

THE STATE OF NEW HAMPSHIRE

before the

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S,
COMMUNITY ACTION PROGRAMS, BELKNAP-MERRIMACK COUNTIES, INC.'S AND
PEMBROKE HOUSING FOR THE ELDERLY, INC.'S
JOINT REQUEST FOR WAIVER OF N. H. CODE ADMINISTRATIVE RULE PUC § 303.02

Pursuant to N.H. Code Admin. Rule Puc § 201.05, Public Service Company of New Hampshire ("PSNH"), Community Action Programs, Belknap-Merrimack Counties, Inc. (hereinafter "BM-CAP") and Pembroke Housing for the Elderly, Inc. (hereinafter collectively as "Requestors") hereby jointly request a waiver of the prohibition against master metering with respect to an elderly subsidized housing project in Pembroke New Hampshire. *See*, N.H. Code Admin. Rule Puc § 303.02(b). The Requestors assert that the waiver would serve the public interest, and compliance with the rule would be onerous or inapplicable given the circumstances of the affected party. In support of their request for waiver, the Requestors say the following:

1. BM-CAP is a not for profit corporation which operates many social services. BM-CAP is known to the Commission as the statewide operator of the Electric Assistance Program.
2. BM-CAP has successfully sponsored and developed five subsidized housing projects in its catchment territory of Belknap and Merrimack Counties. A new elderly housing project is now under construction in Pembroke, New Hampshire that will have forty rental units in one building. Under the terms of the grant awarded to BM-CAP, as sponsor and developer, by the United States Department of Housing and Urban Development ("HUD"), the tenants will be low income elderly persons or couples. The owner/operator of the elderly housing facility, in this instance Pembroke Housing for the Elderly, Inc., must include heat, hot water, and air conditioning in the rent paid by the residents.¹ The residents will only pay a fixed percentage of their income as rent regardless of their consumption of utility services. The owner/operator of the facility is under contract to supply these services for forty (40) years with an option to renew the operating agreement for an additional forty (40) years.

¹ Each subsidized housing project is owned by a single asset corporation which contracts with BM-CAP to operate the facility.

3. The applicable rules are as follows:

Puc 302.12 “Master metering” means the use of a single meter to supply electric service at a building that contains two or more residential premises.

Puc 303.02 Master Metering.

(a) A utility shall install master metering of electric service consistent with its tariffs if the installation is consistent with the International Energy Conservation Code 2000 as adopted in RSA 155-A:1,IV, except as set forth in (b) below.

(b) No utility shall install master metering at a multi-tenant building containing any residences if the occupants of any unit receiving electric service through the master meter have temperature control over any portion of the electric space heating, electric air conditioning or electric water heating service for the unit.

(c) Section (b) above shall not apply to hotels, motels, dormitories and time-sharing interests in condominiums as defined in RSA 356-B:3.

The current IECC Code Section is as follows:

IECC 505.7 Electrical energy consumption. (Mandatory). In buildings having individual dwelling units, provisions shall be made to determine the electrical energy consumed by each tenant by separately metering individual dwelling units.

4. In the case of mater metering subsidized housing projects, PSNH has operated in the past on an exception to the rule on master metering which was contained in a 1991 letter sent by a former energy code administrator for the Commission. An exception to the prohibition against master metering was allowed in the past as long as the builder individually wired the apartments and installed meter sockets. In case the building was no longer a subsidized housing facility, the utility could then install meters and treat each individual dwelling unit as a separate customer. A copy of the correspondence from the Commission is enclosed.

5. BM-CAP and Pembroke Housing for the Elderly, Inc. intend to operate the facility as subsidized elderly housing for the full length of its contract/agreement with HUD. The meter sockets installed today may not be of any use when and if the facility is no longer operated as subsidized housing. The cost of obtaining and installing the meter sockets would exceed \$10,000; however, today’s vintage meters may never be used. Thus application of the rule would be onerous or inapplicable to the developer/owner/ operator of an elderly subsidized

housing facility because, as a condition to the grant of funds to build the facility, utility costs are included in the tenants' rent and subsidies. It is in the public interest that the cost of construction be reduced by the cost of purchasing and installing the meter sockets when the construction is financed by tax dollars.

WHEREFORE PSNH, BM-CAP and Pembroke Housing for the Elderly, Inc. respectfully request that the Commission grant a waiver of N.H. Code Admin. Rule Puc 303.02 with respect to PSNH's supply of electricity to the Village at Pembroke Farm, 408 Pembroke Street, Pembroke, New Hampshire to allow master metering as long as the facility is operated as elderly subsidized housing, and grant such further relief as may be just and equitable.

Respectfully submitted,

Pembroke Housing for the Elderly, Inc.

Community Action Programs,
Belknap-Merrimack Counties, Inc.

Public Service Company of New Hampshire

March 24 2010
Date

By: 
Gerald M. Eaton
Senior Counsel
Public Service Company of New Hampshire
780 North Commercial Street
Post Office Box 330
Manchester, New Hampshire 03105-0330
(603) 634-2961

CERTIFICATE OF SERVICE

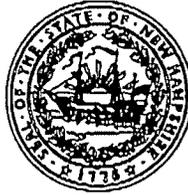
I hereby certify that, on the date written below, I caused the attached Joint Request for Waiver to be served in accordance with NH Code Admin. Rule 203.11.

