

HB 610-FN - AS INTRODUCED

2025 SESSION

25-0346

07/06

HOUSE BILL ***610-FN***

AN ACT relative to repealing the office of the consumer advocate.

SPONSORS: Rep. Berry, Hills. 44; Rep. Tom Mannion, Hills. 1; Rep. McFarlane, Graf. 18; Rep. Osborne, Rock. 2; Rep. Sweeney, Rock. 25; Rep. Alexander Jr., Hills. 29

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill repeals the office of the consumer advocate.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to repealing the office of the consumer advocate.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Purpose. Effective after 120 days of this act's passage, the Office of the Consumer Advocate
2 (“OCA”), as created by RSA 363:28, shall be dissolved, without any further action, and the rights,
3 powers and duties, and properties of the OCA shall on and after such date be exercised, performed,
4 owned and held by the New Hampshire Department of Energy (“DoE”) as created by RSA 12-P.

5 (a) All real estate, property rights, personal property, funds, moneys, revenues, receipts,
6 contract rights, trust agreements, any rights or interests of OCA in any trusts or trust property, or
7 other intangible assets, equipment or other ownership, possessory, or security interests or mortgages
8 of any kind whatsoever, or any portion thereof held by OCA, including, without limitation, funds
9 previously appropriated by the state for OCA, shall be deemed for record notice and otherwise, as
10 applicable, to belong to the DoE on the same basis and with the same interest as previously held by
11 OCA, as applicable. Any and all obligations and liabilities of OCA shall become obligations and
12 liabilities of the DoE. Any resolution taken by or commitment made by OCA with respect to any
13 financing, including loans, bond issuances, guarantees and insurance and any other action made by
14 OCA shall become resolutions of the DoE.

15 (b) All duly existing contracts, leases, trusts, or obligations of OCA that are in force
16 immediately before the effective date of the dissolution of OCA shall be deemed to be the obligations
17 of the DoE. No existing right or remedy under this section shall be lost, impaired or affected by this
18 act. The DoE shall have authority to exercise all rights and enjoy all interests conferred upon OCA
19 by the contracts, leases or obligations.

20 (c) The transfer of the assets, liabilities, obligations and debt of OCA to the DoE under
21 this act shall be effective upon dissolution of OCA and shall bind all persons with or without notice
22 and without any further action or documentation. Without derogating from the foregoing, the DoE
23 may, from time to time, execute and record and file for registration with any registry of deeds or the
24 land court or with the secretary of state, as appropriate, a certificate confirming the DoE’s ownership
25 of any interest in real or personal property formerly held by OCA and transferred pursuant to the
26 provisions of this act and establishing and confirming the limits of property so transferred.

27 (d) This act shall not limit or impair the rights, remedies, or defenses of the state, the
28 DoE, or OCA in or to any action or proceeding. Actions and proceedings against or on behalf of OCA
29 shall continue unabated and, from and after the date of dissolution of OCA, may be completed
30 against or by the DoE.

1 (e) Notwithstanding the foregoing, no existing rights of the holders of the bonds issued
2 by OCA shall be impaired, and the DoE as successor in interest to OCA shall maintain the covenants
3 of the trust indentures pertaining to such bonds so long as such bonds shall remain outstanding.

4 (f) All orders, rules and regulations duly made and all approvals duly granted by OCA,
5 which are in force immediately before the effective date of this act, shall continue in force and the
6 provisions thereof shall thereafter be enforced, until superseded, revised, rescinded or canceled, in
7 accordance with law, by the DoE.

8 (g) All books, papers, records, documents, equipment, buildings, facilities, cash and
9 other property and assets, both personal and real, including all such property and assets held in
10 trust, which on July 1, 2025, are in the custody of OCA shall be transferred to the DoE.

11 2 Department of Energy; Duties of Commissioner; Reference Removed. Amend RSA 12-P:5 to
12 read as follows:

13 In addition to the powers, duties, and functions otherwise vested by law in the commissioner of
14 the department of energy, the commissioner, except as otherwise provided in this chapter, shall:

15 I. Represent the public interest in the administration of the functions of the department of
16 energy and be responsible to the governor, the general court, and the public for such administration.

17 II. Provide for, in consultation with the commissioner of the department of administrative
18 services and the state treasurer, a system of accounts and reports which will ensure the integrity
19 and lawful use of all fees, funds, and revenues collected by the department, the use of which is
20 restricted by state or federal law.

21 III. Have the authority to receive, administer, and internally audit all present and future
22 federal and state energy-related grant programs.

