Readopt with amendments Puc 1800, effective 7-31-07 (Document #8958), to read as follows:

CHAPTER Puc 1800 ADMINISTRATION OF NEW HAMPSHIRE CODE FOR ENERGY CONSERVATION IN NEW BUILDING CONSTRUCTION

PART Puc 1801 DEFINITIONS

Puc 1801.01 "Applicant" means the general contractor, builder, owner or other person submitting an application to the commission or local ~~building code official~~authority having jurisdiction, as applicable, for certification of design compliance with the energy code.

Puc 1801.02 "Application" means application (EC-1) forms, plans and specifications, compliance materials, and any additional material submitted to the commission or local ~~building code official~~authority having jurisdiction, as applicable, for review for compliance with the energy code.

Puc 1801.03 "Certificate of compliance" means the document issued by the commission certifying approval of an application pursuant to RSA 155-D:4, IV or V.

Puc 1801.04 "Commission" means the New Hampshire public utilities commission.

Puc 1801.05 "Energy code" means ~~the~~ that portion of the New Hampshire state building code, as defined in RSA 155-A, which pertains to energy efficiency ~~International Energy Conservation Code 2006, as adopted by reference in RSA 155-A:1, IV,~~ and any amendments adopted by the state building code review board pursuant to RSA 155-A:3, XI and RSA 155-A:10, V.

Puc 1801.06 "RES*check*" means the computer software program and paper forms designed to allow an applicant to calculate and demonstrate compliance of a structure with the energy code.

Puc 1801.07 "Non-residential building" means any building or structure which is not a residential building.

Puc 1801.08 "Residential building," as referenced in RSA 155-D:3, II, means:

(a) Any detached one or 2 family dwelling;

(b) Any other dwelling~~,~~ three stories or less in height; and

(c) Any other structure 3 stories or less in height and less than 4,000 square feet in gross floor area.

PART Puc 1802 APPLICATION OF RULES

Puc 1802.01 Application of Rules to New Buildings and Structures. All new buildings and structures or portions thereof and additions or alterations to existing buildings that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage and residential occupancy, as well as those portions of factory and industrial occupancies designed primarily for human occupancy within New Hampshire shall comply with the minimum design and construction requirements, as set forth in the energy code

Puc 1802.02 Application of Rules to Existing Buildings and Structures. A change in occupancy or use of an existing building which would require an increase in demand for either fossil fuel or electrical energy supply to heat or cool the structure shall, pursuant to RSA 155-D:8, comply with the requirements of the energy code.

PART Puc 1803 METHODS OF COMPLIANCE REGARDING DESIGN

Puc 1803.01 Design Approval Required.

(a) No building design shall be considered approved pursuant to Puc 1800 and RSA 155-D without the issuance of an approval number by the commission, except as provided in (b) and (c) below.

(b) A building design that a local ~~building official~~authority having jurisdiction has approved in writing pursuant to RSA 155-D:4, II shall be deemed approved pursuant to (a) above.

(c) Pursuant to RSA 155-D:5, II, a building design shall be deemed approved for which:

(1) Plans have been certified as complying with the energy code by an architect or engineer pursuant to RSA 155-D:4, VI; or

(2) Plans have been deemed to be approved due to failure of the commission to act on a completed application within 15 working days of submittal pursuant to RSA 155-D:4, V.

Puc 1803.02 Demonstrating Compliance with the Design Requirements of Puc 1800.

(a) An applicant shall demonstrate that any building to be constructed and subject to the requirements of 1802.01 meets or exceeds the minimum construction standards of the energy code, by one of the following methods:

