

STATE OF NEW HAMPSHIRE

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COMMISSIONER  
Jared S. Chicoine

DEPUTY COMMISSIONER  
Christopher J. Ellms, Jr.



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December 20, 2023

His Excellency, Governor Christopher T. Sununu,  
and the Honorable Council  
New Hampshire State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

Pursuant to RSA 20:7, authorize the acceptance of the Department of Energy's Biennial Report for the period July 1, 2021 through June 30, 2023 effective upon Governor and Council approval.

**EXPLANATION**

Attached, please find copies of the Biennial Report for the Department of Energy for the 2022 and 2023 Fiscal Years as required by law.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jared Chicoine".

Jared S. Chicoine  
Commissioner



Biennial Report  
July 2021 - June 2023

New Hampshire Department of Energy  
December 1, 2023

**Christopher T. Sununu**  
Governor

**Joseph D. Kenney**  
Executive Councilor  
District 1

**Cinde Warmington**  
Executive Councilor  
District 2

**Janet Stevens**  
Executive Councilor  
District 3

**Theodore L. Gatsas**  
Executive Councilor  
District 4

**David K. Wheeler**  
Executive Councilor  
District 5



December 1, 2023

His Excellency, Governor Christopher T. Sununu, and the Honorable Executive Council:

Pursuant to RSA 20:7, we are pleased to submit the biennial report for the New Hampshire Department of Energy for fiscal years 2022 and 2023.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jared Chicoine". The signature is fluid and cursive.

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Jared S. Chicoine  
Commissioner

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## **MISSION**

The prosperity and security of New Hampshire and its citizens require an affordable, innovative, reliable, and sustainable energy economy. The Department of Energy is committed to achieving that goal and will provide a unified direction of energy policies, responsible and practical programs, principled regulation, and skilled representation in energy-related proceedings of New Hampshire's public interest. The Department of Energy will serve the people of New Hampshire in an honest, transparent, and effective manner.



## **HISTORY**

The Department of Energy (Department) was established effective July 1, 2021. It was created by the New Hampshire legislature to promote and coordinate energy policies and programs in the state. The Public Utilities Commission (PUC), the Site Evaluation Committee (SEC), and the Office of the Consumer Advocate (OCA) are administratively attached to the Department. Until July 1, 2023, the Energy Efficiency & Sustainable Energy Board was also administratively attached.

The Department's enabling statute, RSA 12-P, states that Department is established to "...improve the administration of state government by providing unified direction of policies, programs, and personnel in the field of energy and utilities, making possible increased efficiency and economies from integrated administration and operation of the various energy and utility related functions of the state government."

In part the legislation was intended to allow the PUC to focus on its adjudicative responsibilities and to make clear the separation between the Department's advocacy role and the impartial role the PUC plays. The Department has a large and diverse set of responsibilities.

The creation of the Department involved the reorganization of the PUC and the dissolution of the Office of Strategic Initiatives (OSI). Essentially, new PUC retained the adjudicative functions of utility regulation, and the utility and energy advocacy and policy functions were transferred to the Department. The energy-related responsibilities of OSI were also transferred to the Department.

The Department is an automatic party in PUC proceedings, where it fills a record-building role and advocates for the interest of the state. These proceedings ensure that the services provided by electric, natural gas, water, and sewer utilities are safe and adequate, provided to customers at just and reasonable rates.

The Department also administers federal assistance programs and other energy-related programs. It also provides support to customers, who contact the Department with questions or concerns about their utility service.

The Department has a substantial role in utility safety and the enforcement of the state's law, rules, and regulations. It has a strong policy role, which includes the creation of the 10-year state energy strategy and providing technical and policy advice to the legislature. The Department also plays a major role in discussions, collaborations, and negotiations with the other states in New England and beyond. As all New England is connected to one electric grid, the decisions of other states can affect New Hampshire and New Hampshire utility customers. The Department is statutorily obligated to defend New Hampshire's interests against the shifting of costs related to other states' policy decisions.

# **ORGANIZATION**

## **COMMISSIONER**

The Commissioner is appointed for a four-year term by the Governor with the consent of the Executive Council. The Commissioner shall be qualified to hold the position by reason of education and experience.

## **DEPUTY COMMISSIONER**

The Commissioner nominates a Deputy Commissioner for appointment by the Governor with consent of the Executive Council. The Deputy Commissioner is appointed for a four-year term and shall be qualified to hold the position by reason of education and experience. The Deputy Commissioner performs such duties as the Commissioner may assign and shall perform the duties of the Commissioner if for any reason the Commissioner is unable to do so.

## **GENERAL COUNSEL**

The Commissioner appoints a General Counsel, who serves at the pleasure of the Commissioner. The General Counsel performs such duties and exercises such powers as the Commissioner may authorize.

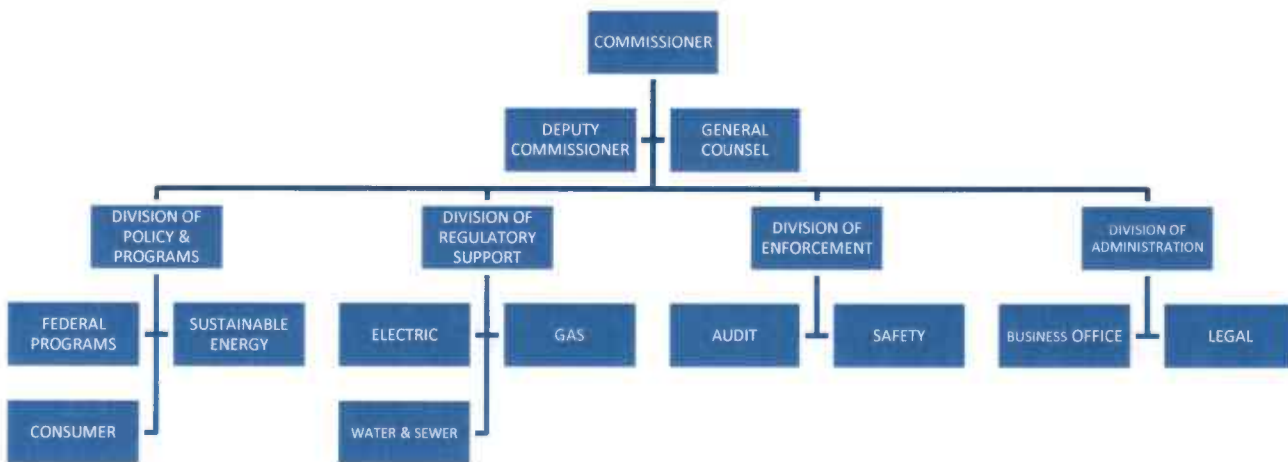
## **DIVISION DIRECTORS**

The Commissioner nominates four Division Directors, a Director of Administration, a Director of Enforcement, a Director of Regulatory Support, and a Director of Policy and Programs for appointment by the Governor with consent of the Executive Council. Each term is for four years, and the Directors shall be qualified to hold the position by reason of education and experience.

## **STAFF**

The Department has 78 full-time employees, including 7 unclassified employees and 71 classified employees, and 4 part-time classified employees.

