

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

HB 610-FN, relative to the office of the consumer advocate.

Hearing Date: February 11, 2026

Time Opened: 9:11 a.m. **Time Closed:** 9:37 a.m.

Members of the Committee Present: Senators Pearl, McGough, Gannon and Altschiller

Members of the Committee Absent : Senator Reardon

Bill Analysis: This bill makes changes to the composition and objectives of the office of the consumer advocate.

Sponsors:

Rep. Berry

Rep. Tom Mannion

Rep. McFarlane

Rep. Osborne

Rep. Sweeney

Rep. Alexander Jr.

Who supports the bill: Donald Kreis (Office of the Consumer Advocate)

Who opposes the bill: Dawn McKinney (NH Legal Assistance), Alan Linder, William Farnum, Marek Kotelba, Ann Podlipny, Kathy Archibald, Deborah Fexis, Russell Siggelkoe, Abby Evankow, Susan Garcia, Janine Fabiano, Bonnie Hill, Meredith Piotrow, Claire Mallette, Patricia Murphy, Greg Marsello, John Walsh, Janet Robertson, Claudia Istel, Sandra Bravo, Elizabeth Molloy, Jane Hershey, Patricia Martin, Lynn Merlone, David Holt, Sharon Racusin, George McCambley, Nancy Kelley, Perry Williamson, Shirley Montgomery, Nancy Miles, Karen Chase, Margaret Jernstedt, Priscilla Benson, Wiltrud Mott-Smith, and Robert Drysdale.

Who is neutral on the bill: No one.

Summary of testimony presented in support:

Senator Tim McGough introduced the bill on the behalf of Representative Berry

Donald Kreis of the Office of the Consumer Advocate (OCA):

- Mr. Kreis voiced his support of HB 610-FN with a recommendation of an amendment.

- Mr. Kreis explained that his background as an attorney has given him two advantages as the Consumer Advocate; he is both a fast writer and has learned to protect utility rate payers no matter who they are against.
- He stated that New Hampshire is 1 of 47 states who has an office that protects utility rate payers. He added that in 42 of these states, the head of the office is an attorney.
- Considering this, Mr. Kreis recommends that the head of consumer advocacy remain a position filled only by attorneys.
- He explained that HB 610-FN also mentions engineers and economists as possible holders of this position, but these people would often be unequipped for the responsibilities they would have. He added that no public utility would appear before the commission without having a lawyer present.
- Mr. Kreis stated that the bill as amended by the New Hampshire House of Representatives could make that a possibility as well as reducing the number of expert witnesses available during a commission hearing.

Senator McGough clarified that the additions made to broaden the qualifications of the positions is not satisfactory to the request of the office.

Mr. Kreis responded that the appointment of an engineer or an economist is not recommended by the current OCA.

Senator Pearl asked if Mr. Kreis has any insight to the reasoning for the House of Representatives including engineers and economists in the possible appointees of the position at hand.

Mr. Kreis responded that one of the caucuses in the House of Representatives has been interested in broadening the qualifications for some time. He added that it might reflect a skepticism around lawyers.

Senator McGough asked if the language regarding the hiring of additional staff in the OCA is satisfactory.

Mr. Kreis responded that this language accurately reflects the current structure with the OCA.

Summary of testimony presented in opposition:

Alan Linder:

- Mr. Linder stated that he has worked with consumer advocates in a multitude of states.
- He voiced his concern regarding the qualifications of a possible head of the OCA. He added that the legal training that attorneys have is critical to the carrying out of the duties of the position, while these other qualifications listed may

provide good experience, legal training is the most similar to the job of the head of the OCA.

- Mr. Linder explained he has some concern about the ambiguity around the duties of the Consumer Advocate and how the Governor should evaluate the performance of the head of the OCA. He added that there are already statutes that lay out what would allow the Governor to dismiss this position, this bill would create redundancy and confusion.

Neutral Information Presented: None.

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Date Hearing Report completed: February 13, 2026