

THE STATE OF NEW HAMPSHIRE



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March 11, 2020

Christopher H.M. Carter, Esq.  
Hinckley Allen & Snyder LLP  
11 South Main Street, Suite 400  
Concord, NH 03301-4846

Re: DE 19-114 RiverWoods  
Request for Waiver of Puc 303.02(b)

Dear Attorney Carter:

On June 24, 2019, you filed on behalf of RiverWoods of Exeter, The Woods, a request for a waiver of N.H. Admin R. Puc 303.02, the master metering rule, in order to replace 201 individual meters and one master meter with four master meters. RiverWoods of Exeter (RiverWoods) is a 501(c) 3 corporation that operates as a continuing care retirement community. After reviewing RiverWoods data responses, Staff initially recommended that the waiver request be denied. *See* Staff Recommendation (December 6, 2019). However, RiverWoods provided additional information in January and February 2020, and clarified prior responses. On the basis of new information, Staff recommended that the waiver request be granted. *See* Staff Recommendation (March 6, 2020).

The new information clarified that RiverWoods is seeking a waiver in order to install four master meters to support a new generator. The generator will provide heat and electricity to 201 individual living units (ILUs). The information also provided a different understanding of RiverWoods' physical plant and the overall project.

In concluding that the waiver should be granted, Staff gave weight to the fact that The Woods is one large enclosed facility and not five separate buildings; that RiverWoods has a long-term energy efficiency plan of which the generator upgrade is a part; that RiverWoods has spent approximately 1.7 million dollars on energy efficiency upgrades during the 2018-2020 period and will spend at least 1.5 million on upgrades through 2024. *See id.*, citing RiverWoods' Response to Staff Question #7. Energy efficiency upgrades include: high efficiency boiler providing heat and hot water for the Dixville wing, a high efficiency chiller and cooling tower AC for the Dixville wing; a high efficiency HVAC rooftop unit for the main dining room; the insulation of the Dixville wing; a TPO roof membrane; updated LED street lights; the installation of high efficiency toilets and faucets in a portion of the ILUs, upgrading solarium exterior doors and a portion of ILU windows to Energy Star Thermo-Pane glass; on-going attic insulation for other wings and upgrading facility entry doors.

Staff also considered that RiverWoods' residents do not pay their own utility bills; residents' bills tend to be uniform in size and cost; RiverWoods estimates it would incur significantly higher costs were it to rewire each ILU to permit a large generator to provide heat and electricity during a power outage; the facility's location at the end of an electric distribution line, the frequency and duration of power outages, and the impact of outages on elderly residents.

Unitil Energy Systems, Inc. (Unitil) informed Staff that it takes no position on the proposed metering configuration and waiver request.

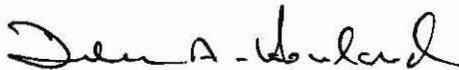
In view of the acknowledged purpose of the master metering rule to incentivize energy conservation and efficiency, and based upon information RiverWoods provided in January and February 2020, Staff concluded that the rule's purpose would be met through an alternative method, that is through the prior and on-going installation of a number of energy efficient mechanical, lighting and heating and power systems, including but not limited to the energy efficiency upgrades referenced above. 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 N.H. Admin. R. Puc 201.05. Staff therefore recommended that RiverWoods, The Woods' request for a waiver of Puc 303.02 be granted.

The Commission has reviewed RiverWoods' rule waiver request, Staff's initial recommendation for denial, RiverWoods' most recent data responses, and Staff's recent recommendation that waiver be granted. The Commission finds that, given the circumstances described by RiverWoods, and in Staff's Recommendation (March 6, 2020), 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, RiverWoods is granted a waiver of Puc 303.02, and installation of four master meters to support a generator for residential units and replace the existing Monadnock master meter, is permitted. The waiver shall be in effect as long as the energy efficiency measures in RiverWoods' Energy Efficiency master plan are implemented by December 31, 2024 and RiverWoods, The Woods, remains a continuing care retirement community and a 501(c) 3 corporation. If, at some future time, the RiverWoods, The Woods, facility does not meet the foregoing conditions, then the waiver will no longer be effective. In that instance, RiverWoods shall be required to re-activate or otherwise install individual electric infrastructure necessary to individually meter the ILUs. RiverWoods shall also promptly notify the Commission and Unitil of any changes in The Woods' legal status, function, or electric infrastructure.

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,



Debra A. Howland  
Executive Director

cc: Service List (Electronically)  
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