

STATE OF NEW HAMPSHIRE

CONSUMER ADVOCATE
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April 19, 2023

Chairman Daniel C. Goldner
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire 03301

Re: Docket No. DE 23-031
Liberty Utilities (Granite State Electric) Corp d/b/a Liberty
2022 Vegetation Management Program Plan

Dear Chairman Goldner:

I am taking this opportunity to follow up, briefly, on a question you posed to the OCA at today's hearing in the above-referenced proceeding. You asked about the extent to which the OCA is concerned about the high cost of traffic flaggers used in connection with utility construction projects in public rights-of-way, particularly in circumstances where municipalities require utilities to rely on the local police force to provide these services.

Please be advised that the OCA is keenly interested in this subject. At the request of Rep. David Bickford of New Bedford, I have been working with him on House Bill 526, which the House Committee on Municipal and County Government recently opted to retain rather than report to the floor of the House.

For your information, I attach a copy of the February 8 letter I dispatched to the Committee on Municipal and County Government. I would also urge you and your fellow commissioners to visit the web site of the General Court and, via the "Remote Testimony" option on the "Committees" tab on the House web page, review the dozens of written comments that were submitted in opposition to what is, in my judgment, a very modest bill.

As I said in my letter to Municipal and County Government, I fear that selectboards and police departments around the state are under the mistaken impression that it is utility shareholders, and not utility customers, who bear the burden of excessive traffic control costs assessed to utilities. The written comments speak for themselves but the inference I draw is that many police officers in New Hampshire – who I assume are generally underpaid in spite of the critical public services they provide – have come to depend on flagging opportunities as a significant source of additional income.

As the statutorily designated advocate for the interests of the Granite State's residential utility customers, I oppose all efforts to solve general public policy problems, unrelated to utility

service, via charges that find their way onto the monthly bills of ratepayers. What we have here is a classic and well-entrenched example of that phenomenon. I am doing my best to support necessary reforms and I commend the Public Utilities Commission for its interest in this issue. I also commend Representative Bickford for his vigilance when it comes to excessive traffic control costs, a subject he well understands as a former member of the selectboard in his home town.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Donald M. Kreis', with a stylized, flowing script.

Donald M. Kreis
Consumer Advocate

Attachment

cc: Service List (via e-mail)



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February 8, 2023

Representative Len Turcotte
Chairman
Committee on Municipal and County Government
House of Representatives
The State House
107 State Street
Concord, New Hampshire 03301

Re: House Bill 526
Regulating the Use of Temporary Traffic Control Personnel

Dear Chairman Turcotte:

In my capacity as the state official tasked by statute with advocating on behalf of New Hampshire's residential utility customers, I write to urge that you and your honorable colleagues on the Municipal and County Government Committee give favorable consideration to House Bill 526. Please accept my apology for not being present at today's hearing; unfortunately the Office of the Consumer Advocate is on the agenda of this morning's Executive Council meeting and I am obliged to be present to answer any questions from the councilors.

I am grateful to Representative Bickford for introducing this bill. As you know, electric and natural gas rates have soared over the past year and many ratepayers are enduring a very difficult winter as a result. While the increases have leveled off I do not expect rates to decline significantly in light of the global market for natural gas and our region's significant reliance on that particular fuel for both electricity and heat.

In these circumstances, it is especially important for the General Court to be alert to opportunities to save ratepayers money. One such opportunity is relaxing the requirement that public utilities hire off-duty police officers to provide traffic control when repairs or improvements to gas and electric lines require utility crews to work within our state's roadways. Contrary to widespread belief, the utilities and their shareholders do not 'eat' the cost of traffic control; rather, these costs are passed along to ratepayers – often directly because of the numerous mechanisms by which the Public Utilities Commission allows automatic rate increases to account for capital projects and/or storm repairs.

Having read some of the written comments others have already submitted to you about this bill, I infer that many in the law enforcement community consider temporary traffic control to be a welcome source of supplemental income – so much so that some commenters are apparently

willing to resort to alarmist arguments about undesirable people replacing police officers as flaggers. I do not have information with which to rebut these contentions beyond pointing out that Representative Bickford has quite sensibly worded his bill to account for situations in which there are “specific safety concerns” or when “*qualified* traffic flaggers are not available” (emphasis added). I have active working relationships with all of our utilities and am confident that none of them would risk damage to their own reputations by allowing disreputable people to work on their behalf in the state’s roadways.

You and your colleagues on the committee are welcome to contact me if I can provide any additional information. Thank you for considering the interests of New Hampshire’s struggling utility ratepayers during these difficult times.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DKreis', with a stylized, flowing script.

Donald M. Kreis
Consumer Advocate

cc: Rep. Bickford