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PUBLIC UTILITIES COMMISSION

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June 17, 2019

Mr. Steven W. Lewis
Manager, Sanborn Crossing Apartments, LLC
for Sanborn Crossing Apartments Limited Partnership
P.O. Box 1358/ 11 Main Street
Atkinson, NH 03811

Re: DE 19-063 Sanborn Crossing Apartments Limited Partnership
Request for Waiver of Puc 303.02 to Master Meter Sanborn Crossing Apartments

Dear Mr. Lewis:

On March 27, 2019, you filed on behalf of Sanborn Crossing Apartments Limited Partnership (SCA LP), a request for a waiver of N.H. Code Admin. Rules Puc 303.02, the master metering rule, with respect to new construction to be located at 30 Sanborn Road in Londonderry, a property owned by SCA LP. The March 27, 2019 filing included a March 14, 2019 letter from Architect David P. Johnson discussing designs for Sanborn Crossing Apartments, and a contract with Revision Energy for a 60 kW photovoltaic generation system executed on March 21, 2019.

SCA LP is part of a partnership that includes the Town of Londonderry and the New Hampshire Housing Finance Authority. Together, this public/private partnership plans to provide 102 units of affordable housing for elderly residents with low and moderate incomes. Sanborn Crossing Apartments is comprised of two separate buildings, and SCA LP seeks permission to use one master meter at each building to combine electric services for the residential units and common spaces. Neither building contains space for commercial use.

Commission Staff (Staff) filed a memorandum on June 11, 2019, in which it described and analyzed SCA LP's request and recommended that the Commission grant the waiver, subject to certain specified conditions. Staff noted that electrical service and other utility charges are included in the residents' rent, and that SCA LP had identified an extensive list of specific energy efficiency measures to be installed during construction. These energy efficiency measures include: high efficiency condensing furnaces for heating and cooling, with a 93 percent or higher efficiency rating for both buildings in all individual and common spaces; water conserving fixtures paired with 98 percent efficient gas fired water heaters; EnergyStar rated low-e argon filled window glass with a U-value of 0.27 or better; and EnergyStar rated LED lighting fixtures, kitchen fans and unit appliances.

According to Staff, it is also anticipated that the Sanborn Crossing Apartments' buildings will receive an EnergyStar Homes 3.1 Certification, a NGBS Gold Certification, and that both buildings' thermal envelopes will exceed the 2009 International Energy Conservation Code requirements (Walls: R-21, Foundation Perimeter: R-15; Ceilings R:49). In addition, the Sanborn Crossing Apartments will include a 60 kW solar photovoltaic generation system to offset daytime loading, reduce electric consumption from the grid, and reduce future operating costs.

Staff described how SCA LP would use the Federal Low Income Housing Tax Credit and New Hampshire's HOME funds to provide below-market rents for income-qualified elderly households. According to SCA LP, 20 percent of the units would be designated for households whose income is not more than 50 percent of the median income level, with the remainder designated for households whose income is not more than 60 percent of the median income level. To guarantee affordability over a long-term period, the New Hampshire Housing Finance Authority has required SCA LP to record a land use restriction in the Rockingham County Registry of Deeds. The restriction requires "the units to remain affordable for a period of at least thirty years." *See Waiver Request* (March 27, 2019).

In its request for waiver, SCA LP reported it worked with Eversource to design a system that will keep costs affordable and promote energy efficiency. SCA LP stated that Eversource is "aware [of] and supports this request for master metering of our two buildings." *See id.* According to Staff, it contacted Eversource regarding the proposed metering configuration, and Eversource informed Staff that it takes no position on the waiver request.

In view of the acknowledged purpose of the master metering rule to incentivize energy conservation and efficiency, Staff concluded that the rule's purpose would be met through the alternate method of making the buildings energy-efficient through the installation of a number of energy-efficient mechanical, lighting, and power systems and certifications, including exceeding the 2009 International Energy Conservation Code requirements. According to Staff, that result would serve the public interest and would not disrupt the orderly and efficient resolution of matters before the Commission, consistent with Puc 201.05. Staff therefore recommended that the Commission grant SCA LP's request for a waiver of Puc 303.02, to permit master metering at each of the two buildings at 30 Sanborn Road in Londonderry, subject to certain specified conditions, including actual installation of the identified energy efficiency measures and certifications, with such waiver to be in effect for so long as the project is operated for low and moderate income residents, as described.

The Commission has reviewed SCA LP's rule waiver request and Staff's memorandum, and has accepted and approved Staff's recommendation. The Commission finds that, given the circumstances described by SCA LP and in the Staff memorandum, the requested waiver would serve the public interest and would not disrupt the orderly and efficient resolution of matters before the Commission, as required by Puc 201.05.

Accordingly, SCA LP is granted a waiver of Puc 303.02 and installation of the master meter configurations as described is permitted. This waiver shall be effective so long as the specified energy-efficiency measures are installed and implemented, certifications achieved, and for as long as the two buildings at 30 Sanborn Road in Londonderry remain subsidized housing for 102 low and moderate income households. If SCA LP does not include all enumerated energy efficiency measures

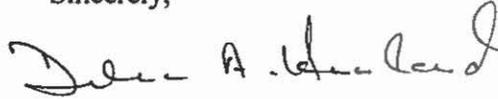
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and certifications, or if it is no longer operated as described at some future time, then the waiver will no longer be effective. In that event, SCA LP shall be required to install individual electric meters for each residence within the building, and to promptly notify the Commission and Eversource of the changes.

Please be advised that this rule waiver only extends to the Commission rule, and not to any independent requirements of the state building code, or to any other federal, state or local requirement.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Debra A. Howland
Executive Director

cc: Service List

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