## **ORGANIZATION CHART**



## **ADMINISTRATIVELY ATTACHED AGENCIES**



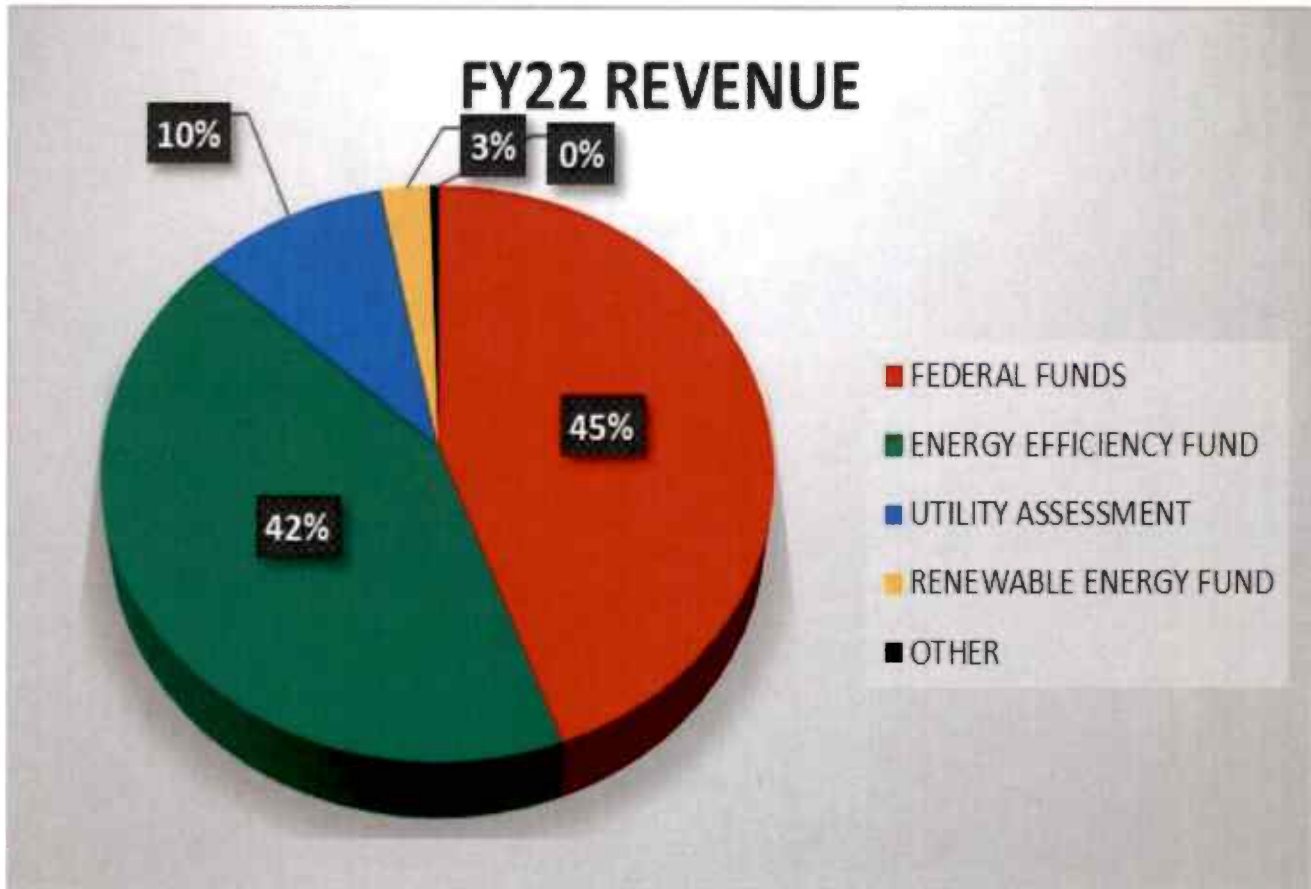
## FUNDING & EXPENDITURES

The Department’s non-grant related operating expenses are funded primarily through assessments on the utilities the Department regulates as well as on non-utility providers who fall within the Department’s registration and enforcement responsibilities.

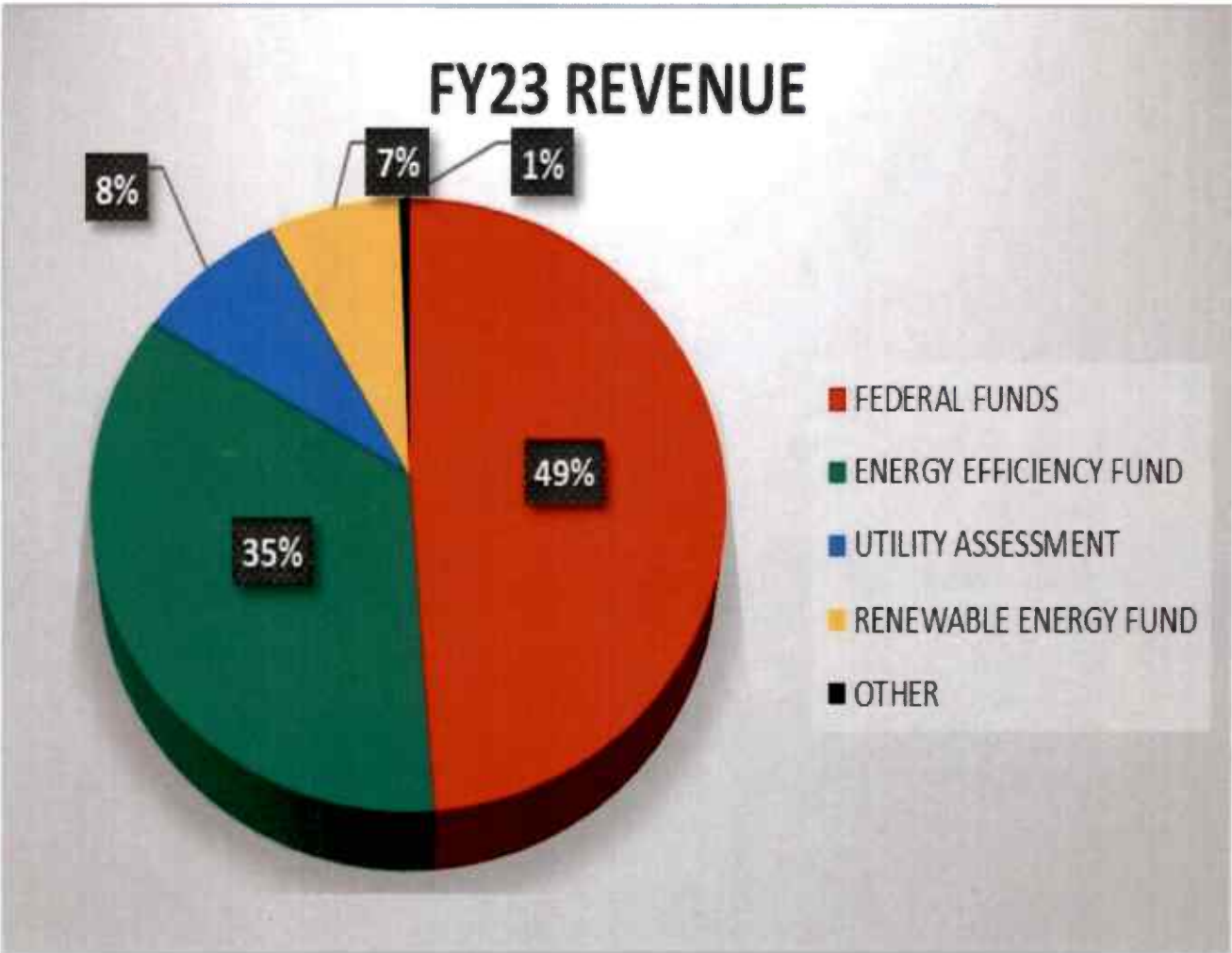
Assessments are made pursuant to RSA 363-A. Some assessments are based on revenue earned, some a set dollar amount (direct assessments), and others a specified minimum amount (minimum assessments). RSA 365:37 enables the Department to assess the costs of investigations and proceedings arising from its authority directly to the involved utility or utilities. Such special assessments recover, for example, the costs of experts.