(1) As to a residential building:

a. By showing compliance on an application either electronic or hard-copy;

b. By showing compliance by entering construction design data in the computer software program, RES*check*, or a New Hampshire version of RES*check*;

c. By a certification issued by an architect or engineer, pursuant to Puc 1803.03;

d. By a certification issued by the manufacturer, if a manufactured or prefabricated structure, that the building is in compliance with the energy code, a nationally recognized equivalent of the energy code applicable in the state of manufacture, or applicable federal standards; or

e. By showing a standard design approval, pursuant to Puc 1803.04; or

(2) As to a non-residential building:

a. By a certification issued by an architect or engineer, pursuant to Puc 1803.03;

b. By showing compliance by entering constructions standards data in a computer software program, such as Com*Check* ~~EZ, Com Check Plus~~, or ~~their~~ its equivalent, recognized by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc./Illuminating Engineering Society of North America (ASHRAE/IES) or the commission to show compliance with the applicable portions of the energy code.

c. By showing compliance on an application developed by the commission;

d. By showing a standard design approval, pursuant to Puc 1803.04; or

e. By a certification issued by the manufacturer, if a manufactured or prefabricated structure, that the building is in compliance with the energy code or a nationally recognized equivalent of the energy code applicable in the state of manufacture.;

Puc 1803.03 Architect's or Engineer's Certification.

(a) Pursuant to RSA 155-D:4, VI, and VII, all architects or engineers registered and practicing in New Hampshire shall certify in writing to the commission and to the local ~~building official~~authority having jurisdiction in whose jurisdiction the building is located, that any building or structure which they design and that any blueprint to which they affix their professional seal, meets or exceeds the requirements of the energy code.

(b) Any architect or engineer issuing certification pursuant to RSA 155-D:4, VI, and VII shall provide, in writing, to the commission and to the local ~~building official~~authority having jurisdiction, the following:

(1) The name, address, signature and telephone number of the certifying architect or engineer;

(2) The registration stamp and registration number of the certifying architect or engineer;

(3) The tax map and lot number, and the county, town and street location of the project;

(4) The name, address and telephone number of the project owner;

(5) The name, address and telephone number of the general contractor if known at the time of certification; and

(6) A certification statement as follows:

"The proposed structure has been designed and reviewed by the architect or engineer and determined to be in compliance with all applicable requirements of RSA 155-D and the energy code adopted pursuant thereto."

(c) Any architect or engineer providing the certification described in this section shall be registered and practicing in the state of New Hampshire.

(d) An architect or engineer shall be deemed to be "practicing in New Hampshire," referred to in (c) above, if he or she has a working knowledge of all relevant New Hampshire building codes and the energy code, for the purpose of designing a structure in compliance with the energy code.

Puc 1803.04 Standard Design.

(a) If an applicant has previously received a certificate of compliance for an identically designed structure and the energy code requirements applicable to the structure have not been revised or amended since the issuance of the certificate of compliance, the applicant may:

(1) Provide the prior approval number;

(2) Complete, sign and date the application;

(3) Omit from the application materials architectural drawings and proof of compliance; and

(4) Submit the material described in (1) through (3) above as a completed application.

(b) The standard design method of demonstrating energy code compliance, as specified in (a) above, may be used with residential and non-residential buildings.

(c) Plans which have been deemed to be automatically approved due to failure of the commission to act on a completed application within 15 working days of submittal, pursuant to RSA 155-D:4, V, shall not be deemed to be previously approved plans, for purposes of this section.

Puc 1803.05 Certificate of Compliance with the Design Requirements of Puc 1800.

(a) The commission shall issue to the applicant a certificate of compliance, pursuant to RSA 155-D:4, IV, with the design requirements of the energy code if:

(1) The commission determines that the applicant has demonstrated, pursuant to Puc 1803, that the design of the building complies with the energy code; or

(2) The commission, pursuant to RSA 155-D:4,V, has failed to act on a completed application within 15 working days of submission of the completed application.

(b) The applicant shall, prior to obtaining a building permit, submit the certificate of compliance issued by the commission to the appropriate ~~local building official~~authority having jurisdiction responsible for the issuance of building permits, as evidence of compliance with the design requirements of Puc 1800.

PART Puc 1804 APPLICATION PROCESS

Puc 1804.01 Content of Applications.

