

STATE OF NEW HAMPSHIRE

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DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
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October 30, 2023

Karen M. Jantzen, MPA
Concord Coalition to End Homelessness
PO Box 3933
Concord, NH 03302

Re: WVR 2023-005, Concord Coalition to End Homelessness, 120 Pleasant St.
Request for Waiver of Puc 303.02

Dear Ms. Jantzen:

On September 7, 2023, the Department of Energy (DOE) received your letter requesting, on behalf of the Concord Coalition to End Homelessness (CCEH) 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 eight (8) apartments located at 120 Pleasant St. in Concord, NH. Puc 303.02 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 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.

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 until they otherwise expire or are repealed or amended in accordance with applicable law, or for a period of 5 years, whichever occurs first."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 standards and related matters. RSA 370:3. The DOE, therefore, is authorized to enforce

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

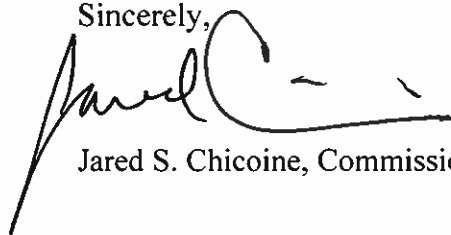
the relevant provisions of Puc 300, including Puc 303.02, and to grant waivers of any such rules under the standards established in Puc 201.05. *See* RSA 12-P:14.

On October 19, 2023, the DOE Regulatory Support Divisions (Regulatory) received an electronic communication from Unitil stating that it does not object to this waiver request. Regulatory reviewed the details provided in CCEH's request for waiver of Puc 303.02, additional information provided by CCEH, and prior similar requests reviewed by the DOE. 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 CCEH will implement energy efficiency measures in the apartments located at 120 Pleasant Street. Further, CCEH stated that these apartments will be rented to homeless individuals who have income at 30% or less of the average median income for Merrimack County. These individuals will only have to pay 30% of their income towards the total rental cost (including utilities) and Project-Based Section 8 rental vouchers will cover the remaining costs.

Pursuant to the statutory and rules authority cited above, I approve CCEH'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

Sincerely,



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
Patrick H. Taylor, Chief Regulatory Counsel, Unitil Service Corp.

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:2,1 or the International Energy Conservation Code.