In addition to funds collected through the assessments, the Department receives federal funding from various federal agencies like the U.S. Department of Health and Human Services, the U.S. Department of Energy, and the U.S. Department of Transportation. The Department administers both the Energy Efficiency Fund and the Renewable Energy Fund and recovers its administrative costs from those funds. Both funds are non-lapsing, special funds. The Energy Efficiency Fund supports efficiency programs offered by the electric and gas utilities and provides rebates to electric ratepayers. The Renewable Energy Fund supports renewable energy initiatives in New Hampshire through competitive grants and rebates. In State Fiscal Years (SFY) 2022 and 2023, the Department exercised varying degrees of oversight over more than 300 utility and non-utility providers.

Federal Funds accounted for approximately 45% of the Department’s funding in SFY 2022 and approximately 49% in SFY 2023. The Energy Efficiency Fund accounted for approximately 42% of the Department’s funding in SFY 2022 and 35% in SFY 2023.







The preceding pie charts represent revenue collected for the Department only. They do not include assessment revenue collected for the PUC or the OCA.

Passthrough Grants accounted for approximately 88% of the Department’s expenses in SFY 2022 and approximately 90% in SFY 2023.

Source: NH First FY 2022 and FY 2023 Closing Statements of Appropriation

DESCRIPTION	FY2022 EXPENSES	FY2023 EXPENSES
PERSONAL SERVICES PERM CLAS	\$3,808,339.84	\$4,348,464.87
PERSONAL SERVICES UNCLASSIFIED	\$667,854.29	\$758,610.57
OVERTIME	\$1,443.46	\$0.00
CURRENT EXPENSES	\$55,479.70	\$44,426.22
RENTS-LEASES EQUIPMENT	\$9,293.54	\$12,185.89
ORGANIZATIONAL DUES	\$29,131.45	\$18,174.03
TRANSFERS TO DOIT	\$598,225.56	\$593,502.06
TRANSFERS TO GENERAL SERVICES	\$242,432.39	\$232,452.28
INTRA-AGENCY TRANSFERS	\$306,297.71	\$404,464.16
EQUIPMENT NEW REPLACEMENT	\$9,568.97	\$37,391.14
TECHNOLOGY-HARDWARE	\$0.00	\$28,050.00
TECHNOLOGY-SOFTWARE	\$1,372.00	\$0.00
TELECOMMUNICATIONS	\$59,396.87	\$48,238.09
INDIRECT COSTS	\$212,388.87	\$208,003.38
AUDIT FUND SET ASIDE	\$36,876.51	\$58,581.26
ADDITIONAL FRINGE BENEFITS	\$7,964.09	\$0.00
CONSULTANTS	\$1,083,123.87	\$801,906.91
TRANSFER TO OTHER STATE AGENCY	\$316,350.52	\$400,785.99
PERSONAL SERVICE PART TIME	\$68,429.42	\$202,834.18
BOOKS PERIODICALS SUBSCRIPTIONS	\$25,576.73	\$33,008.33
TEMP FULL TIME	\$0.00	\$71,231.81
BENEFITS	\$2,086,869.43	\$2,576,576.95
RET PENSION BENE HEALTH INS	\$208,328.59	\$226,568.83
EMPLOYEE TRAINING	\$112.50	\$8,055.00
REMUNERATION	\$2,000.00	\$2,500.00
IN STATE TRAVEL REIMBURSEME	\$3,937.03	\$7,666.18
ENERGY EFFICIENCY GRANTS	\$30,750,929.39	\$50,863,637.71
RENEWABLE ENERGY GRANTS	\$1,253,331.07	\$2,475,949.07
GRANTS FOR PUB ASSISTANCE	\$39,492,197.55	\$57,808,923.57
OUT OF STATE TRAVEL	\$27,114.24	\$59,135.50
INTERAGENCY TRANSFER OUT OF FED FUNDS	\$121,724.11	\$184,479.00
TRANSFER TO DAS MAINT FUND	\$30,229.00	\$20,927.00
CONTRACTS FOR PROGRAM SERVICES	\$129,185.50	\$496,754.06
INSURANCE	\$543.52	\$606.21
<b>TOTAL EXPENSES</b>	<b>\$81,646,047.72</b>	<b>\$123,034,090.25</b>

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## **POLICY AND PROGRAMS**

### **OVERVIEW**

RSA 12-P:7 authorizes the Division of Policy and Programs. Policy and Programs includes the Department's staff who work on both policy matters and the Department's programs. These include the Wholesale and Regional Electricity, Office of Offshore Wind and Industry Development, Fuel Assistance Program, Weatherization Assistance Program, State Energy Program, Sustainable Energy, and the Consumer Services groups. The Director of the Division is Joshua W. Elliott. General support to the Division is provided by a program specialist.

### **WHOLESALE AND REGIONAL ELECTRICITY**

The Wholesale and Regional Electricity group monitors and provides analysis to the Commissioner, the Deputy Commissioner, the Division Director, and other Department staff on wholesale and regional electricity developments at venues such as the New England Power Pool (NEPOOL), New England States Committee on Electricity (NESCOE), and the region's independent system operator (ISO-NE). The group provides direct support to the Commissioner in his role as NESCOE manager. This group is staffed by an administrator, who reports to the Policy and Programs Division director and supervises one utility analyst.

### **OFFICE OF OFFSHORE WIND AND INDUSTRY DEVELOPMENT**

The Office of Offshore Wind and Industry Development (OSW) serves as the point person within the state on the development of offshore wind in the Gulf of Maine. The office works with a variety of stakeholders, including the federal government, the New Hampshire Departments of Environmental Services, Fish and Game, and Business and Economic Affairs, the Pease Development Authority, the fishing community, and counter parts in Massachusetts and Maine. OSW recently released an assessment of the economic, environmental, and energy impacts to the state of offshore wind development in the Gulf of Maine. The federal government is moving through the process of determining which areas in the Gulf of Maine will be made available for leasing areas for offshore wind, with an expected auction occurring in Spring 2024. This group is staffed by an administrator, who reports to the Policy and Programs Division Director.

### **FUEL ASSISTANCE PROGRAM**

This Department group oversees the implementation of the federal Low Income Home Energy Assistance Program (LIHEAP), known in New Hampshire as the Fuel Assistance Program (FAP). FAP helps homeowners and renters in paying their winter heating bills. Funding for FAP comes from the federal government and ranges between \$25 and \$30 million each year, subject to congressional appropriations. FAP is means tested and limited to those making less than 60% of state median income. The Department contracts with the state's five community action agencies, which conduct client outreach, income verification, and enrollment, and make payments directly to fuel vendors. Last program year, FAP served roughly 30,000 households in the state. This group is staffed by an administrator, who reports to the Policy and Programs Division Director and supervises two program specialists.

