

HB 169-FN - AS INTRODUCED

2025 SESSION

25-0147

06/08

HOUSE BILL ***169-FN***

AN ACT relative to a quorum of the public utilities commission.

SPONSORS: Rep. Cormen, Graf. 15; Rep. McGhee, Hills. 35; Sen. Watters, Dist 4

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill defines "majority" of the public utilities commission to be a 2/3 majority regardless of any vacancies and further defines the commission as a regulatory agency.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 a quorum of the public utilities commission.

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

- 1 1 Public Utilities Commission Majority Approval of Rules. Amend RSA 363:1 to read as follows:
2 363:1 Commission; Term. There shall be a public utilities commission, which shall be an
3 independent **regulatory** agency administratively attached to the department of energy pursuant to
4 RSA 21-G:10. The chair of the commission shall have the powers and duties set forth in RSA 21-G:9.
5 The commission shall be composed of 3 commissioners who shall be full-time employees and who
6 shall engage in no other gainful employment during their terms as members. Their term of office
7 shall be for 6 years. Of the 3 commissioners, one shall be an attorney and a member of the New
8 Hampshire Bar and one shall have either background or experience or both in one or more of the
9 following: engineering, economics, accounting or finance.
- 10 2 Quorum. Amend RSA 363:16 to read as follows:
11 363:16 Quorum. A majority of the commission shall constitute a quorum~~[-to issue orders, and~~
12 ~~any hearing may be held or conducted by 2 commissioners or by a single commissioner].~~ ***In this***
13 ***chapter, "majority" means at least 2/3 of the commission regardless of any vacancies.***
- 14 3 Effective Date. This act shall take effect upon its passage.

**HB 169-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to a quorum of the public utilities commission.

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	Up to \$150,850	Up to \$150,850	Up to \$150,850
<i>Revenue Fund(s)</i>	Utility Assessments			
Expenditures*	\$0	Up to \$150,850	Up to \$150,850	Up to \$150,850
<i>Funding Source(s)</i>	Utility Assessments			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill defines a "majority" of the Public Utilities Commission (PUC) to be a 2/3 majority regardless of any vacancies and further defines the Commission as a regulatory agency. Existing language in RSA 363:16 authorizing "any hearing" to be "held or conducted by 2 commissioners or by a single commissioner" is deleted in the bill. The PUC states the effect of this change would require the PUC to have a Special Commissioner "on retainer" throughout a fiscal year in order to accommodate the unavailability of Commissioners due to personal leave, Commission work obligations such as conferences, Governor & Executive Council meetings and Legislative testimony, as well as illness, accidents, or resignation. Under the bill three Commissioners would be required to preside over all hearings. Two Commissioners (as at present), could not satisfy the provision that "at least 2/3 of the commission, regardless of any vacancies," would constitute a majority, or a quorum. The full Commission roster is currently 3 Commissioners, and it is only possible to have a two thirds majority if all three are present. Deletion of the

statutory language authorizing that hearings may be held by one, or two Commissioners also suggests this. The existing process for appointment of a Special Commissioner (RSA 363:20) would be used to have a Special Commissioner hired on retainer.

The Commission estimates, if a Special Commissioner is retained to meet the requirements of the bill, he or she would be retained for the entire year, with an annual re-selection of the Special Commissioner to serve "on call." The PUC assumes the Special Commissioner would be paid a per-diem rate based on the Commissioner salary at a cost of up to \$150,850. (Salary grade JJ maximum). The PUC assumes the Special Commissioner would be available for all working days at the Commission. This cost would be funded through an assessment on utilities. The effect, if any, on utility rates and on county, local and state government expenditures is indeterminable but likely to be very small.

It is assumed that any fiscal impact would occur after FY 2025.

AGENCIES CONTACTED:

Public Utilities Commission