

STATE OF NEW HAMPSHIRE

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DEPARTMENT OF ENERGY
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April 3, 2024

Jeff Lefkovich, Executive Director
Catholic Charities New Hampshire
100 William Loeb Drive, Unit 3
Manchester, NH 03109

Re: WVR 2024-001, Catholic Charities New Hampshire Master Meter Waiver
Request for 10-12 Vose Farm Road, Peterborough, NH

Dear Mr. Lefkovich:

On March 5, 2024, the Department of Energy (DOE) received your letter requesting, on behalf of Catholic Charities New Hampshire ("Catholic Charities") 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 sixty-four (64) mixed-income rental units located at 10-12 Vose Farm Road in Peterborough, 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 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 until they otherwise expire or are repealed or amended in accordance with applicable law, or for a period of 5 years, whichever occurs first."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

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

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.

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 Catholic Charities as it cannot break out one meter into multiple bills;
- Catholic Charities will be billed on either commercial Rate G or GV (not the residential Rate R);
- Catholic Charities 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 Catholic Charities, and a single master meter outside the buildings would account for the billing usage.

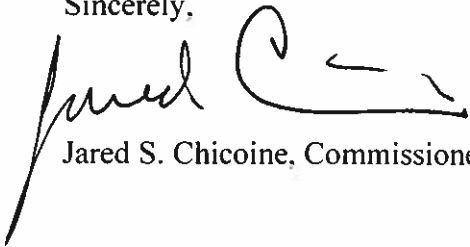
Regulatory reviewed the details provided in Catholic Charities' request for waiver of Puc 303.02, additional information provided by Catholic Charities and prior similar requests reviewed by the DOE. Concluding its review, Regulatory determined that it will be in the public's interest pursuant to Puc 201.05(a) and (b) to waive Puc 302.02 because the development will have several energy reduction measures such as high insulation levels, energy-efficient windows, and effective air sealing. The project will also have rooftop solar panels, high-efficiency heating and cooling equipment. Catholic Charities stated that fifty-nine (59) of the sixty-four (64) units to be developed will be reserved to support households earning at 'extremely-low' and 'very-low', and 'low-income' levels which ranges from 30% to 60% of the Area Median Income.

Pursuant to the statutory and rules authority cited above, I approve Catholic Charities' 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 the thirty-two (32) units described as part of Phase 2.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared S. Chicoine". The signature is fluid and cursive, with a large initial "J" and "S".

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