### **WEATHERIZATION ASSISTANCE PROGRAM**

The Weatherization Assistance Program (WAP) group oversees the WAP, which helps homeowners and renters by providing energy efficiency measures to reduce home energy consumption. Funding for WAP comes from the federal government and is roughly \$2 million each year, subject to congressional appropriations. The Department also received a one-time appropriation of roughly \$18 million for WAP through The Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law



(BIL), (H.R. 3684). WAP and WAP-BIL are means tested and limited to those making less than 60% of state median income. The Department contracts with the state's five community action agencies, which conduct client outreach, income verification and enrollment, and work directly with contractors, who undertake the work. WAP works closely with the NHSaves® program. Last program year, WAP served roughly 170 households in the state. WAP-BIL has not been in place for a full year, so yearly figures are not yet available. This group is staffed by two administrators, divided between the regular appropriation program and the one-time funding program, who each report to the Policy and Programs Division Director and each supervise a program specialist, for a total of four staff.

## **STATE ENERGY PROGRAM**

This Department group oversees the implementation of federal State Energy Program (SEP). This federal grant provides states with flexible funding that can be used for a variety of purposes, including grants and staff. Funding for SEP is roughly \$2 million each year, subject to congressional appropriations. The Department also received a one-time appropriation of roughly \$3.5 million for SEP through the Bipartisan Infrastructure Law (BIL). The Department uses SEP funds to provide grants to school districts for energy efficiency projects. The Department also uses funding to provide staff support to the legislature during the legislative session and to apply for myriad of new federal funding programs made available to the states through the Inflation Reduction Act and the BIL. This group is staffed by one utility analyst and one program specialist, both who report to the Policy and Programs Division director.

## **SUSTAINABLE ENERGY GROUP**

The Sustainable Energy group (Sustainable) oversees the implementation of, and the compliance with, the state's Renewable Portfolio Standard (RPS) and the programs funded out of the Renewable Energy Fund. Sustainable works with the electric distribution companies and the competitive electricity suppliers to ensure their compliance with the RPS. Sustainable also runs four rebate programs and two competitive grant programs, totaling, on average, roughly \$3 million per year. In addition, Sustainable oversees the implementation of net metering, including group host net metering. This group is staffed by an administrator, who reports to the Policy and Programs Division Director and supervises four utility analysts.

## **CONSUMER SERVICES GROUP**

The Consumer Services group (Consumer) assists customers of regulated utilities who have questions or concerns. Consumer works with customers on disconnections, payment plans, service-quality concerns, and other utility-service issues. Consumer also provides general customer education on energy matters and referrals to other agencies, including the community action agencies. In addition, Consumer participates in regulatory proceedings at the PUC to help ensure the customer perspective is taken into consideration. Consumer also manages competitive supplier registration and group host net metering registrations. This group is staffed by an administrator reports to the Policy and Programs Division Director and supervises a deputy administrator, who in turn supervises five utility analysts and a program specialist.

# **ENFORCEMENT**

## **OVERVIEW**

The Enforcement Division is responsible for nine general areas of regulation. Enforcement primarily provides support to other divisions within the Department and externally to other state agencies in the following areas:

1. Underground Damage Prevention,
2. Pipeline Safety,
3. Electrical Safety & Reliability,
4. Emergency Preparedness & Emergency Response,
5. Engineering and Safety Reviews
6. Physical & Cyber Security,
7. Engineering, Geographic Information Systems, Technical and Analytical Expertise,
8. Site Evaluation Committee Complaints, and
9. Auditing of utility books and records and filings with the PUC.

The Director of the Enforcement Division is Paul G. Kasper. Other Division staff include an administrator who reports to the Director and supervises three utility analysts and two program specialists, an administrator who reports to the Director and supervises four audit examiners, an IT manager, a utility analyst, and a utility engineer each of whom report to the Director, and a hearings examiner who reports to the Director and supervises a legal research assistant.

## **PIPELINE SAFETY**

Enforcement oversees more than 3,225 miles of intrastate pipelines delivering gas to more than 127,500 customers within 54 communities in New Hampshire. Two natural gas utilities, two transmission operators, over 21 liquid propane gas operators, one propane-air distribution company, one master meter operator, and two methane operators are inspected at least once per biennium, although most are inspected annually. The Division utilizes 30 natural gas inspection training modules, many of which include customized versions of federal inspection forms. These modules are designed to provide guidelines for pipeline safety inspectors to conduct thorough inspections of gas operators using a risk-based methodology.

In 2023, New Hampshire expects to complete approximately 100 scheduled inspections including a sampling of nearly 1,985 miles of distribution mains, feeding 1,240 miles of distribution services, supplying approximately 127,500 metered customers. In addition, there are approximately 20 miles of intrastate transmission pipelines within New Hampshire. Areas served include 54 communities having a total population of approximately 830,000. These figures do not include pipelines served by jurisdictional propane systems.

## **PIPELINE INSPECTIONS**

Enforcement is responsible for monitoring and inspecting construction, operations, and safety practices for over 900 jurisdictional New Hampshire gas and liquid petroleum systems. In addition, three liquefied natural gas facilities are inspected annually. Approximately 105 inspections of liquid propane facilities and 300 inspections of natural gas operators involving compliance with the federal Natural Gas Pipeline Safety Act and N.H. Admin. R., Puc 500 were conducted during the biennium.



## UNDERGROUND DAMAGE PREVENTION

Enforcement administers the Underground Utility Damage Prevention Program to ensure public safety and minimize damage to underground facilities. Third-party excavation continues to be the number one cause of damages to underground facilities in New Hampshire and nationally. New Hampshire generated a historic record of nearly 86,699 calls into the Dig Safe center in 2022. Over the last 10 years (2013 to 2022), New Hampshire experienced a 53% increase in calls into the Dig Safe center, reflecting strong construction activity, greater public awareness of excavation dangers including awareness of 811 notification system, and an increase in the amount of utility underground infrastructure. During the same period, New Hampshire experienced a 60% decrease in the number of reported damages and other probable violations. This is indicative of solid program performance resulting from continued enforcement, ongoing Enforcement Division training, increased advertising and other public outreach efforts by all utilities and stakeholders.

Enforcement inspects construction sites for damage prevention compliance, investigates reported damage, and issues citations when probable violations are identified. In 2022, the Division processed 162 reports of damage to underground facilities and resolved its investigations without the need for informal conferences.

Each spring, Enforcement co-sponsors with Managing Underground Safety Training ([MUST](#)), at least three [Dig Safe](#)® damage prevention seminars state-wide with over 450 participants in attendance. Three types of training were offered:

- Seminars geared toward general contractors, presented in conjunction with utilities;
- Trainings conducted at company headquarters upon request; and
- Trainings conducted at Department offices to address civil penalties and specific contractor violations.

Enforcement of the Underground Utility Damage Prevention Program remains a high priority for the Division. Civil penalties totaling \$137,000.00 were received over the last two-year period, all of which were remitted to the state's General Fund. During the same period, Enforcement staff also conducted 29 educational trainings for contractors in lieu of civil penalties, totaling an equivalent value of \$14,500.

## ENGINEERING AND SAFETY REVIEWS

Enforcement reviewed 35 petitions from utilities to install facility crossings over public waters and state-owned land during the biennium. This equated to 165 crossings. The reviews identified potential negative impacts upon the public and assisted the Department Commissioner in determining whether to issue licenses consistent with the requirements that such crossings are necessary to meet reasonable requirements of service to the public and conform to applicable safety codes.

