

Residential Ratepayers' Advisory Board  
December 12, 2011 Meeting Minutes

*Present for the Board:*

Claira Monier, Vice Chair  
Ken Mailloux  
Dwayne Wrightsman  
Deborah de Moulpied  
Thomas Moses  
Joe Costello

*Present for the OCA:*

Meredith Hatfield  
Rorie Hollenberg  
Stephen Eckberg  
Donna McFarland  
Christina Martin

Ms. Monier called the meeting to order at 2:01 pm.

1. Minutes of November 7, 2011 Meeting

The Board considered the draft minutes of the September meeting. Mr. Mailloux moved approval, seconded by Mr. Costello. The Board unanimously approved the November minutes as drafted.

2. Process Related to Expiration of Consumer Advocate's Term

Ms. Monier thanked Board members for attending the meeting and stated that the primary purpose for the meeting was to discuss the process related to the Executive Council's decision not to reappoint Ms. Hatfield. The Board discussed the need to go into non-public session pursuant to RSA 91-A:3 (the Right to Know Law) to discuss issues related to the hiring of a public employee, and agreed that it was necessary to do so. Ms. Hatfield reminded the Board that the OCA attorneys do not serve the role of Board counsel, and pointed out that any non-public session must comply with certain procedural requirements. Ms. Hatfield stated that the OCA Staff would assist the Board in carrying out its obligations by providing clerical assistance.

Mr. Costello moved to go into non-public session, seconded by Mr. Mailloux. The Board conducted a roll call voice vote and all members present voted in the affirmative.

*[The Board determined that the minutes of the entire meeting would be released publicly at its January 23, 2012 meeting.]*

The Board asked OCA Staff to stay for the non-public session. Board members agreed that Ms. Hatfield had been an effective consumer advocate, and that their support for her reappointment was still strong. The Board agreed that efforts should be made to explore whether reconsideration of the Council's vote is possible. Ms. Monier discussed efforts related to that approach.

Board members asked OCA Staff about the history of the position, the hiring process used when Ms. Hatfield was hired, and what documentation exists related to a job description, evaluations, etc. To help the Board prepare for a hiring process, OCA Staff developed a draft job description and draft advertisement for the position, and they were provided to the Board.

In addition to pursuing efforts to seek reconsideration of the Council vote, Board members agreed that they should finalize the job description and advertisement for the position, in the event that recruitment is necessary. Several Board members expressed the concern that the Council disagreed with the Board's nomination of Ms. Hatfield, and that it could happen again.

Ms. Monier stated that she had received an email from a person interested in applying for the position, but only if Ms. Hatfield was not reappointed. The Board agreed that the public minutes of today's meeting would be provided to that person so that they have information about the process to be followed.

The Board determined that it was appropriate to continue its discussions out of a non-public session. Mr. Costello moved to end the non-public session, seconded by Ms. De Moulpied. After a roll call voice vote, the Board voted unanimously to end the non-public session.

Ms. Monier stated that Chairman Perry wished to appoint a subcommittee to oversee the process of recommending a consumer advocate for appointment. Mr. Perry had suggested Ms. Monier, Mr. Moses and Mr. Costello as the members of the subcommittee. Mr. Mailloux made a motion to create a subcommittee with the three members, which was seconded by Ms. de Moulpied. The Board unanimously voted to create the subcommittee, with Mr. Costello abstaining.

Ms. Hatfield suggested that the subcommittee could take comments from all Board members on the draft job description and draft advertisement for the consumer advocate position. She stated that in other settings, in order to comply with RSA 91-A, she has seen the practice of one person serving as recipient of all comments so that members are not deliberating via email, which is not permitted. Ms. Monier agreed and requested that the Board members send any comments to her via email at [claira@cmonier.icemail.com](mailto:claira@cmonier.icemail.com), so that the Board can discuss the drafts at its next meeting in January and begin the recruitment process if necessary at that time. Ms. Hatfield also mentioned to the Board that RSA 91-A requires certain procedures for telephone meetings should the subcommittee wish to explore that option.

The Board discussed the date for its next meeting. It was agreed that a date other than January 9, 2012 (the next proposed meeting date) would be necessary. OCA Staff will poll the Board for an additional date. Ms. de Moulpied requested that OCA Staff request that counsel for the Board from the Department of Justice attend that meeting. All Board members agreed and Ms. Hollenberg stated that she would contact Michael Brown, Chief of the Civil Bureau, to convey the Board's request.

### 3. Other Topics

Ms. Hatfield reminded the Board that the PUC will be conducting an "after action review" of the October snow storm and related outages. The PUC has already received several hundred public comments. OCA Staff will send the link to the webpage for public comments for the Board's information.

Mr. Mailloux moved to adjourn the meeting, and Mr. Wrightsman seconded the motion. The meeting was adjourned at 3:30 pm.