 08-E-039, Public Service Law § 38 and 16 NYCRR Part 11; the complaint handling procedures as set forth in Public Service Law § 43 and 16 NYCRR Part 11; and the special protections for medical emergencies, elderly, blind and disabled customers, and for cold weather periods as set forth in Public Service Law § 32 and 16 NYCRR Part 11.<sup>2</sup>

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<sup>1</sup> Cases 08-E-0836, 08-E-0837, and 08-E-0839, Order Reinstating Submetering Approval with Conditions (issued August 24, 2011), p. 35; Case 08-E-0838, Order Reinstating Submetering Approval at North Town Roosevelt with Conditions (issued October 28, 2011), p. 22.

<sup>2</sup> *Id.* Case 08-E-0439, Petition of Riverview II Preservation, LP – Submetering, Order on Reconsideration (issued February 18, 2010), pp. 27-28.

Second, this letter advises you and your clients that the Department of Public Service Office of Consumer Services staff who handle customer complaints have been informed that tenants in these buildings who may call with concerns about the potential for eviction or other civil action by the Owners shall be informed about the consumer protections provided by New York's New York Home Energy Fair Practices Act. All HEFPA protections and procedures must be afforded to all tenants of these apartment complexes.

Third, as we discussed during our conference call this morning, please be aware that 16 NYCRR § 96.6(j) prohibits the Owners from sending bills to submetered electric customers more than 30 days after receipt of the distribution utility's and/or ESCO's bill for master-metered service. We understand that the Owners have very recently petitioned for a waiver of this requirement; as we discussed, the petition requires compliance with New York's State Administrative Procedure Act, SAPA § 202(1), which in turn requires publication of a notice in the State Register, a minimum 60-day public comment period, review of such comments and related legal and factual matters, as well as a Commission determination in writing following consideration at a Commission session.

Fourth, DPS Staff notes that the New York County Supreme Court issued a temporary restraining order in August 2025 in a litigation matter.<sup>3</sup> That judicial court order continued on until mid-January 2026 when the court transferred the litigation to the Albany County Supreme Court. That order may -- or may not -- pertain to the administrative petition you recently filed.

We trust that these baseline concepts are clear.

Sincerely,

/s/

Steven J. Kramer  
Managing Attorney

cc: Michelle Phillips, Secretary to the Commission

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<sup>3</sup> *Diane Mack, et al. v. New York State Public Service Commission, L+M Development Partners, et al.*, Index No. 161411-2025, NYSCEF Doc. No. 11 (NY County Sup. Ct. Aug. 29, 2025) (Hon. Denis Reo, AJSC).