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February 6, 2024

Jon Livadas, General Partner
DRSWM Limited Partnership
1 Guyenne Road
Wilmington, DE 19807
Jon.Livadas@outlook.com

Re: WVR 2023-006, DRSWM Limited Partnership Master Meter Waiver Request for
169 Sunapee St., Newport, NH

Dear Mr. Livadas:

On December 27, 2023, the Department of Energy (DOE) received your letter requesting, on behalf of the DRSWM Limited Partnership (DRSWM) of which you are the General Partner, a waiver of New Hampshire Code of Administrative Rules Puc 303.02 in order to provide electric service via master meter to seventy (70) apartments in a new multifamily development located at 169 Sunapee Street in Newport, NH.¹ 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."² Puc 303.02(b). The purpose of the Puc 303.02 master metering rule is to incentivize energy conservation and efficiency in multiunit 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 until they otherwise expire or are repealed or amended in accordance with applicable law, or for a period of 5 years, whichever occurs first."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, and to grant waivers of any such rules under the standards established in Puc 201.05. *See* RSA 12-P:14.

¹ Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) is the electricity provider in Newport, NH.

² Please note that RSA 155-A now requires compliance with the state building code which refers to the International Energy Conservation Code 2018.

On January 18, 2024, 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 will only issue one bill to DRSWM as it cannot break out one meter into multiple bills;
- DRSWM will be billed on either commercial Rate G or GV (not the residential Rate R);
- DRSWM is to install all the necessary means should there be a change in use or request for individual metering; and
- All equipment installed must meet Eversource's requirements.

Regulatory reviewed the details provided in DRSWM's request for waiver of Puc 303.02, additional information provided by DRSWM, 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 be Energy Star Compliant and provide affordable housing to the community. DRSWM stated that sixty-two (62) of the apartments will be for residents at area median income and eight (8) of the units will be for households experiencing homelessness or at risk of homelessness. According to the waiver application, the development will be funded by New Hampshire Housing alongside a grant from InvestNH, administered by the New Hampshire Department of Business and Economic Affairs, and additional funding from the Community Development Block Grant. In addition, since the development will be revitalizing the historic Dexter Richards & Sons Woolen Mill, the project will also utilize the Historic Tax Credit as stated in the application.

Pursuant to the statutory and rules authority cited above, I approve DRSWM'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.³

Sincerely,



Jared S. Chicoine, Commissioner

cc: Christopher J. Elms 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

³ 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.