## PHYSICAL AND CYBER SECURITY

Enforcement participates in a critical infrastructure task force for identifying critical utility facilities within New Hampshire. This task force is part of the Governor's Advisory Council on Emergency Preparedness and Security. This is a continual effort to evaluate interdependencies among, and vulnerabilities in, eighteen identified sectors. A nineteenth sector, Cyber Security, has recently been established by the New Hampshire Department of Safety and Homeland Security and Emergency Management, and the PUC is one of the key stakeholders.

Cyber security, more appropriately referred to as cyber safety, is the most recent area assigned to Enforcement. The Division monitors cyber security plans developed by the electric and natural gas utilities for completeness and best practices. Current standards are evolving, both nationally and specifically by sector, regarding cyber intrusion, detection, prevention, and response. Enforcement participates in national

and regional educational and drill opportunities. Program initiatives include sharing of best practices among states, collaborating with other agencies, piloting projects involving detection, and sharing techniques of classified information between government entities and private utilities.

Enforcement has worked extensively with the Federal Energy Regulatory Commission's Office of Energy Infrastructure Security in sharing strategic frameworks and assessment techniques. Continued progress regarding cyber security has been a focal point of the Division for many years. Efforts to stay at the forefront of this rapidly evolving area have included attending national conferences, maintaining contacts with federal partners, and participating in drills and briefings.

Enforcement participates in several subcommittees including, the New Hampshire Advisory Council on Emergency Preparedness and Security Critical Infrastructure and Key Resources Protection subcommittee, the New Hampshire Advisory Council on Emergency Preparedness and Security Cyber Security Subcommittee, and the National Association of Regulatory Utility Commissioners Critical Infrastructure Subcommittee (both the staff and commissioner levels).

The Enforcement's security initiatives over the past biennium include:

- Organized coordinated cyber safety reviews of electric utilities,
- Organized multi-state regional reviews of cyber safety initiatives of certain electric utilities,
- Organized federal cyber safety reviews of certain New Hampshire electric utilities,
- Initiated state regulatory meetings regarding cyber safety reviews,
- Conducted physical security reviews of LNG Plants within the state,
- Control Room inspections of New Hampshire natural gas utilities,
- Scada and telemetering reviews of New Hampshire natural gas utilities,
- Physical security reviews of New Hampshire natural gas utilities, and
- Preliminary reviews of electric utilities' physical and cyber safety plans.

## **EMERGENCY PREPAREDNESS AND STORM RESPONSE**

An Emergency Preparedness and Security Team, headed by the Director of the Enforcement Division, participates in planning and coordination with the New Hampshire Department of Safety's Homeland Security and Emergency Management (HSEM).

Prior to activation, Enforcement routinely participates in emergency exercises and drills conducted by HSEM, federal agencies, and most of the required drills that electric and natural gas utilities conduct throughout the year. Training sessions attended include Web Emergency Operations Center and Incident Command System and monthly Emergency Support Functions (E meetings). Familiarization with individual utility-specific emergency response plans allows for feedback regarding the Department's expectations as well as a more streamlined state response to emergencies.

Often, post activation, Enforcement prepares and publishes comprehensive after-action reports for those incidents considered historic in nature and affecting large segments of the New Hampshire population. Observations and recommendations are provided to each utility and the Commissioner of the Department.

## **ENGINEERING, GIS, AND OTHER SUPPORT**

Enforcement maintains a Geographic Information System (GIS) that contains critical infrastructure and major infrastructure for energy and telecommunication providers within the state. Since 2012, Enforcement's capabilities have been augmented by the addition of an analyst with GIS technical skills. This has allowed Enforcement to update and develop numerous GIS databases for various industry sectors.

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The Department has been active with New Hampshire Homeland Security and Emergency Management and the State Emergency Operations Center by providing GIS data during state emergencies. To date, GIS data has been created for natural gas, propane, electric, telecommunications, and cable TV infrastructure.

## **AUDITING**

Enforcement's Audit group is responsible for auditing the books and records of public utilities and utility filings in PUC proceedings.

## **REGULATORY SUPPORT**

### **OVERVIEW**

The Division of Regulatory Support (Regulatory) was established pursuant to RSA 12-P:9. It investigates New Hampshire's public utilities' compliance with law and appears before the New Hampshire Public Utilities Commission (PUC) in all proceedings. Regulatory advocates for the state's interests in those investigations and proceedings, to ensure New Hampshire's utility customers receive safe and reliable service at just and reasonable rates.

The Regulatory Division is comprised of dedicated professionals with expertise in the gas, electric, water, and sewer industries. Each regulated industry is led by an administrator. Each of those administrators supervises a group of analysts. The Director of Regulatory is Thomas C. Frantz.

During the biennium, Regulatory participated in PUC proceedings related to a wide-ranging scope of issues, including distribution rates, rate design, default service rates, transmission costs, cost of gas rates, gas supply procurement, decoupling, least cost integrated resource planning, energy efficiency, special contracts, franchise expansion, and a merger and acquisition. Regulatory, through its electric staff is lead on the Department's investigations regarding default energy service procurement (INV 2023-001), compensation of energy storage projects (INV 2023-002), and the customer-generator-interconnection (IP 2022—01).

### **NATURAL GAS**

The Gas group oversees two natural gas utilities: Liberty's EnergyNorth Natural Gas Corp. (Liberty), and Northern Utilities, a Until Corporation subsidiary (Northern). Together, those utilities serve more than 135,000 customers within 54 New Hampshire. Liberty comprises approximately 73% of the natural gas service in the state, and Northern serves approximately 27%. In 2022, New Hampshire gas customers consumed approximately 14.4 million dekatherms.

In the two years since the establishment of the Department, the Gas group participated in 35 PUC dockets. It filed seven technical statements and four pre-filed testimonies. The Gas group also attended technical sessions and hearings in those dockets and presented in-person testimony during hearings. It provided review and support regarding the electric and natural gas utilities' most recent three-year energy efficiency program filing.

The Gas group also assists the Department's Consumer Services group with customer complaints and inquiries regarding natural gas tariffs, service, and bills.

The Administrator of the Gas group is Faisal Deen Arif. He supervises two utility analysts.

### **ELECTRIC**

New Hampshire has three electric distribution utilities: Eversource d/b/a Public Service Company of New Hampshire (Eversource), Liberty d/b/a as Granite State Electric Company (Liberty Electric), and Until Energy Systems, Inc. (Unitil). Since electric restructuring, the New Hampshire Electric Cooperative is regulated only in some specific areas such as its participation in New Hampshire's energy efficiency programs. In total, New Hampshire has over 700,000 electric utility customers consuming approximately 10.8 million MWh of electricity per year.

During the biennium, the Electric group participated in 76 new adjudicative PUC dockets as well as many



other adjudicative PUC dockets that continued from the prior biennium. In addition, the Electric group participated in and provided comments in numerous PUC investigative dockets, including those related to demand response programs, step adjustments, and default service.

The Electric group reviewed utility filings and provided testimony, technical statements or recommendations on various topics including default energy service rates, transmission rates, vegetation management plans, storm costs, the purchase of receivables, community power aggregation, electric vehicle rates, time of use rates, and financings.