23 IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the
24 continuance or granting of federal funds or other assistance intended to promote the administration
25 of this chapter, not otherwise provided for by law, and to adopt all rules necessary to implement the
26 specific statutes administered by the department or by any division or unit within the department,
27 whether the rulemaking authority delegated by the legislature is granted to the commissioner, the
28 department, or any administrative unit or subordinate official of the department. Where the
29 commissioner has adopted rules under this paragraph, the department shall not be subject to RSA
30 541-A:29 or RSA 541-A:29-a.

31 V. Have the authority to reorganize rules of the department to conform to the requirements
32 of RSA 541-A and the uniform drafting and numbering system adopted by the division of
33 administrative rules, office of legislative services. Reference changes shall be limited to title,
34 chapter, part, and section designations and numbers and substitution of terms reflecting
35 reorganization of the department to the existing statutory structure, and shall be made subject to
36 review by the division of administrative rules, office of legislative services for consistency and
37 accuracy of such changes. Such reference changes shall be integrated into the rules and such

1 amendments to the rules shall become effective when notice of these reference changes is published
2 by the director of legislative services in the rulemaking register. Reference changes made prior to
3 July 1, 2022, shall be exempt from the procedures and requirements of RSA 541-A. Changes
4 authorized under this section shall not affect the adoption or expiration date of rules changed under
5 this section.

6 VI. Collect and account for all fees, funds, taxes, or assessments levied upon any person
7 subject to the jurisdiction of the department of energy and the public utilities commission.
8 Notwithstanding any other provision of law, if the expenditure of additional funds over budget
9 estimates is necessary for the proper functioning of the department of energy, the governor and
10 council, with the prior approval of the fiscal committee of the general court, upon request from the
11 department of energy, may authorize an additional assessment pursuant to RSA 363-A for such
12 purpose.

13 VII. Ensure that the department provides all necessary support to the public utilities
14 commission, the site evaluation committee, [~~office of the consumer advocate,~~] and any other entity
15 that is administratively attached to the department.

16 **VIII. Appoint:**

17 **(a) A consumer advocate, who shall be a qualified attorney admitted to practice**
18 **in this state. The consumer advocate shall:**

19 **(1) The consumer advocate shall have the power and duty to petition for,**
20 **initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, and**
21 **consumer services before any board, commission, agency, court, or regulatory body in**
22 **which the interests of residential utility consumers are involved and to represent the**
23 **interests of such residential utility consumers.**

24 **(2) The consumer advocate shall have authority to contract for outside**
25 **consultants within the limits of funds available to the office. With the approval of the**
26 **fiscal committee of the general court and the governor and council, the consumer advocate**
27 **may employ experts to assist it in proceedings before the public utilities commission, and**
28 **may pay them reasonable compensation. The department of energy shall charge a special**
29 **assessment for any such amounts against any utility participating in such proceedings and**
30 **shall provide for the timely recovery of such amounts for the affected utility.**

31 **(3) The consumer advocate shall have authority to promote and further**
32 **consumer knowledge and education. The consumer advocate shall advocate against**
33 **proposed regional or federal rules or policies that are inconsistent with the policies, rules,**
34 **or laws of New Hampshire. In its participation in regional activities, the consumer**
35 **advocate shall consider how other states' policies will impact New Hampshire rates and**
36 **work to prevent or minimize any rate impact the consumer advocate determines to be**
37 **unjust or unreasonable. The consumer advocate shall publicize the Link-Up New**

1 *Hampshire and Lifeline Telephone Assistance programs in order to increase public*
2 *awareness and utilization of these programs.*

3 (b) *An assistant consumer advocate, who shall be a full-time classified*
4 *employee.*

5 (c) *A secretary, who shall be a full-time classified employee.*

6 3 Department of Energy; Grid Modernization Advisory Group; Reference Removed. Amend RSA
7 12-P:16, II(c) to read as follows:

8 (c) The department of energy may obtain the services of a consultant for technical
9 support concerning distribution systems and transactive energy to support department of energy
10 staff, [~~the consumer advocate,~~] and the GMAG. The department of energy shall charge a special
11 assessment for any such amounts for this consultant against any utility participating in the grid
12 modernization advisory group and the public utilities commission shall provide for the timely
13 recovery of such amounts for the affected utility.

