



**COMMUNITY
POWER COALITION**
OF NEW HAMPSHIRE
For communities, by communities.

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January 21, 2025

Hon. Bob Lynn
Chairman, Judiciary Committee
New Hampshire House of Representatives
107 North Main St.
Concord, NH 03301

RE: HB 80, *allowing a public body member's presence at a meeting by electronic or other means of communication only if physical presence is unavoidable and providing that physical presence is necessary for voting.*

Dear Chairman Lynn and Members of the House Judiciary Committee,

The Community Power Coalition of New Hampshire (CPCNH) **opposes** the passage of House Bill 80 as currently drafted.

About CPCNH:

CPCNH is a Joint Powers Agency incorporated in 2021 to procure and supply electricity and related services to Member Community Power Aggregation programs in New Hampshire. As a growing governmental instrumentality, CPCNH is currently comprised of 70 Members, including 66 municipalities and 4 counties, each of which is party to the [Joint Powers Agreement](#) enabled by RSA 53-A and RSA 53-E:3, II(b). CPCNH municipal Members and municipalities served on an opt-out basis in Member County Aggregation programs comprise 40% of NH's population. CPCNH has supported the launch of 61 Member Community Power Aggregations as an alternative default energy service provider pursuant to RSA 53-E and RSA 374-F:2. I-a. Since launching energy supply service in the Spring of 2023, CPCNH has been delivering lower-cost, competitive energy supply choices to homes and businesses across the Granite State and helping them realize tens of millions of dollars in bill savings and community value.

We oppose HB 80 for the following reasons:

- ✦ **HB 80 would limit CPCNH Member participation in meetings which could impede the operations and governance of the body.**

HB 80 would make three changes to NH's Right to Know Law: 1) altering the standard of which a voting member's in-person absence can be justified by replacing "not reasonably practical" with "unavoidable;" 2) requiring a physical presence for voting; and 3) requiring that all votes be conducted via roll call during such meetings.

As a governmental instrumentality with municipal and county Members spanning every corner of the Granite State, these change would pose an undue hardship for CPCNH Members who voluntarily serve on the CPCNH Board of Directors, and one or more of its seven Committees, of which exist to ensure that CPCNH business operations (e.g., power supply procurements and rate setting) and governance continue as required pursuant to the CPCNH Joint Powers Agreement, the Bylaws, and the Articles of Incorporation. While CPCNH does its best to arrange for physical meeting locations that are centrally located, meeting locations can still be one to two hours or more from the location of many of our members. Having the option to attend remotely utilizing the "not reasonably practical" provision provides for robust Member participation and continuity of CPCNH operations and governance.

Our Board and most of our Committees meet monthly, occasionally twice in one month. While some of our Directors and Committee Members are retired, many have full-time jobs or have other commitments around meeting times. Thus, the most common reason why it is "not reasonably practical" for people to attend in person is that they cannot afford to take the travel time due to other meetings, appointments, or commitments. Replacing this requirement, as HB 80 calls for, would likely result in greater CPCNH Member absenteeism from meetings and under representation of more remote regions of the state due to impractical travel time requirements to participate.

Furthermore, this requirement would pose undue hardship to CPCNH Members with disabilities or illness; those who have had accidents or lack reliable transportation options; or those who are unable to safely travel to a meeting location due to hazardous weather or road conditions. All of these reasons could hinder their ability to attend CPCNH meetings in person.

✦ **HB 80 could deprive CPCNH Board and Committee Members from fulfilling their duties to the body.**

By requiring a physical presence for voting and that all votes be conducted by roll call, HB 80 could deprive CPCNH Members from serving in their full capacity on the CPCNH Board and/or Committees. As our Member Board and Committees are all volunteer based, many of our Members work full-time jobs and rely on the flexibility to attend and fully

execute their duties at CPCNH meetings remotely at times. Ensuring a remote option means that a Member who is ill, has a disability, is working at their full-time job, or otherwise is not reasonably practical to attend, is still able to fully execute their duties to the organization.

CPCNH appreciates the opportunity to share our concerns regarding HB 80. Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,

/s/

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