Annually, the Electric group prepares legislative reports related to the System Benefits Charge and the Regional Greenhouse Gas Initiative (RGGI). It also contributes New Hampshire data to the RGGI, Inc., annual report. The Electric group contributes New Hampshire energy efficiency data and electrification data to the regional transmission system operator, ISO-NE, for electric load forecasting.

The Electric group assists the Department's Consumer Services group with customer complaints and inquiries regarding electric tariffs, service, and bills. Annually, the Electric group prepares the avoided cost calculation for net metering customers with excess generation. It meets weekly as a member of the Data Platform Group and participates in the Evaluation, Monitoring, and Verification Working Group, which oversees various process and impact-evaluation studies of the utilities' energy efficiency programs.

The Administrator of Electric is Elizabeth Nixon. She supervises four utility analysts.

## **WATER AND SEWER**

New Hampshire has several large water utilities and a handful of small sewer and water utilities. The industry's revenue was approximately \$67 million in 2022. Pennichuck Water Works (PWW) is the state's largest water utility, serving more than 29,000 customers with 2022 revenue of \$39.6 million. PWW's affiliate, Pennichuck East Utility serves more than 8,000 customers with 2022 revenue of \$12.5 million. Aquarian Water Company more than 9,000 customers with 2022 sales of \$7.9 million.

New Hampshire's four regulated sewer companies serve approximately 300 customers. The Water and Sewer group assists the Department's Consumer Services group with customer complaints and inquiries regarding water and sewer tariffs, service, and bills.

The Administrator of the Water and Sewer group is Jayson P. Laflamme. He supervises three utility analysts.

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## **ADMINISTRATION**

### **OVERVIEW**

RSA 12-P:6 authorizes the Division of Administration. The Administration Division includes the Department's legal and business office staff. The Director of the Division is Rorie E. Patterson.

### **LEGAL GROUP**

When the Department was created at the start of the biennium, the adjudicative functions of the then PUC were moved to a new PUC, and the then PUC's legal staff was moved to the Department. This restructuring created a formal boundary between the state's energy policy representatives at the Department and the tribunal at the new PUC. This aligned the Department's position vis a vis the new PUC with the position of other stakeholders who appear before the PUC.

The legal group provides timely and accurate legal advice and representation to the Commissioner, Deputy Commissioner, and the Department's Regulatory Support and Policy and Programs Divisions, with the objective of representing the state's energy policy interests. The legal staff lead the Department's activities in Department and Public Utilities Commission investigations and proceedings. The Department is a mandatory party to PUC proceedings.

During the biennium, the PUC convened 282 proceedings. Some of these proceedings, as discussed more in the Regulatory Support section of this report, considered utilities' recovery from customers of hundreds of millions of dollars. Other proceedings involve important policy issues such as energy efficiency and means-based financial assistance to utility customers.

There are seven permanent, full-time positions and one part-time position in the legal group. A Senior Hearings Examiner directly reports to the Administrative Division Director and supervises six Hearings Examiners and a Legal Assistant.

### **BUSINESS OFFICE**

When the Department was created, the business office staff of the then PUC, and the business office staff of the Office of Strategic Initiatives, were transferred to the Department. At that time, there was very little functional overlap between these staff. Soon after, the business office staff lost legacy PUC staff, requiring the rebuilding of the business office knowledge base and experience as the fiscal year end and budget activities kicked into high gear. Fortunately for the Department, the vacant positions were quickly filled by highly qualified people.

Additionally, the restructuring of two existing state agencies and the creation of a new agency required the creation of a new system of accounts for the Department and significant restructuring of the system for the new PUC. This presented new, significant challenges to the business office for managing these systems due to multiple sources of revenue and the administrative attachment of the new PUC to the Department. Two rebudgeting processes, both unanimously approved by the Governor and Executive Council during the first year of the biennium, were required.

Daily, the business office provides timely, accurate and transparent financial and administrative support for the Department's operations as well as the operations of the agencies that are administratively attached to the Department, namely, the PUC, the Office of the Consumer Advocate, and the Site Evaluation Committee. The business office develops and administers the biennial budget, calculates, and collects the annual assessment of regulated entities, and manages the collection, use, and accounting of millions in state and

federal grant funding. The business office also includes the grants compliance staff, which monitor and evaluate numerous programs managed by the Policy and Programs Division, as well as the front desk staff, which provide a friendly and helpful interface between the Department and the public it serves. There are nine permanent, full-time positions, one temporary, full-time position, and two part-time positions in the business office. A Chief Operating Officer directly reports to the Administration Division Director and supervises two Accountant IIs, one Business Administrator I, three Business Administrator IVs, two Grants Program Coordinators, a Program Specialist III, a Program Assistant II, and a Clerk IV.

The state's budget process is time-consuming and complex, requiring coordination and collaboration with the Governor, the General Court, and the Department of Administrative Services. The Department's business office provides services across the agency's Divisions, which requires significant collaboration, effective and timely communication of needs and goals, and conscientious, multifaceted project management. The services the business office provides to the administratively attached PUC, OCA and SEC include budgeting, recordkeeping, and related administrative and clerical assistance, and require those agencies to pay the Department on a cost allocation basis for such services.

## **LEGISLATION**

### **2021 LEGISLATIVE SESSION**

HB1 & HB2 Relative to state fees, funds, revenues, and expenditures.

HB315 Relative to the aggregation of electric customers and municipal host customer generators serving political subdivisions.

### **2022 LEGISLATIVE SESSION**

HB549 Relative to the system benefits charge and the energy efficiency and sustainable energy board.

HB1258 Relative to the implementation of the department of energy and relative to the definition of "municipal host" for purposes of limited electrical energy producers.

HB2023 Relative to making appropriations to the department of energy for a state emergency fuel assistance program and a supplemental electric benefit, and relative to the electric low-income program fund.

SB262 Relative to customer generators of electric energy.

SB268 Relative to the approval of power purchase agreements for offshore wind energy resources from the Gulf of Maine.

SB270 Relative to establishing a low-moderate income community solar program.

SB271 Relative to the Burgess BioPower facility.

SB440 Relative to the office of offshore wind industry development.

### **2023 LEGISLATIVE SESSION**

HB1 & HB2 relative to state fees, funds, revenues, and expenditures.

HB281 Relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

SB54 Relative to purchased power agreements for electric distribution utilities.

SB166 Relative to electric grid modernization.



## STATUTES

The following chart details the primary statutes and authority applicable to the Department of Energy:

<b>RSA</b>	<b>Provides Department of Energy Authority Relative to:</b>
6:12-b	Maintenance of system benefits charge funds used for electric assistance programs.
12-K	Preparation of map, model ordinances, guidance, and rules relating to deployment of personal wireless service facilities.
12-P	Establishment of department and purpose, including providing support and assistance to, investigating matters before, and providing a complete record to the public utilities commission, establishment of divisions, office of offshore wind and industry development, and grid modernization advisory group; appointment of commissioner, deputy commissioner, general counsel, and directors; preparation of state energy strategy; general provisions including being an automatic party to all public utilities commission proceedings; duties of the commissioner and specific duties regarding pipeline safety; duty of jurisdictional entities to provide information when asked; rulemaking generally and regarding natural gas suppliers and lost and unaccounted for gas; transfer of functions etc. from public utilities commission to department.
38	Participation in commission proceedings regarding certain municipal utility operations, and disputes between municipalities and utilities; assist cities and town that have established energy commissions.
53-E:7	Aggregation of electric customers by municipalities and counties.
53-F:6	Certification of building analysts.
72:8-e	Rate recovery mechanism for public utilities' recovery of property taxes paid to municipalities on distribution assets.
106-H	Participation on 911 commission.
125-O:23	Use of the Energy Efficiency Fund and performance reporting.
155-A	Energy code compliance, participation on state building code review board.
162-F	Participation on nuclear decommissioning financing committee.
162-B	Studies concerning Atomic Industrial Development.
162-H	Monitor and enforce construction and operation of energy facilities granted a certificate by the Site Evaluation Committee.
238-A	Participation in New Hampshire transportation council.
339-G	Regarding minimum energy efficiency standards.
362	Jurisdiction over electric, telephone, water, sewer, gas, and pipeline utilities.
362-A	Participation in commission proceedings regarding limited electrical energy producers and qualifying co-generators; net energy metering; establishment of interconnection standards, and approval of new low-moderate income community solar projects.