14 4 Aggregation of Electric Customers by Municipalities and Counties; Aggregation Program;
15 Reference Removed. Amend RSA 53-E:7, II to read as follows:

16 II. Every electric aggregation plan and any revision of a plan to include an opt-out default
17 service program shall be submitted to the commission, either before or after being submitted by the
18 governing body to the legislative body for approval, to determine whether the plan conforms to the
19 requirements of this chapter and applicable rules of the commission. The commission shall approve
20 any plan submitted to it unless it finds that it does not meet the requirements of this chapter and
21 other applicable rules and shall detail in writing addressed to the governing bodies of the
22 municipalities or counties concerned, the specific respects in which the proposed plan substantially
23 fails to meet the requirements of this chapter and applicable rules. Failure to disapprove a plan
24 submitted hereunder within 60 days of its submission shall constitute approval thereof. A
25 municipality or county may submit a plan that is revised to comply with applicable requirements at
26 any time and start the review process over. Any plan submitted to the commission under this
27 paragraph shall also be submitted on the same date to [~~the office of the consumer advocate under~~
28 ~~RSA 363:28 and~~] any electric distribution utility providing service within the jurisdiction of the
29 municipality or county. [~~The consumer advocate, utilities,~~] **Utilities** and members of the public may
30 file comments about such plans within the first 21 days of their submission. Commission review and
31 approval of electric aggregation plans shall not require a contested case but shall allow time for
32 submission and consideration of any such comments.

33 5 Compensation of Certain State Officers; Salaries Established; Reference Removed. Amend
34 RSA 94:1-a, I(b), labor grade FF, by deleting the following:

35 FF Public utilities commission consumer advocate

36 6 Support Personnel to Commission; Residential Ratepayers Advisory Board; Support Staff.
37 Amend RSA 363:28-a, IV to read as follows:

1 IV. The board shall receive administrative support from ~~[the office of the consumer~~
2 ~~advocate]~~ **a support staff member appointed by a majority of board members.**

3 7 Support Personnel to Commission; Residential Ratepayers Advisory Board; References
4 Removed. Amend RSA 363:28-a, V(a) to read as follows:

5 V.(a) The board shall meet at least quarterly and at the call of the chairperson or 3 board
6 members. ~~[The consumer advocate shall be present for all board meetings to inform the board of the~~
7 ~~actions of the office of the consumer advocate and to respond to the board's inquiries.]~~

8 8 Expenses of Public Utilities Commission Against Certain Utilities; Ascertainment of
9 Expenses; References Removed. Amend RSA 363-A:1 to read as follows:

10 363-A:1 Ascertainment of Expenses. The department of energy shall annually, after the close of
11 the fiscal year, ascertain the total of its expenses attributable to support of the public utilities
12 commission and to performance of all duties and responsibilities transferred to the department from
13 the public utilities commission, in addition to the total of the public utilities commission's expenses
14 during such year incurred in the performance of its duties relating to public utilities as defined in
15 RSA 362 and other entities subject to its regulatory and enforcement authority ~~[and relating to the~~
16 ~~office of the consumer advocate]~~. In the determination of such expenses there shall be excluded the
17 expenses which have been or may be charged and recovered under the provisions of RSA 365:37,
18 RSA 365:38, and RSA 374-F:7, I.

19 9 Expenses of Public Utilities Commission Against Certain Utilities; Assessment; Reference
20 Removed. Amend RSA 363-A:2, IV to read as follows:

21 IV. The expenses of the department of energy and the public utilities commission, ~~[and the~~
22 ~~office of the consumer advocate,]~~ less the total of the assessed sums paid pursuant to paragraph III,
23 shall be allocated to each utility and other assessed entity in direct proportion as the revenue
24 calculation for such utility or other assessed entity relates to the total of all such revenue
25 calculations as a whole, except as otherwise provided in paragraph V. Each such expense allocation
26 shall be assessed against each public utility and other assessed entity in an amount equal to its
27 proportionate share as determined under this section, except that the expense allocation attributed
28 to each entity described in subparagraph I(e) shall be imputed to and included in the expense
29 allocation to each electric or natural gas distribution utility or rural electric cooperative for which a
30 certificate of deregulation is on file with the commission, in correspondence to the revenue portion
31 reported pursuant to paragraph II as having been received from the distribution customers of such
32 distribution utility or the members of such rural electric cooperative for which a certificate of
33 deregulation is on file with the commission.

34 10 Complaints to the Department of Energy and Proceedings Before the Commission; Expense
35 of Investigations; Reference Removed. Amend RSA 365:37, II to read as follows:

36 II. Whenever the commission institutes a proceeding, or when more than one utility subject
37 to the jurisdiction of the commission shall be involved in a proceeding in which the commission or

1 the department of energy requires the assistance of experts, accountants or other assistants,
2 regardless of whether they petitioned the commission in the first instance, the commission and the
3 department of energy may assess the costs of experts, accountants or other assistants hired by the
4 commission or the department of energy against the utilities and any other parties to the proceeding.
5 The commission and the department of energy shall not, however, assess any such costs against ~~the~~
6 ~~office of the consumer advocate or against~~ any voluntary corporation, not-for-profit organization, or
7 any municipality unless the municipality is involved in a proceeding before the commission pursuant
8 to RSA 38. In the case of a utility, the assessment of those costs shall be based on the annual
9 revenues of the participating utilities in the same manner as issued in assessing the annual
10 operating expenses of the commission and the department of energy, or as appropriate and equitable
11 on a case by case basis. In the case of a party who is not a utility, the assessment of those costs shall
12 be as appropriate and equitable on a case by case basis. Such expenses shall not include any part of
13 the salaries or expenses of the commissioners or of employees of the commission or of employees of
14 the department of energy or, unless the proceeding is being conducted pursuant to RSA 38, the fees
15 of experts testifying as to values in condemnation proceedings.

