



## OFFICE OF THE CONSUMER ADVOCATE

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May 22, 2023

New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301via e-mail to: [ClerksOffice@puc.nh.gov](mailto:ClerksOffice@puc.nh.gov)Re: Docket No. DW 20-117  
Hampstead Area Water Company  
Request for Change in Rates

To the Commission:

Regrettably, having just received and read a pleading from the subject utility in the above-referenced docket entitled "Objection to Karen Steele's Motion for Rehearing of Order No. 26,809" ("Objection"), I find it necessary to correct certain misleading and inappropriate statements made in that pleading about the Office of the Consumer Advocate ("OCA").

As noted in the Objection, the OCA was a signatory to the settlement agreement on permanent rates in this docket. As also noted in the Objection, when that settlement agreement came before the Commission for hearing, *pro se* intervenor Karen Steele appeared in opposition to the agreement. Much as we have done at many, many PUC hearings over the years, the attorney representing the OCA also conducted the direct examination of Ms. Steele because she was *pro se*.

We have adopted this practice, as have other represented parties on some occasions, as a courtesy to the Commission in hopes of making evidentiary hearings with such a *pro se* witness go as smoothly and efficiently as possible. The fact that we extended this courtesy at a prior hearing – *not* the one leading to her pending rehearing motion – is of no substantive significance whatsoever, the utility's argument to that effect notwithstanding. *See* Objection at 7 (The OCA fails to explain how it now believes Ms. Steele's arguments were not considered by the Commission given that it was the OCA's counsel who assisted Ms. Steele present [sic] her testimony on these exact issues").<sup>1</sup>

It is the policy of the Office of the Consumer Advocate to do what we can to demystify the Commission's work for consumers and to make Commission proceedings as accessible as possible for those who wish to participate *pro se* in Commission dockets. We are aware that the

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<sup>1</sup> Moreover, this assertion mischaracterizes the argument made by the OCA in support of the pending rehearing motion. We do not contend there are any defects in the evidentiary record or any flaws in the way it was developed at any of the hearings to date in this docket. Our position, rather, is based on concerns about the way in which the Commission analyzed (or, actually, did not analyze) the record.

Commission routinely diverts questions and queries from the public by suggesting that citizens reach out to our office. In all of our interactions with Ms. Steele, as with every other *pro se* residential utility customer who contacts us, we provide as much information and practical help as we can without entering into attorney-client relationships. We do that without regard to the extent to which we agree with any positions taken by such *pro se* intervenors. Our web site offers practical tips to citizens who want to engage with the Commission's processes because no other agency's web site offers any such clues.<sup>2</sup> We do all of that in the firm belief that the quality and fairness of utility regulation in New Hampshire increases – to the benefit of all -- when the rampant befuddlement about the Commission's processes among the general public is abated.

If the Commission would like the OCA to discontinue the practice of volunteering to conduct direct examinations of *pro se* witnesses, please let us know and we will never offer anyone that kind of assistance again. In the meantime, the OCA respectfully requests that the Commission ignore the spurious claims made about the OCA by the subject utility and focus instead on the merits of the pending rehearing motion.

Sincerely,



Donald M. Kreis  
Consumer Advocate

cc: Service List, via e-mail

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<sup>2</sup> See <https://www.oca.nh.gov/get-help/participate-puc-proceeding>.