

Amendment to HB 610-FN

1 Amend the title of the bill by replacing it with the following:

2

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

4

5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Public Utilities; Support Personnel to Commission; Office of the Consumer Advocate. Amend
8 RSA 363:28, I(a) to read as follows:

9 (a) A consumer advocate, appointed by the governor and council, who shall be a qualified
10 attorney admitted to practice in this state, **a professional engineer, or an economist**. The
11 consumer advocate shall serve a 4-year term and until a successor is appointed and qualified.

12 2 Public Utilities; Support Personnel to Commission; Office of the Consumer Advocate. Amend
13 RSA 363:28, I(d) to read as follows:

14 (d) Three additional staff people appointed by the consumer advocate. When filling
15 these positions, the consumer advocate should consider appointing ~~rate analysts~~ **at least one**
16 **attorney and consider appointing additional attorneys, rate analysts**, or economists.

17 3 New Paragraph; Public Utilities; Support Personnel to Commission; Office of the Consumer
18 Advocate. Amend RSA 363:28 by inserting after paragraph I the following new paragraph:

19 I-a. In discharging the powers and duties enumerated in this section, the consumer advocate
20 shall focus exclusively on assuring that residential utility customers receive safe and reliable service
21 at the lowest possible cost while maximizing customer freedom and autonomy.

22 4 Public Utilities; Support Personnel to Commission; Office of the Consumer Advocate. Amend
23 RSA 363:28, IV to read as follows:

24 IV. The consumer advocate shall have authority to promote and further consumer
25 knowledge and education. The consumer advocate shall advocate against proposed regional or
26 federal rules or policies that are inconsistent with **paragraph I-a and** the policies, rules, or laws of
27 New Hampshire. In its participation in regional activities, the consumer advocate shall consider
28 how other states' policies will impact New Hampshire rates and work to prevent or minimize any
29 rate impact ~~[the consumer advocate determines to be unjust or unreasonable]~~.

30 5 Public Utilities; Support Personnel to Commission; Residential Ratepayers Advisory Board.
31 RSA 363:28-a is repealed and reenacted to read as follows:

32 363:28-a Residential Ratepayers Advisory Board.

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1 I. There is established the residential ratepayers advisory board which shall provide
2 oversight of the office of the consumer advocate as established by RSA 363:28 and ensure that the
3 consumer advocate shall focus exclusively on assuring that residential utility customers receive safe
4 and reliable service at the lowest possible cost while maximizing customer freedom and autonomy.
5 The advisory board shall consist of the following public members:

6 (a) Three members appointed by the speaker of the house. One shall represent the
7 interests of residential ratepayers; one shall represent the interests of the elderly; and one shall be a
8 member of the public.

9 (b) Three members appointed by the senate president. One shall represent the interests
10 of residential ratepayers; one shall represent the interests of the disabled; and one shall represent
11 environmental concerns.

12 (c) Three members appointed by the governor and council. One shall represent the
13 interests of persons of low income; one shall represent the interests of small business owners; and
14 one shall represent the interests of residents of low-income housing.

15 II. Members shall serve 3-year terms. In the event of death or resignation of any member of
16 the advisory board, the person or entity that made the original appointment shall appoint a
17 successor, and the successor appointed to the vacancy shall serve for the remainder of the unexpired
18 term. The members of the board shall receive no compensation but shall be entitled to
19 reimbursement for mileage at the same rate provided for state employees.

20 III. The board shall elect annually a chairperson from among its membership.

21 IV. The board shall receive administrative support from the office of the consumer advocate.

22 V.(a) The board shall meet at least quarterly and at the call of the chairperson or 3 board
23 members. The consumer advocate shall be present for all board meetings to inform the board of the
24 actions of the office of the consumer advocate and to respond to the board's inquiries.

25 (b) Except as pertains to any end user of an excepted local exchange carrier or services
26 provided to such end user, the board shall advise the consumer advocate on matters concerning
27 residential ratepayers.

28 (c) Prior to the expiration of the consumer advocate's term, the board shall recommend
29 to the governor and council whether to reappoint the consumer advocate. If the board does not
30 recommend reappointment or the governor and council do not accept the board's recommendation to
31 reappoint, the board shall then recommend 3 persons to the governor and council to fill the position.

32 (d) After providing notice and opportunity for a hearing to the consumer advocate, the
33 oversight board may by two-thirds vote recommend that the governor seek the removal of the
34 consumer advocate for failure to discharge the powers, duties, and limitations set forth in RSA
35 363:28. A failure to discharge the powers, duties, and limitations set forth in RSA 363:28 shall be
36 deemed adequate grounds for removal of the consumer advocate pursuant to RSA 4:1, and a removal

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1 recommendation from the oversight board shall be deemed a petition to the governor and council
2 within the meaning of RSA 4:1, II.

3 6 Effective Date. This act shall take effect 90 days after its passage.

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AMENDED ANALYSIS

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