(a) Each applicant shall show in sufficient detail in the application documents, pertinent data and features of the building project and the equipment and systems as are necessary to demonstrate compliance with the energy code, including but not limited to, the following:

(1) Design criteria;

(2) Exterior envelope component materials;

(3) U-values of the envelope systems;

(4) R-values of insulating materials;

(5) Size and type of apparatus and equipment;

(6) Equipment and systems controls;

(7) Energy calculations, if applicable; and

(8) Other pertinent data to indicate conformance with the requirements of the energy code.

(b) Each applicant shall include with each application for review of a building for compliance with the energy code, the following:

(1) An EC-1 application form; and

(2) Architectural drawings of the building as necessary to demonstrate compliance with the energy code; and

(3) A printout of the results of the RES*check* computer software as necessary to demonstrate compliance with the energy code.

(c) On the EC-1 application form required by (b)(1) above, the applicant shall provide the following:

(1) The applicant's name;

(2) The applicant's title and professional certification relative to the project, such as owner, builder, general contractor, architect or engineer, if any;

(3) The name of the applicant's business relative to the project, if any;

(4) The applicant's complete address and telephone number;

(5) As to the owner of the structure the subject of the application, his/her;

a. Name;

b. Complete address; and

c. Telephone number;

(6) A complete description of the specific location of the subject building including its tax map and lot number, and /or its numbered street address, and the town or city and county wherein located;

(7) A certification by the applicant, as follows:

"I hereby certify that all the information contained in this application is true and correct, and construction shall comply in all respects with the terms and specifications of the approval given by the Public Utilities Commission and with the New Hampshire Code for Energy Conservation in New Building Construction.";

(8) The signature of the applicant whether actual or electronic; and

(9) The date of the signature.

(d) In the architectural drawings of the building required by (b)(2) above, the applicant shall:

(1) Show the exterior dimensions of all heated living spaces;

(2) Show all window and exterior door locations;

(3) Label alphabetically all window and door locations on the floor plan to coincide with the list of windows and doors required by (d)(8) below;

(4) Show all floor plan perimeter dimensions;

(5) Show the finished wall height for each heated floor in the structure;

(6) Provide elevation drawings for any floors where there are cathedral, roof deck or sloping ceilings;

(7) Provide elevation drawings which identify:

a. The dimensions of the flat ceiling area;

b. The length of slope;

c. The height of any knee walls;

d. The height of any full height walls;

e. The distance from the knee wall to the exterior wall;

f. The distance from the knee wall to the opposite wall; and

g. The dimensions of dormer walls and skylight shafts.

(8) Provide a list of windows and doors, collectively fenestration, which:

a. Identifies each ~~window and door~~fenestration component alphabetically;

b. States the U or R-value of each ~~window size, glazed door and door glazing area~~fenestration component;

c. Lists the quantity of each fenestration component~~each window~~ by size;

d. Identifies the roughed-out dimensions of each fenestration component~~window~~ in decimals of a foot or inches or any combination thereof; and

e. Provides the total square foot area of all rough openings for each fenestration component~~window size~~; and

f. Provides the total square foot rough-opening dimensions of all fenestration components~~windows and all glazed doors and sliders~~.

(e) In the window and door schedules required by (d) (8) above, applicants shall meet the following requirements:

(1) Descriptions of each fenestration component~~doors which have less than 50 percent glazing area shall include under the glazing totals only the glass area in those doors~~;

~~(2) The entire rough opening dimension of the solid area of the door shall be listed separately;~~

(3) The U or R-values for each different ~~type of~~ fenestration component~~window and door~~ shall also be listed on the window and door schedule;

(4) Basement windows shall be separately listed on the schedule; and

(5) Basement windows shall be included in the glazing total only when foundation walls enclose heated living space.

(f) The architectural drawings required by (b)(2) above shall meet the following requirements:

(1) The drawings shall, in addition to meeting the specific requirements of this section, provide, pursuant to (a) above, any additional information necessary to allow determination of compliance with RSA 155-D and Puc 1800;

(2) The maximum size of any prints submitted shall be 18 inches by 24 inches, if possible; and

(3) Each drawing shall contain a scale of the drawings shown in feet and inches.

Puc 1804.02 Procedure Relating to Applications.