16 11 Electric Rate Reduction Financing and Commission Action; Definitions; Reference Removed.
17 Amend RSA 369-B:2, XVIII to read as follows:

18 XVIII. "2015 settlement proposal" means the "2015 Public Service Company of New
19 Hampshire Restructuring and Rate Stabilization Agreement" reached by and between PSNH, the
20 New Hampshire department of energy, ~~the New Hampshire consumer advocate,~~ and any other
21 settling parties in Dockets DE 11-250 and DE 14-238 before the commission regarding cost recovery
22 of the Merrimack Station scrubber and divestiture of PSNH's remaining generation plants.

23 12 Electric Utility Restructuring; Purchased Power Agreements; Reference Removed. Amend
24 RSA 374-F:11, I(a) to read as follows:

25 (a) The electric distribution utilities may issue requests for proposals alone or in
26 conjunction with another New Hampshire utility or utilities, or with out -of-state utilities subject to
27 consultation with the department of energy ~~and the office of the consumer advocate~~ with resulting
28 contracts approved by the public utilities commission.

29 13 Electric Utility Restructuring; Purchased Power Agreements; References Removed. Amend
30 RSA 374-F:11, I(c) to read as follows:

31 (c) Electric distribution utilities shall consult with the department of energy ~~and the~~
32 ~~office of the consumer advocate~~ on all issues related to such requests for proposals, prior to
33 issuance, including the criteria and scoring to be used in the review of responses to the request for
34 proposals. The department ~~and the office of the consumer advocate~~ shall provide any such
35 consultation within 60 days from the date each draft request for proposals is provided for its review.
36 Within this period the utilities shall solicit public comment.

37 14 Repeals. The following are repealed:

HB 610-FN - AS INTRODUCED

- Page 7 -

1 I. RSA 12-P:16, I(b), relative to the consumer advocate as a voting member of the grid
2 modernization advisory group.

3 II. RSA 363:28, relative to the office of the consumer advocate.

4 III. RSAs 363:28-a, V (b) and (c), relative to advising the office of the consumer advocate.

5 IV. RSA 363:39, relative to confidential complaints provided to the office of the consumer
6 advocate.

7 V. RSA 363-A:2, V, relative to expenses relating to the office of the consumer advocate.

8 VI. RSA 374-F:10, II(h), relative to members of the commission on offshore wind and port
9 development.

10 VII. RSA 378:50, III(b), relative to definitions for multi-use energy data platforms.

11 15 Effective Date. This act shall take effect 120 days after its passage.

**HB 610-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to repealing the Office of the Consumer Advocate.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	-\$1,187,929
<i>Revenue Fund(s)</i>	Utility Assessment			
Expenditures*	\$0	Indeterminable Decrease	Indeterminable Decrease	-\$962,897 to -\$1,158,791
<i>Funding Source(s)</i>	Utility Assessment			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill repeals the Office of the Consumer Advocate (OCA). The operating budget for the OCA is funded by utility assessment revenue. The OCA consists of 1 unclassified position and 5 classified positions. The Department of Energy provided information on the OCA's operating budget from the Agency Budget Request. The requested budget for the OCA is \$1,158,791 for FY 2026 and \$1,187,929 for FY 2027. The Department assumes if the OCA is repealed, expenditures would decrease, but not by the full budget amount in FY 2026 and FY 2027.

In accordance with RSA 363:28, the Consumer Advocate is appointed by the Governor and Executive Council for a 4-year term. If the office is repealed the incumbent would be entitled to payment of salary and benefits through the end of their term, either up front or over the remainder of the term. In addition, staff in the classified positions would be entitled to payment of certain unused leave balances upon termination. The amounts of these payments are indeterminable, but they would likely occur in FY 2026.

The Public Utilities Commission indicated the bill would have no fiscal impact on the Commission's operating budget.

It is assumed that any fiscal impact would occur after FY 2025 and any remaining liabilities held by the PUC would be assumed by the Department of Energy.

AGENCIES CONTACTED:

Department of Energy and Public Utilities Commission