

**THE STATE OF NEW HAMPSHIRE**  
**before the**  
**NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

**COMMUNITY ACTION PROGRAM BELKNAP-MERRIMACK COUNTIES, INC.'S AND**  
**NEWBURY ELDERLY HOUSING, INC.'S**  
**JOINT REQUEST FOR WAIVER OF N. H. CODE ADM. RULE PUC §303.02**  
**Docket No. DE 13-**

Pursuant to N.H. Code Admin. Rule Puc § 201.05, Community Action Program Belknap-Merrimack Counties, Inc. (hereinafter “BM-CAP”) and Newbury Elderly Housing, Inc. (hereinafter jointly referred to as “the Requestors”) hereby jointly request a waiver of the prohibition against master metering with respect to an elderly subsidized housing project currently under construction in Newbury 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 and has participated in many proceedings before the Commission. Newbury Elderly Housing, Inc. is a nonprofit corporation which will own and operate the completed elderly housing project in Newbury. The Town of Newbury is served by Public Service Company of New Hampshire (PSNH).
2. BM-CAP has successfully sponsored and developed six subsidized housing projects in its catchment territory of Belknap and Merrimack Counties. A new elderly housing project is now under construction in Newbury, New Hampshire that will have thirty-four rental units in one building. BM-CAP is the sponsor and developer of the project. Under the terms of the grant awarded 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 proposed elderly housing facility, in this instance Newbury Elderly Housing, Inc., must include the costs of heat, hot water, and air conditioning in the rent paid by the residents.<sup>1</sup> 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 twenty (20) years. Ownership of the facility must remain with a nonprofit organization whose sole responsibility will be to continue to operate this development as low income elderly housing.

---

<sup>1</sup> Each subsidized housing project is owned by a single asset corporation.

3. The applicable Commission 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.

(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.

4. BM-CAP and Newbury Elderly Housing, Inc. intend and are contractually obligated to operate the facility as subsidized elderly housing for the full length of its contract/agreement with HUD. Any meter sockets installed today may not be of any use when the contract with HUD expires after forty or sixty years. The cost of obtaining and installing the meter sockets and individually wiring each dwelling unit to the meters is estimated to exceed thirty thousand dollars (\$30,000); however, today's vintage meters may never be used. Thus application of the rule would be onerous to the developer/owner/operator of this elderly subsidized housing facility because, as a condition to the grant of funds to build the facility, utility costs will be 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 and individually wiring the apartments to the meters when the construction is financed by tax dollars.

5. The purpose of the master metering prohibition is to encourage efficient use of electricity by having the residents of multiple housing units see and pay for their individual consumption rather than having their electricity folded into their rent payment. Where the future residents of the Newbury Elderly Housing facility will not see or pay an individual electric bill, the link between the customer and the consumption is broken. The separate wiring of each apartment to individual meters would add significant costs to the construction of the facility without the benefits the master metering rules are designed to create.

6. The design for construction of the Newbury Elderly Housing facility calls for the most up to date energy efficiency measures, including the following:

- A. Closed spray foam exterior wall insulation, which will prevent heat loss due to air leakage.
- B. Windows with Low-E glazing, which will minimize heat loss.
- C. Water saving showerheads, faucets and toilets, which will require both less energy for production of hot water, and less energy used to pump water.

- D. Energy Recovery Ventilation (ERV) systems, which will recover energy normally lost by standard exhaust fans, and provide better ventilation in the building to maintain air quality.
- E. Energy Star appliances and interior lighting.
- F. The exterior lighting will have all Energy Star fixtures.
- G. Closed loop geothermal system for heating and air conditioning with high efficiency heat pumps.
- H. Roof insulation panels, called SIPS – structural insulated panel system, which will have 8” of polyisocyanurate insulation.

The energy efficiency measures to be installed meet and exceed the requirements of HUD funding.

7. A similar joint request for waiver of Puc § 303.02(b) was granted by the Commission in Docket No. DE 10-067. A draft of this petition was circulated to PSNH. Upon information and belief, PSNH supports this Joint Request for Waiver.

WHEREFORE, BM-CAP and Newbury Elderly Housing, 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 Newbury Elderly Housing on Newbury Heights Road, Newbury, 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,  
 Newbury Elderly Housing, Inc.  
 Community Action Program  
 Belknap-Merrimack Counties, Inc.

October 18 2013  
 Date

By: Gerald M. Eaton  
 Gerald M. Eaton (NH Bar Id # 727)  
 Attorney for Community Action Program  
 Belknap-Merrimack Counties, Inc.  
 413 Mountain Road  
 Concord, New Hampshire 03301  
 (603) 225-7219  
 eatongm272@comcast.net

**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.

October 18 2013  
 Date

By: Gerald M. Eaton  
 Gerald M. Eaton (NH Bar Id # 727)  
 Attorney for Community Action Program  
 Belknap-Merrimack Counties, Inc.