(a) Applicants may submit applications to the commission in any of the following forms:

(1) In paper form, by facsimile or electronically; or

(2) In electronic form, using RES*check*, as follows:

a. On computer ~~disk~~storage device; or

b. By electronic mail or filing.

(b) Any application submitted electronically shall not be deemed received, for purposes of the response within 15 working days deadline of RSA 155-D:4, V, ~~until the applicant submits a paper copy of the application containing an original signature of the applicant or a signature is confirmed by a unique identifier~~until such application has been deemed to be complete. The failure of an applicant to respond to an inquiry by the commission within 10 business days of such inquiry shall render the application rejected. The application materials shall not be completed in pencil or by any other non-permanent marking method.

(c) If an applicant makes a substantive revision to an application, including but not limited to a revision to a design specification, after the application has been submitted to the commission, the applicant shall date and initial in ink or electronically the revision made to the application.

(d) The date of the revision, as described in (c) above, shall constitute, for purposes of RSA 155-D:4,V, a new receipt date for the application.

(e) For purposes of RSA 155-D:4, V, an application shall not be considered received by the commission until all material required to be submitted has been submitted.

(f) An owner of a building for which plans and specifications have been approved by an architect or engineer pursuant to RSA 155-D:4, VI shall submit to the commission in lieu of an application, the certification required in Puc 1803.04 (b).

Puc 1804.03 Appeals Process.

(a) Any applicant whose application has been initially disapproved by the commission may request an informal reconsideration conference with the director of the ~~electric~~ sustainable energy division at the commission.

(b) The director of the sustainable energy ~~electric~~ division at the commission, or his or her designee, shall hold an informal conference requested pursuant to (a) above, within 10 working days of the request for a conference.

(c) Within 10 working days of the informal conference referred to in (a) above, the director of the sustainable energy ~~electric~~ division shall, pursuant to RSA 541-A:29, II(a):

(1) Issue a written decision which shall:

a. Affirm, reverse or modify the decision on the application; and

b. Summarize the results of the informal conference and the basis for the decision; and

(2) Provide a copy of the written decision, referred to in (c)(1) above, to the applicant.

(d) Any applicant dissatisfied with the decision of the director of the ~~electric~~ sustainable energy division may request in writing, within 10 working days of receipt of the written decision, a formal hearing before the commission, pursuant to Puc 203, to review the decision.

PART Puc 1805 EVIDENCE OF COMPLIANCE OF THE COMPLETED BUILDING

Puc 1805.01 As-Built Construction Certification Required.

(a) Prior to occupancy of a building for which compliance with the energy code is required, certification that the building as constructed complies with the energy code shall be provided as required by this section.

(b) In those municipalities which issue certificates of occupancy, the owner-builder or general contractor shall submit to the appropriate ~~local building official~~authority having jurisdiction responsible for the issuance of certificates of occupancy, written or electronic certification that the building has been constructed as specified in the application and in conformance with the energy code.

(c) In those municipalities which do not issue certificates of occupancy, the owner-builder or general contractor shall submit to the authority having jurisdiction~~commission~~ and to the owner or buyer of the building written or electronic certification that the building has been constructed as specified in the application and in conformance with the energy code.

(d) The individual operating as the owner-builder or general contractor issuing the certification required by (b) and (c) above shall include in the certification the requirements contained in form EC-3, as provided in (e) below.

(e) The owner-builder or general contractor shall include on form EC-3, the certification of energy code compliance, the following:

(1) The name of the owner, builder or general contractor submitting the form;

(2) The name of the company the owner, builder or general contractor is representing;

(3) Identification of the building being certified, including the tax map and lot number, the street address, the municipality and the county wherein the property is located;

(4) The date on which all New Hampshire energy code related components and systems have been installed on the building being certified;

(5) A statement as follows:

"The building being certified meets or exceeds the requirements of the New Hampshire Code for Energy Conservation in New Building Construction and RSA 155-D and complies in all respects with the statements and information

supplied on and in connection with the application for certificate of compliance approved by the Public Utilities Commission.";

(6) The signature of the builder or contractor; and

(7) The date of the signature.