



DE 21-098

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April 27, 2021
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Via FedEx

New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
Attn: Debra A. Howland, Executive Director

Re: The Baldwin Senior Living – Waiver Request from PUC Rule 303.02

Dear Executive Director Howland:

On behalf of The Baldwin Senior Living, a New Hampshire nonprofit corporation (“The Baldwin”), we are filing this letter pursuant to New Hampshire Public Utilities Commission (“PUC”) Rules 201.05 and 202.01 seeking a waiver from PUC Rule 303.02, which prohibits master metering in a building with multiple dwelling units.

As background, The Baldwin owns an approximately 15.435 acre parcel of land located at 50 Woodmont Avenue in Londonderry, New Hampshire. The Baldwin intends to develop this land into a phased continuing care retirement community consisting of approximately 190 independent living units, 40 assisted living units and associated amenities, open space, underground parking and other common areas (the “CCRC”). The CCRC is fully permitted and approved with state and local authorities. In addition, the Baldwin received tax-exempt bond financing from the NH Business Finance Authority (“NH BFA”) in order to purchase the land and will receive additional bond financing when it commences construction later this year. Once completed, the CCRC will form an integral part of Town of Londonderry’s Woodmont Commons PUD Master Plan, a 600+ acre mixed-use master planned area serving the needs of Londonderry and other communities in southern New Hampshire.

To function as a successful senior living community, the CCRC will be developed as four separate building components: (i) Building A/B, consisting of a three-story, approximately 86,243 s.f. building and containing 65 independent living units, (ii) Building C, consisting of a three-story, approximately 66,084 sq. ft. building and containing all of the assisted living units and no independent living units, (iii) Building D, consisting of a three-story, approximately 81,846 s.f. building and containing 56 independent living units, and (iv) Building E, consisting of a three-story, approximately 124,936 s.f. building and containing 69 independent living units. All of the buildings comprising the CCRC will be under the management of The Baldwin. In terms of utilities, each building of the CCRC will have its own electrical transformer providing

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120/208V service with a master meter, with check meters for each of the independent living units. Residents of The Baldwin will pay utilities as part of their monthly service fees.

Because each of the independent living units will not have its own utility meter, The Baldwin is seeking a waiver from PUC Rule 303.02¹. Pursuant to PUC Rule 201.05(a), the PUC may grant a waiver from this rule if it finds that:

- **The waiver serves the public interest; and**
- **The waiver will not disrupt the orderly and efficient resolution of matters before the commission**

Under PUC Rule 201.05(b), in determining the public interest, the PUC shall waive a rule if: (1) compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or (2) the purpose of the rule would be satisfied by an alternative method proposed.

A waiver from PUC Rule 303.02 will serve the public interest by removing the onerous requirement of having individual utility meters for each of the 190 independent living units within the CCRC. For a nonprofit organization like The Baldwin, the additional cost of installing these meters is prohibitive and would detract from the resources available to The Baldwin for constructing the CCRC. Moreover, although the CCRC has multiple dwelling units within Buildings A/B, D, and E, these buildings do not function as typical multi-family residential buildings. Residents pay monthly service fees for a full continuum of care and services, only part of which includes charges for occupancy and utility usage. Instead, these buildings are more akin to the exempt facilities set forth in PUC Rule 303.02(c) (e.g., hotels, dormitories, and boarding houses), where occupants are charged one fee for a range of services, including applicable utility charges. Finally, by installing check meters for each of the independent living units, The Baldwin has proposed an alternative method of tracking utility usage for each unit.

Granting this waiver will also not disrupt the orderly and efficient resolution of matters before the PUC. For the reasons cited above, we anticipate that the PUC will be able to quickly

¹ PUC Rule 303.02 provides the following:

“Puc 303.02 Master Metering. (a) 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. (b) 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. (c) Hotels, motels, dormitories, boarding houses and time-sharing interests in condominiums as defined in RSA 356-B:3 shall not be considered a dwelling unit within the meaning of Puc 303.02(a) above.”



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and efficiently review this matter and conclude that a waiver is appropriate under these circumstances.

Our client is committed to bringing a first-class senior living facility to the Town of Londonderry. Given The Baldwin's nonprofit mission and the tax-exempt bond financing from the NH BFA, we know that the state of New Hampshire is just as interested in making sure that the CCRC is a successful project serving the senior community in southern New Hampshire.

We therefore respectfully request that the PUC reviews and grants this waiver request as soon as possible. If you need any other materials to complete this review, please let me know at your earliest convenience. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "David A. Libardoni". To the right of the signature is a small, circular blue stamp containing the letters "DL".

David A. Libardoni

DAL:

Cc: Marlene Rotering, Executive Director
Bob Coppola
Michael Kushnir, Esq.

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