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April 26, 2023

Christopher E. Farris.
Mountain View Mill at Troy LLC
34 Old Nottingham Road
Epping, NH 03042

Re: WVR 2023-001 Mountain View Mill at Troy, LLC Request for Waiver of Puc 303.02

Dear Mr. Farris:

On January 3, 2023, the Department of Energy (DOE) received your letter, on behalf of Mountain View Mill at Troy, LLC (MVM), of which you are the Managing Member, requesting a waiver of New Hampshire Code of Administrative Rules Puc 303.02 in order to provide electric service via a single master meter to the residential and commercial space redevelopment of the Troy Mill. 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." However, "A utility shall only install master metering in commercial buildings and as consistent with the International Energy Conservation Code 2009." Puc 303.02(b). The purpose of the Puc 303.02 master metering rule is to incentivize energy conservation and efficiency.

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 . . . transferred to the department of energy pursuant to RSA 12-P:11 or any other statutory provision, shall continue in effect . . . and be enforced by the commissioner of the department of energy or the commission, as applicable, until they otherwise expire or are repealed or amended in accordance with applicable law . . ." See 2021 N.H. Laws Chapter 91 (House Bill 2-FN-A-Local).

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. The DOE now has primary responsibility for the adoption of public utility meter standards and related matters. RSA 370:3, as amended effective July 1, 2021. The DOE therefore is authorized to enforce the relevant provisions of Puc 300, including Puc 303.02, and to grant waivers of any such rules under the standards established in Puc 201.05. See RSA 12-P:14.

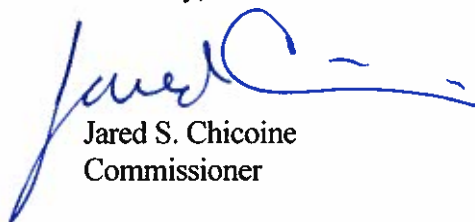
On April 4, 2023, the DOE Regulatory Support Division (Regulatory) received an electronic communication from Eversource Energy (Eversource) stating that it did not object to the MVM waiver request.

Regulatory reviewed the details provided in MVM's request for waiver, additional information provided by MVM, information from Eversource regarding this request, and prior similar requests received by the DOE and PUC and recommends that this request be approved. Concluding its review, Regulatory staff determined that it will be in the public's interest pursuant to Puc 201.05(a) and (b) to waive Puc 302.02 because MVM verified that the redevelopment of this structure will implement energy efficiency measures which will meet or exceed the requirements of New Hampshire's Energy Code.¹

Pursuant to the statutory and rules authority cited above, I approve MVM'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. See RSA 155-A:1, IV.

Sincerely,



Jared S. Chicoine
Commissioner

cc: Rorie E. Patterson, Director of Administration
Paul B. Dexter, Legal Director
Molly Lynch, Attorney/Hearings Examiner
Jessica A. Chiavara, Esq. Eversource

¹ 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, buildings 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.