March 24 2010
Date


Gerald M. Eaton

STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION
8 Old Suncook Road
Concord, N.H. 03301-5185

EXECUTIVE DIRECTOR
AND SECRETARY
Wynn E. Arnold
Tel. (603) 271-2431
FAX No. 271-3878
HELP LINE TDD RELAY
225-4033
1-800-992-3312

February 22, 1991

Ms Nancy J. Nelson, Esq.
Staff Attorney
South Dakota Public Utilities Commission
State Capitol
Pierre, SD 57501-5070

Dear Ms Nelson:

In response to your 13 February 1991 letter requesting master metering information I believe the text below and the enclosed sheets will address your waiver concerns.

The applicable sections of the state Energy Code and the NHPUC Administrative Rules are enclosed for your review. Please note that there are three (3) exemptions and they are hotels, motels and dormitories. However, since the Energy Code was adopted in 1979 our state has seen the emergence of two types of structures that challenge the typical definition of a dwelling unit and these are federally subsidized Section 8 HUD Housing and long term care facilities in which residents may or may not have private cooking and bath accomodations.

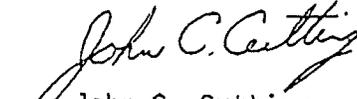
Regardless of whether these types of units meet all the criteria of a dwelling unit as defined by the state or a local municipality, master metering becomes an issue because the rents or fees are paid by a single owner. Landlords or management companies argue that they should not have to pay separate meter reading charges, customer charges and receive separate bills since they pay for all services and energy. The NHPUC maintains that if the unit is designed for independent living (i.e. the unit contains its own cooking, toilet, sleeping facilities, etc.) then it must be separately metered since there is no guarantee that in the future the unit will not be sold or rented as a apartment or condominium. Some towns have adopted a minimum square foot area requirement for dwelling units which avoids the confusion of what is considered an overnight (hotel, motel or dormitory) versus a dwelling unit (year round capacity).

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In order to accomodate these projects and to minimize the financial burden on developers, the Commission's policy is to require that the requisite wiring and meter boxes be installed at time of construction, but that for the period of time in which the units remain subsidized or part of a long term care facility that they can be master metered. The meter boxes can be located either at each unit or in a single location. However, if the use of the units were to change at any time the utility and the municipality would have the right to request that separate meters be installed and that all applicable charges would then begin to accrue.

Should you have any questions or require additional information please do not hesitate to contact me directly at the following telephone number: (603) 271-2431.

Respectfully,


John C. Cutting
Energy Planner

cc: A. Johnson
Asst. Chief Engineer

encs: (2) Energy Code Sec. 505.2 e
Puc 303.02 (c)(1) and (2)

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COMMISSIONERS
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Linda G. Stevens



PUBLIC UTILITIES COMMISSION
8 Old Suncook Road
Concord, N.H. 03301-5185

EXECUTIVE DIRECTOR
AND SECRETARY
Wynn E. Arnold
TDD Access: Relay NH
1-800-735-2964
Tel. (603) 271-2431
FAX No. 271-3873

October 8, 1992

Mr. George Blood
Concord Electric Company
P. O. Box 1338
Concord, NH 03301

Dear Mr. Blood:

In regards to our 6 October 1992 conversation concerning the Havenwood Heritage Heights project, I believe the information listed below addresses the individual versus master metering issue.

First, you are correct that the Energy Code and PUC rules do prohibit the master metering of multiple unit structures. When the rule and the Code were first adopted the only known exception was the existence of federally subsidized Section VIII housing units. However, in the interim, a number of retirement communities have been constructed in which a management company pays the utility and energy bills on behalf of the "tenants". Residents often own these dwelling units which may or may not be attached to each other. The existence of kitchen and sanitation facilities within each unit further defines their classification as independent dwelling units (i.e., apartments).

Second, in order to accommodate the needs of these types of communities, the NHPUC has allowed master metering to be installed under the following conditions.

1. All requisite wiring and meter boxes must be installed at time of construction in order to accommodate the future installation of separate meters should ownership or management organization change to a nonstructured environment (i.e., tenants would pay their own utility bills):
2. The units must meet all local and state building, zoning and planning board regulations and criteria. This becomes an important issue when defining the type of unit(s) and whether state fire and safety codes or handicapped access statutes are applicable. For example, some towns have a minimum square footage floor area requirement as part of their definition of a dwelling unit.
3. All wiring must be performed by a licensed electrician and comply with National Electrical Code standards and local utility company installation regulations.

Third, Mr. Jim Dall, Director of Materials Management at Havenwood, informs me that all units in question do have separate cooking and sanitation facilities; however, I do not know if the City of Concord has any dwelling unit size limits. His primary reason for seeking the meter conversion is to reduce costs by eliminating monthly metering reading charges and to change rate designations. Given his description of the facility, I do not see any problem with converting the units to master metering. The wiring and empty meter boxes should remain on each unit in case of future changes in management or ownership status. It may be necessary for your company to assist in the determination of conversion costs in order for Havenwood personnel to make an informed decision.

Finally, should you have any additional questions or concerns, please feel free to contact me directly at the Commission. Thank you for your cooperation in this matter.

Sincerely,

John C. Cutting
Energy Planner

cc: Mr. Jim Dall, Havenwood
Mr. Wally Ramsden, NHPUC
Dr. Sarah Voll, NHPUC
Mr. Arthur Johnson, NHPUC