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February 28, 2013

Mr. Geoff Spitzer
Senior Project Manager
Chinburg Builders, Inc.
3 Penstock Way
Newmarket, NH 03857

Re: DE 13-046, Chinburg Builders, Inc., Request for Waiver of N.H. Code Admin.
Rules Puc 303.02 (Master Metering Rule – The Cocheco Millworks, Dover)

Dear Mr. Spitzer:

On February 5, 2013, Chinburg Builders, Inc. (Chinburg) filed a request for waiver of N.H. Code Admin. Rules Puc 303.02 (Master Metering Rule) in relation to Chinburg's proposed renovation of The Cocheco Millworks complex located at 100 Main Street in Dover. In its filing, Chinburg detailed the economic and engineering challenges connected with an effort to comply with the Master Metering Rule and the electrical efficiency code standards incorporated into the New Hampshire Building Code by RSA 155-A:1, IV. Specifically, Chinburg represented that master metering of electric consumption in the residential units in The Cocheco Millworks would be the only viable metering method from an engineering and cost-effectiveness standpoint for the proposed renovation, despite the prohibition, established by the Master Metering Rule and the New Hampshire Building Code, on master metering of multi-tenant buildings where tenants would have temperature control over any portion of the electric air conditioning service for the unit. (Such individual air-conditioning control is a feature included in Chinburg's renovation proposal for The Cocheco Millworks).

In support of its request, Chinburg provided: (1) an electrical engineering report by Progressive Electrical Services, Inc. of Kingston for The Cocheco Millworks, discussing matters related to master metering; (2) a HVAC specifications list by East Coast Heating and Air Conditioning of Portsmouth for The Cocheco Millworks; (3) a Chinburg-generated list of energy efficiency improvements planned for The Cocheco Millworks; (4) a letter of support from the Dover Business & Industrial Development Authority for Chinburg's waiver request; and (5) a letter of support from the City of

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Dover's Department of Planning and Community Development for Chinburg's waiver request. The Cocheco Millworks project offers the promise of considerable economic-development benefits for the City of Dover, and Chinburg's planned energy-efficiency improvements for the complex promise to help effectuate the efficiency goals of the Master Metering Rule.

Having reviewed Chinburg's request, and the supporting materials presented, the Commission has determined, pursuant to Puc 201.05, that the applicable standards for a waiver are satisfied and that granting a waiver of Puc 303.02 described above is consistent with the public interest. Accordingly, the Commission would grant the waiver request. However, it is our opinion that under the statutory terms of the New Hampshire Building Code, specifically the International Energy Conservation Code section 505.7, Chinburg must seek a waiver from the State Building Code Review Board (BCRB), pursuant to RSA 155-A:2, X, for its proposed master metering installation at The Cocheco Millworks. Chinburg should continue to cooperate with the City of Dover authorities in making such a waiver request before the BCRB. Subject to the granting of a waiver by the BCRB, the Commission hereby conditionally grants Chinburg's request for a waiver of the Master Metering Rule.

Sincerely,

Debra A. Howland
(KNS)

Debra A. Howland
Executive Director

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