

220 CMR 28.00: BILLING REGULATIONS FOR CONDOMINIUMS

Section

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28.01: Purpose

The purpose of 220 CMR 28.00 is to establish rules to implement the requirements of M.G.L. c. 164, § 94H, and to ensure that the rate charged to condominium common areas and facilities by gas and electric companies is no higher than the residential rate charged for electric and gas service to the individual units of the condominium.

28.02: Definitions

As used in 220 CMR 28.00, the following terms, unless the context otherwise requires, will be defined as follows:

Commercial purposes, any purpose which is not solely related to gas or electric use by owners or tenants in their dwelling units.

Common areas and facilities, as set forth in M.G.L. c. 183A, § 1.

Condominium, as set forth in M.G.L. c. 183A, § 1.

Condominium landlord customer, one or more individuals or an organization, including a condominium association, listed on a gas or electric company's records as the party responsible for payments for gas or electric service provided to:

- (a) one or more condominium dwelling units of which the condominium landlord customer is not the occupant, or
- (b) common areas or facilities of such a condominium.

Condominium tenant, any person or group of persons whose condominium dwelling unit is provided gas or electricity under a rental agreement, but who is not the customer of the utility company which supplies such gas or electricity.

Customer of record, the individual(s) or association whose name is on the bill and who is, therefore, responsible for payment of the bill.

28.03: Applicability of 220 CMR 28.00

220 CMR 28.00 shall apply to all firm gas and electric service provided by gas and electric companies to condominiums, which will be considered domestic users for purposes of M.G.L. c. 164, §§ 94D and 119, and 220 CMR 27.00. However, where a condominium includes space used exclusively for commercial purposes, all electricity or gas service provided through the meter serving the commercial space will be charged at the appropriate commercial rate, and such condominium will be considered a commercial user for purposes of M.G.L. c. 164, §§ 94D and 119, and 220 CMR 27.00. 220 CMR 28.00 does not require that any interruptible gas service to condominiums be made firm.

28.04: Determination of Applicable Rate

- (1) For electric and gas service to its common areas and/or facilities, a condominium may be charged on a rate that is no higher than the residential rate. Therefore, a condominium may elect to be billed for its common areas and/or facilities on either the residential rate or any lower commercial rate. A condominium may, upon written request to the gas or electric company, have this billing status changed from residential to commercial, or from commercial to residential. Such condominium cannot request a change in billing status for a period of twelve months after its last request. A utility company must supply to a condominium, upon request, an analysis of the difference in charges to the condominium under each available rate or rate combination. A requested change in billing status shall be effective 30 days after receipt of the request by the gas or electric company, or one year after the effective date of any previous change in billing status, whichever is later.
- (2) In the case of outdoor lighting service where the gas or electricity consumption is not metered, such outdoor lighting service may be charged at a rate which includes a charge for lighting equipment provided by the gas or electric company.

28.05: Consumer Protection

- (1) Billing and Termination. The Billing and Termination Procedures of the Department of Public Utilities (220 CMR 25.01 and 25.02), shall apply to condominium associations which are customers of record for any meters serving condominium common areas and/or facilities. In addition, 220 CMR 25.03 and 25.05 shall apply to condominium unit owners with regard to individually metered electric or gas service to their dwelling units.
- (2) Termination of Service to Accounts Affecting Tenants. Where there are residential tenants residing in a condominium building, condominium landlord customers who are responsible for payments for gas or electric service to

common areas and/or facilities of the condominium shall be considered landlord customers for the purpose of applying the provisions of 220 CMR 25.04, even where there may also be owner-occupied units in the condominium.

- (3) Effect of Billing Rate. A condominium's rights and obligations as set forth in 220 CMR 28.05 shall not be affected by the condominium's choice of rate pursuant to 220 CMR 28.04.

28.06: Notification

At any time after recording of a master deed for a condominium pursuant to M.G.L. c. 183A, § 2, a representative of said condominium must notify the appropriate gas or electric company in writing of all buildings or units which are part of the condominium. The burden is on the condominium to notify the company within 14 days of the recordation and to provide the company with suitable documentation of the establishment of a condominium. Later notification or delayed documentation will result in the new rate being applied as of the date of actual notification or receipt of appropriate documentation by the company. All electricity or gas provided to the common area and/or facilities of the condominium on or after the date of the recording of the master deed and timely notification and documentation of such to the company shall be charged at the rate elected under 220 CMR 28.04.

REGULATORY AUTHORITY

220 CMR 28.00: M.G.L. c. 30A, § 2; c. 164, § 94H