362-F	Implementation of renewable portfolio standards for providers of electricity, and authority to administer the Renewable Energy Fund and to approve power purchase agreements in conjunction with or independent of power purchase agreements.
362-H	Participation in commission proceedings regarding power purchase agreements between utilities and eligible facilities; support hydrogen advisory committee.
362-I	Participation in commission proceedings regarding procurement of renewable natural gas and investment in infrastructure; authority regarding requests for proposals for renewable natural gas supply.
363-A	Expenses against certain utilities.
363-B	Procedures for termination of certain utility services.
364	Participate in commission proceedings to investigate the public need for a municipality to acquire an existing public utility, construct a public utility, or expand an existing municipal utility and to determine the feasibility of such plans.
365	Procedures governing complaints against public utilities; investigations, inquiries and inspections; affordable telephone service; participation in commission proceedings regarding recovery of costs of investigations and proceedings.
366	Contracts between utilities and affiliates, sale of utility securities to or by employees, and information to be disclosed regarding affiliates and control, and in annual reports.
369	Participation in commission proceedings regarding utility financing, including securities, mortgages, short- and long-term debt; and limited authority over certain mergers and reorganizations.
370:1-9	Service equipment of public utilities, including the determination of units of service, standards for meter accuracy, and related enforcement procedures.
371	Participation in commission proceedings regarding public utility eminent domain proceedings; Authority to approve crossings across public waters and state-owned land for utility and utility-type infrastructure.
374	Supervise and investigate public utilities including participation in commission proceedings regarding service territories, slamming, leases and transfers of equipment and franchise, receivership, purchase of capacity, and other matters; affordable telephone service; alteration of telephone service territories and authorization of more than one telecommunications service provider in a franchise area; regulation of pole attachments; investigation of accidents, telephone number conservation, utility renewable energy and energy efficiency loans.
374:48-56	Administration of the Underground Facility Damage Prevention System.
374-A:7	Participation in commission proceedings regarding regulation of foreign electric utilities.
374-B	Participation in commission proceeding municipal electric revenue bonds and notes.
374-F	Promotion of competition in retail electric service, restructuring principles, transition and default electric service, stranded costs, collection and uses of the system benefits charge, and regulation of competitive electricity suppliers; participation in regional activities; support of offshore wind and port development commission; development of requests for proposals regarding power purchases and participation in commission proceedings to approve resulting power purchase agreements.
374-G	Regulation of utility investments in distributed energy resources and participation in commission proceedings regarding same.



374-H	Investigation and report regarding energy storage projects.
378	Regulation of utility rates and participation in commission proceedings regarding utility rates, fares, charges, and prices, establishment of local calling areas and reduction in access charges, approval of special contracts. Regulation of online energy data platform and participation in commission proceedings regarding same. Establishment of energy policy act standards.
485-I:4	Participation on coastal fund advisory board.
674:30, III-IV	Participation in commission proceedings regarding exemption of utility structures from municipal regulation.

<b>RSA</b>	<b>Provides Authority for the Office of Consumer Advocate:</b>
363:28-28-a	Office of the Consumer Advocate and Residential Ratepayers Advisory Board.

## **OFFICE OF THE CONSUMER ADVOCATE**

### **OVERVIEW**

Under its enabling statute, RSA 363:28, the Office of the Consumer Advocate (OCA) does not simply represent the interests of the state’s residential utility customers wherever and whenever those interests arise. The OCA has an affirmative duty to defend and promote those interests.

It is important for the public to understand what the OCA cannot do. It does not represent individual customers and does not enter into any attorney-client relationships. The OCA does not represent the interests of commercial and industrial ratepayers – its statutory writ is limited to residential consumers, although the Office frequently can and does work in concert with representatives of other customer classes.

But, within the designated sphere of the OCA, the opportunities to advance the interests of residential utility customers are many. The principal task of the OCA is to represent residential customers as a class in proceedings before the Public Utilities Commission. The General Court has directed the PUC, via RSA 363:17-a, to serve as “the arbiter between the interest of the customer and the interests of the regulated utilities.” The utilities and their shareholders tend to be well-represented at the PUC, so the OCA’s job is to add weight to the other side of the scale, to help the Commission discharge its arbiter role effectively. In that sense, its role differs from that of the Department of Energy, which represents the interests of the state itself and pursues its own policy agenda that takes other things into account beyond ratepayer or utility shareholder interests.

Although there are many aspects of the economy that could arguably benefit from public advocacy of the sort provided by OCA, there is something of a national consensus that ratepayer advocacy is an important component of utility regulation given the quasi-judicial nature of the PUC and its counterparts around the country. More than 40 jurisdictions across the U.S. have an official ratepayer advocate. New Hampshire’s is noteworthy for the degree of independence granted to the OCA by statute.

### **OCA STAFF**

The Consumer Advocate is an unclassified state employee appointed for a four-year term by the Governor and approved by the Executive Council. The Consumer Advocate leads a staff of five full-time, classified employees: a Staff Attorney, a Director of Economics and Finance, a Director of Rates and Market Policy, a Legal Assistant, and, as of the 2024-25 biennium, an attorney who serves as Director of Regional and Federal Affairs. As of early November 2023, the Director of Rates and Market Policy was vacant, and the regional/federal post was the subject of initial recruitment efforts.

The OCA’s enabling statute requires the Consumer Advocate to be an attorney admitted to the practice of law in New Hampshire. This allows the OCA to appear directly in proceedings before all judicial and administrative tribunals, as the Consumer Advocate deems necessary.

Attorney Donald Kreis has served as Consumer Advocate since February 2016 and was recently confirmed to a third four-year term. He has previously served as general counsel of the commission, as a hearing officer with the Vermont Commission, and as a professor at Vermont Law and Graduate School. Staff Attorney Michael Crouse is a graduate of Vermont Law School who, prior to joining the OCA, worked as an associate with a law firm that serves clients in the energy and telecommunications sectors. Director of Economics and Finance Marc Vatter is a PhD economist who has testified before federal and state regulators on issues related to wholesale power and natural gas markets.

## RESIDENTIAL RATEPAYERS ADVISORY BOARD

The OCA has had several ‘homes’ since its creation in the late 1970s as the Legislative Utility Consumers Counsel, having been lodged at various times inside the General Court, the Department of Justice, and the PUC. Today the OCA is an independent agency that has, since 1999, relied on a nine-member Residential Ratepayers Advisory Board as its official vehicle for public accountability and its sounding board when it comes to developing the positions the OCA takes on behalf of the state’s residential utility customers. The Residential Ratepayers Advisory Board plays a critical gatekeeping role when it is time to appoint or reappoint the Consumer Advocate every four years. Advisory Board members serve staggered three-year terms; the Governor, the President of the Senate, and the Speaker of the House of Representatives are each responsible for appointing three members. Meetings of the Residential Ratepayers Advisory Board occur quarterly and are open to the public.

