

(b) Facts or evidence presented during the investigation was not considered, resulting in an unfavorable decision.

(c) New facts or evidence, not available at the time of the initial investigation, have become available that would have affected the initial decision on the complaint.

NYSERDA's Treasurer will render a decision on the appeal in writing and will send a copy to the customer by mail.

5. Continuation of Service While a Complaint is Under Review

(a) Upon receipt of a complaint, NYSERDA will notify the customer's utility and will request that the utility not disconnect service based on NYSERDA Loan Installment amounts that have been billed and not paid and are in dispute, until any appeal is decided or the time to appeal has expired.

(b) In order to continue service during the time a complaint or an appeal of an initial decision is pending, the customer may be required to pay any amount that is not in dispute. Upon receipt of the complaint, NYSERDA staff will make a reasonable estimate to establish the disputed amount.

(c) Until the complaint is finally resolved, the

customer will continue to receive bills from the utility that include the full NYSERDA Loan Installment amounts. Upon receipt of such bills, the customer must contact NYSERDA to update the disputed amount as needed.

(d) Upon final resolution of the complaint, NYSERDA will determine whether the customer is entitled to any credits or other relief from the NYSERDA Loan Installment amounts previously billed, and/or any adjustments to future NYSERDA loan installment amounts. Depending on such determination, the customer may be required to pay the amount in dispute in full or in part, or such amount may be determined to be not due and owing. Such requirement shall not take effect until 15 days after the final determination is rendered.

6. Complaint Files

(a) NYSERDA shall maintain the complaint file at one of its offices. It will contain all information in NYSERDA's possession relating to the complaint.

(b) Customers or their authorized representatives may look at and copy complaint files concerning cases regarding their own complaints. NYSERDA may charge for copying in accordance with the fees permitted under the Freedom of Information Law.

(c) Complaint files shall be kept for at least one year after a case is closed.

On-Bill Recovery Mechanism

Process for Submission and Resolution of Customer Complaints

In the Power New York Act of 2011 (Chapter 388 of the Laws of 2011), the New York State Energy Research and Development Authority (NYSERDA) was directed to establish an on-bill recovery mechanism to provide loans to customers for certain energy efficiency improvements and allow for such loans to be repaid through customers' utility bills (the "NYSERDA Loan Installment"). This document is intended to set forth procedures for the submission and resolution of customer complaints related to the energy efficiency improvements performed or loan installment payments being billed by utilities as part of the on-bill recovery mechanism.

1. Submission of Complaints

Complaints concerning the operation of the on-bill recovery mechanism, including complaints concerning the amount of the NYSERDA Loan Installment, any energy efficiency work performed by the contractor, the amount of energy savings realized as a result of the improvements, or matters associated with the lender and/or the loan should be addressed to NYSERDA On-Bill Recovery Complaints and submitted by:

(a) Mail to:

[17 Columbia Circle](#)
[Albany, New York 12203](#)

(b) Email to:

nyserdaloan@nysesda.ny.gov

(c) Online at:

nysesda.ny.gov/on-bill-complaint-handling

(d) Phone through the toll-free number:

1-866-697-3732

2. Investigation of Complaints

Upon receipt of a complaint, NYSERDA staff will log in the complaint, open a complaint file and commence an investigation. NYSERDA staff may request further information from the customer, or from the contractor that performed the energy efficiency work. If information is required from the utility, NYSERDA may ask the customer to sign a letter authorizing the utility to release the required information to NYSERDA. If the customer refuses to sign such a letter, the complaint may be dismissed. NYSERDA staff may order an inspection of the premises. A customer making a complaint is responsible for responding to any requests for information and for arranging access for inspections. Failure to respond to such requests within a reasonable time may result in dismissal of the complaint.

3. Initial Decision on Complaint

When necessary information has been obtained and reviewed, a member of NYSERDA's staff will make an initial decision on the complaint based on his or her findings, applicable State laws, NYSERDA program rules and guidance, Public Service Commission rules, regulations, orders and opinions, and utility tariffs.

NYSERDA staff shall provide a written decision to the customer, which will explain NYSERDA's actions and if applicable, the actions of its contractors and participating program contractors, and will include copies of any bills, statements, field reports, documents, or other information that it relied upon in reaching a decision on the merits of the complaint. The written decision will inform the customer of the decision, the reasons for the decision and what actions must be, or may be, taken by NYSERDA, the customer, the contractor, or the utility. As necessary, the contractor will be notified of the decision and any action that the contractor must undertake. The utility will also be notified of the decision.

4. Appeals

Within 15 days of receipt by mail or email of a written initial decision resolving the complaint, the customer may appeal the decision to NYSERDA's Treasurer by filing a written appeal by mail to 17 Columbia Circle, Albany, New York 12203. An appeal must be based on one or more of the following grounds:

(a) The initial decision is based upon a mistake in the facts or in the interpretation of the applicable laws, rules, regulations or guidance.