

STATE OF NEW HAMPSHIRE

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21 S. Fruit St., Suite 10
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April 29, 2024

Joshua Meehan, Executive Director
Keene Housing
831 Court Street
Keene, NH 03431

Re: WVR 2024-002, Keene Housing Master Meter Waiver Request for 438
Washington St., Keene, NH

Dear Mr. Meehan:

On March 21, 2024, the Department of Energy (DOE) received your letter requesting, on behalf of Keene Housing of which you are the Executive Director, a waiver of New Hampshire Code of Administrative Rules Puc 303.02 in order to provide electric service via master meter to thirty (30) low-income rental units located at Roosevelt School East at 438 Washington Street in Keene, NH. Administrative rule, Puc 303.02(a) provides that, "No utility shall install master metering in a building with multiple dwelling units. The energy in each dwelling unit in such a building shall be separately metered." The rule continues, "A utility shall only install master metering in commercial buildings and as consistent with the International Energy Conservation Code 2009 as adopted pursuant to RSA 155-A:1, IV."¹ Puc 303.02(b). The purpose of the Puc 303.02 master metering rule is to incentivize energy conservation and efficiency in multi-unit residential buildings. However, a waiver can be granted if it serves the public interest and "will not disrupt the orderly and efficient resolution of matters." Puc 201.05.

On July 1, 2021, the DOE came into existence, and many functions previously performed by the Public Utilities Commission (PUC) were transferred to the DOE. Under RSA 12-P:14, "[e]xisting rules, orders, and approvals of the public utilities commission which are associated with any functions, powers, and duties, transferred to the department of energy pursuant to RSA 12-P:11 or any other statutory provision, shall continue in effect notwithstanding any provision of RSA 541-A:17, II to the contrary, and be enforced by the commissioner of the department of energy . . . until they otherwise expire or are repealed or amended in accordance with applicable law, or for a period of 5 years, whichever occurs first." The transfer of functions also operated to authorize the DOE to consider and grant or deny waiver requests regarding rules for which it exercises authority, consistent with the waiver standards established in Puc 201.05. Therefore, the DOE is authorized to enforce the relevant provisions of Puc 300, including Puc 303.02,

¹ Please note that RSA 155-A now requires compliance with the state building code which refers to the International Energy Conservation Code 2018.

and to grant waivers of any such rules under the standards established in Puc 201.05. *See* RSA 12-P:14.

The DOE Regulatory Support Division (Regulatory) received an electronic communication from Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) stating that it does not object to this waiver request subject to the following caveats:

- Eversource would install a single master meter, and Keene Housing would be responsible for installing any additional meters;
- Eversource will only issue one bill to Keene Housing as it cannot break out one meter into multiple bills;
- Keene Housing will be billed on either commercial Rate G or GV (not the residential Rate R);
- Keene Housing is to install all the necessary means should there be a change in use or request for individual metering;
- The proposed Electric Room, switchgear and metering equipment would be installed per Eversource's requirements; and
- All metering locations inside the buildings would be labeled corrected and be bypassed by Keene Housing, and a single master meter outside the buildings would account for the billing usage.

Finally, Eversource's approval is also contingent upon receiving the projected loads from the project and whether it will be primary or secondarily metered. Keene Housing is also encouraged to contact Eversource and work with Eversource to ensure that the meters and infrastructure is properly designed and installed.

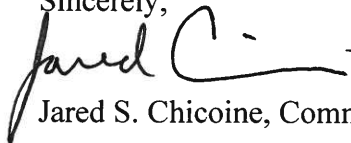
Regulatory reviewed the details provided in Keene Housing's request for waiver of Puc 303.02, additional information provided by Keene Housing and prior similar requests reviewed by the DOE. Concluding its review, Regulatory determined that it will be in the public's interest pursuant to Puc 201.05(a) and (b) to waive Puc 302.02 because the development will have several energy reduction measures such as Energy Recovery Ventilators and air source heat pumps, and Energy Star appliances will be used throughout. Keene Housing stated that twenty percent (20%) of the units will be reserved for households earning 50% of the area median income and at least ten percent (10%) of the units will be reserved for households earning thirty percent (30%) of the area median income.

Pursuant to the statutory and rules authority cited above, I approve Keene Housing's master metering rule waiver request, having found that it would serve the public interest within the meaning of Puc 201.05. Furthermore, this waiver will not disrupt the orderly and efficient resolution of matters before the DOE.

Please be advised that this rule waiver only extends to Puc 303.02, and not to any independent requirements of the utility's tariff, state or local building code, or any other federal, state, or

local requirement.² This approval only applies to Phase 1 of the project described in your request and not to the thirty (30) units encompassing of Phase 2 of the project known as Roosevelt School West.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Chicoine". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jared S. Chicoine, Commissioner

cc: Christopher J. Ellms Jr., Deputy Commissioner
Rorie E. Patterson, Director of Administration
Paul B. Dexter, Legal Director
Elizabeth Nixon, Electric Director
Molly Lynch, Staff Attorney/Hearings Examiner
Jessica Chiavara, Senior Counsel, Eversource Energy

² RSA 155-A establishes New Hampshire's Building Code. The Building Code now includes the International Energy Conservation Code, as amended, which addresses energy efficiency requirements in residential and commercial buildings. RSA 155-A:1, IV. New Hampshire law also explicitly provides that "[a]ll buildings, building components, and structures constructed in New Hampshire shall comply with the state building code. . ." RSA 155-A:2, I. The DOE has no authority to waive RSA 155-A:2, I or the International Energy Conservation Code.