## THE OCA AT THE PUBLIC UTILITIES COMMISSION

The mainstay of the OCA’s work consists of participating, as a full party, in proceedings before the Public Utilities Commission. The OCA does not intervene in PUC proceedings; it is, rather, a statutory party to those dockets in which it enters an appearance.

Whenever one of the state’s electric or natural gas utilities seeks a rate increase, or an adjustment to its supply costs (i.e., cost-of-gas proceedings for gas utilities and default energy service proceedings for electric distribution companies) the OCA actively participates. Additionally, the OCA has been an active proponent of ratepayer-funded energy efficiency in the proceedings involving the 2021-2023 Triennial Energy Efficiency Plan, the 2022-2023 Energy Efficiency Plan (filed after the PUC rejected the 2021-23 Plan), and the 2024-2026 Triennial Energy Efficiency Plan that was submitted for approval in July 2023.

The OCA is a member of the governance council overseeing the development of the statewide utility customer data platform that is occurring via the PUC’s open docket, having spearheaded the 2019 effort to gain passage of the legislation authorizing the platform. It is the opinion of the OCA that the data platform will deliver real benefits to residential customers, by allowing them to share usage data easily with non-utility providers of innovative services while being scrupulously attentive to the privacy rights of customers. During the period covered by this report, development of the data platform has been proceeding at a slow but steady pace, commensurate with the importance and complexity of the project.

In late 2022, the Department of Energy filed its much-anticipated “Value of Distributed Energy Resources” (VDER) study, which triggered a new PUC docket to consider changes in the compensation mechanism for net metering. The OCA has actively participated and continues to do so, in quest of a sustainably long-term approach to compensating behind-the-meter exports to the electricity grid.

During the period covered by this report, the Consumer Advocate served as an actively participating member of the Energy Efficiency and Sustainable Energy Board (since abolished by statute) and the OCA served as an active participant in dockets opened pursuant to the statute requiring utilities to file periodic Integrated Resource Plans (since repealed). The OCA has also worked, inside and outside of PUC proceedings, to assure the successful development of community power aggregation since municipalities were authorized to create such programs on an opt-out basis in 2019. In the view of the OCA, allowing municipalities to become, in effect, the providers of default energy service within their borders will, if done responsibly and energetically, secure the benefits of restructuring for residential customers after having paid hundreds of millions of dollars to utilities in generation-divestiture stranded costs.



## **THE OCA AT THE REGIONAL AND FEDERAL LEVEL**

Following the restructuring of New Hampshire's electric industry that began in 1996 and culminated in 2018 when the state's largest electric utility divested the last of its generation assets, the region's federally regulated "regional transmission organization" ISO New England has overseen both the New England bulk power transmission system as well as the markets through which wholesale electricity (and related products) are bought and sold. Because energy and transmission charges collectively comprise the biggest portion of most electric bills, to advance the interests of the state's residential customers it is necessary for the OCA to participate actively in matters related to ISO New England.

The OCA undertakes this work principally by maintaining an active membership in NEPOOL, which serves as the stakeholder advisory panel to ISO New England. As an advisory panel, NEPOOL is very powerful because it shares with ISO New England itself the right to submit changes to wholesale market rules for approval by the Federal Energy Regulatory Commission.

Via participating in NEPOOL and voting on proposals deliberated there, the OCA's regional work complements that of the Department of Energy, whose Commissioner serves as New Hampshire's NESCOE Manager. NESCOE is the New England States Committee on Electricity, which represents the region's governors at ISO New England and NEPOOL but is not eligible for a NEPOOL voting membership. Each governor appoints one NESCOE Manager to govern the organization. In concert with our state's NESCOE manager, the OCA strives to assure that New Hampshire ratepayers do not unreasonably pay costs associated with the public policy initiatives of other New England states. This is a requirement of the OCA enabling statute. Beyond that, the OCA's participation in NEPOOL is designed to assure that Granite Staters do not pay excessive charges for electricity purchased at wholesale as well as for the use of the transmission grid.

In June of 2023, Consumer Advocate Kreis had the opportunity to address all four sitting members of the Federal Energy Regulatory Commission, who came to Portland, Maine for a forum to address winter electricity reliability in the New England region. He urged FERC not to authorize any measure that would force electric customers to pay for the continued operation of the liquified natural gas terminal in Everett, Massachusetts.

During the period covered by this report, the Consumer Advocate has served on the Coordinating Committee of ISO New England's Consumer Liaison Group (CLG), authorized by federal regulators to serve as a conduit between ISO New England and electricity consumers intended to assure that the regional transmission organization is attentive to ratepayer needs. The Consumer Advocate was an outspoken proponent of changes adopted in 2022 and 2023 that made the CLG a more vibrant, responsive, and publicly accessible body.

## **THE OCA AS A SOURCE OF INFORMATION AND HELP**

In 2023, with the assistance of the Department of Information Technology, the OCA overhauled its web site in an effort to make it a useful resource for informing the public about issues germane to the interests of residential utility customers, and a vehicle for demystifying utility regulation so as to allow ratepayers to access PUC proceedings and other regulatory processes. This helps the OCA fulfill its statutory job of educating the public about utility regulation in New Hampshire at both the state and federal levels.

The OCA has continued to maintain an active presence at the General Court. Although the Office has occasionally requested the introduction of specific bills that would inure to the benefit of residential utility

customers, the OCA more typically acts as a source of information to Legislators. The policy of the OCA is to assist any legislator with bill or amendment drafting upon request.

The OCA is funded by the annual utility assessment calculated and administered by the Department pursuant to RSA 363-A. The below shows OCA's expenditures for State Fiscal Years 2022 and 2023.

CLASS DESCRIPTION	FY22 EXPENDITURES	FY23 EXPENDITURES
PERSONAL SERVICES PERM CLAS	\$297,591	\$172,176
PERSONAL SERVICES UNCLASSIF	\$101,233	\$106,369
CURRENT EXPENSES	\$1,025	\$46
RENTS-LEASES OTHER THAN STA	\$1,524	\$1,143
ORGANIZATIONAL DUES	\$4,525	\$4,791
TRANSFERS TO DOIT	\$1,872	\$12,979
TRANSFERS TO GENERAL SERVIC	\$14,603	\$14,947
TELECOMMUNICATIONS	\$1,860	\$2,230
INDIRECT COSTS	\$5,120	\$5,375
CONSULTANTS	\$23,056	\$0
TRANSFER TO OTHER STATE AGE	\$141	\$361
BOOKS PERIODICALS SUBSCRIPT	\$1,589	\$4,021
BENEFITS	\$162,718	\$119,828
EMPLOYEE TRAINING	\$97	\$500
IN STATE TRAVEL REIMBURSEME	\$319	\$0
OUT OF STATE TRAVEL REIMB	\$1,000	\$0
TRANSFER TO DAS MAINT FUND	\$0	\$1,044
LITIGATION EXPENSE	\$159,199	\$137,107
<b>TOTAL EXPENSES</b>	<b>\$777,471</b>	<b>\$582,918</b>



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