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DEPARTMENT OF ENERGY
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October 19, 2023

Tim Sidore, CAM, NALP
Chorro, LLC
77 Bank Street
Lebanon, NH 03766

Re: WVR 2023-004
Chorro, LLC - Request for Temporary Waiver of Puc. 303.02 at 7 Bank Street in
Lebanon, NH

Dear Mr. Sidore:

On September 28, 2023, the Department of Energy (DOE) received your letter, on behalf of Chorro, LLC of which you are Chief of Operations, a temporary waiver of New Hampshire Code of Administrative Rules Puc 303.02 in order to provide electric service via master meter to three (3) residential apartments located at 7 Bank Street in Lebanon, NH. 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." "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). In your request, you explain that a master meter is needed because Chorro, LLC cannot obtain a meter bank necessary to individually meter the apartments until Summer of 2024.

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 until they otherwise expire or are repealed or amended in accordance with applicable law, or for a period of 5 years, whichever occurs first."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. As of July 1, 2021, the DOE now has primary responsibility for the adoption of public utility meter

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

standards and related matters. RSA 370:3. 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.

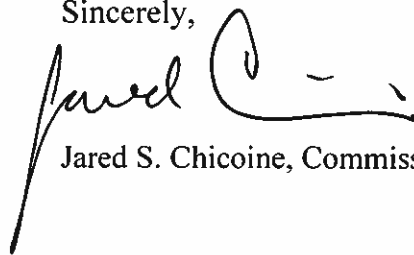
On September 29, 2023, the DOE Regulatory Support Division (Regulatory) received an electronic communication from Liberty Utilities (Liberty) stating that it agreed to the Chorro, LLC temporary waiver request and that the equipment required is provided by the customer, not by Liberty. Regulatory reviewed the details provided in Chorro, LLC's request for temporary waiver of Puc 303.02, additional information provided by Chorro, LLC, and communications with Liberty.

Pursuant to the statutory and rules authority cited above, I approve Chorro, LLC's temporary waiver request of the master meter rule *until September 30, 2024*, having found that it would serve the public interest within the meaning of Puc 201.05 by aiding in the development of new residential housing. Furthermore, this temporary waiver will not disrupt the orderly and efficient resolution of matters before the DOE. Please inform the DOE when the three (3) apartments at 7 Bank Street are individually metered. This temporary waiver approval will automatically cease on September 30, 2024. If Chorro, LLC is unable to individually meter these apartments, by September 30, 2024 then Chorro, LLC must contact the DOE and will be required to file another waiver request.

Please be advised that this temporary 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

Please feel free to contact my office to discuss this matter further.

Sincerely,



Jared S. Chicoine, Commissioner

cc: Christopher J. Elms Jr., Deputy Commissioner
Rorie E. Patterson, Director of Administration
Paul B. Dexter, Legal Director
Molly Lynch, Staff Attorney/Hearings Examiner
Michael Sheehan, Esq. (Liberty Utilities)

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, 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.