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45

March 25, 2026

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DEPARTMENT OF ENERGY  
21 S. Fruit St., Suite 10  
Concord, N.H. 03301-2429

March 25, 2026

Her Excellency, Governor Kelly A. Ayotte  
and the Honorable Council  
State House  
Concord, NH 03301

### REQUESTED ACTION

Authorize the New Hampshire Department of Energy (Department) to amend a contract with Douglas W. Brogan, of Concord, NH, Vendor #231075, by executing an available one-year contract extension and increasing the price limitation by \$7,700 from \$46,200 to \$53,900 and extending the expiration date from April 30, 2026 to April 30, 2027, to assist and advise the Department in evaluating water utility engineering and capital cost data, effective upon Governor and Executive Council approval through April 30, 2027. The original contract was approved by the Governor and Executive Council on March 26, 2025 Item #40. **Funding is 100% Other (Special Utility Assessment).**

Pursuant to RSA 365:37, funding will be available in the account, General Consultants, as follows:

	<u>FY 26</u>
02-52-52-520010-13820000-046-500464 Consultants	\$7,700

### EXPLANATION

The Department respectfully requests authority to execute an available contract extension and increase the price limitation by \$7,700 from \$46,200 to \$53,900 and extend the expiration date from April 30, 2026 to April 30, 2027 with Douglas W. Brogan, a consultant specializing in the engineering and planning of water utility infrastructure. Among its other functions, the Department appears in investigatory and adjudicatory proceedings before the Public Utilities Commission that affect water utilities and their customers. In that context, the Department analyzes water utilities' engineering and planning decisions in large part to advise the Commission whether a water utility's plans are reasonable, or their deployment of expenses and capital has been prudent, and the costs associated with such deployment can be translated into just and reasonable rates for water service. Mr. Brogan will aid the Department in reviewing such decisions in rate cases, interim rate adjustment proceedings, rulemaking and financing reviews. The original contract amount of \$46,200 was based on 600 hours at Mr. Brogan's hourly rate of \$77 per hour. Given both the present and anticipated dockets that will require Mr. Brogan's expertise in the coming 16 months, the Department anticipates that another 100 hours, or \$7,700, will be necessary to add to the present contract in order to adequately meet that required workload.

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No General Funds are requested for this contract. Funds will be assessed pursuant to RSA 365:37, which permits the Department to obtain experts and assess the costs to parties to the proceedings.

Your consideration of this request is appreciated.

Respectfully submitted,



Jared S. Chicoine  
Commissioner

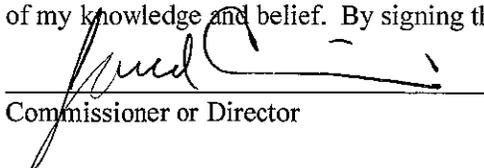
**State of New Hampshire  
Independent Contractor Certification Form**

Describe the services that the individual will perform for your agency.

Provide utility engineering and/or technical consulting services including engineering review of water and wastewater utility operations and capital spending.

1. Does the agency have State employees that perform the same or similar services?  Yes  No  
a. List the position titles \_\_\_\_\_  
b. List the position numbers \_\_\_\_\_
2. Will the Agency exercise authority over the means by which the service is rendered by:  
a. Setting work hours  Yes  No  
b. Setting the work location or providing work space  Yes  No  
c. Training the individual in how the services must be performed  Yes  No  
d. Supervising how services are rendered  Yes  No  
e. Providing tools, materials or office supplies to perform the services  Yes  No  
f. Requiring periodic reports on the individual's services  Yes  No  
g. Requiring performance by the contracting individual, rather than allowing subcontractors or assistants  Yes  No
3. Will the individual perform the services exclusively for the agency?  Yes  No
4. Does the individual offer these services for individuals or entities other than the State?  Yes  No
5. Does the individual hold himself or herself out to be in business for himself or herself, including by being registered with the state as a business and having continuing or recurring business liabilities or obligations?  Yes  No
6. Will the individual be responsible for satisfactory completion of work and can the agency hold the individual contractually responsible for failure to complete the work?  Yes  No
7. Will the Agency have the right to terminate the relationship at any time?  Yes  No
8. Can the individual terminate the relationship at any time without liability?  Yes  No
9. Are the services the individual will provide an independently established trade, occupation, profession, or business?  Yes  No  
Please Identify utility engineering
10. As a matter of economic reality is the individual dependent on the State for work?  Yes  No
11. What is the individual's name? Douglas Brogan
12. Have they previously been employed by the State?  Yes  No  
If so, what was the latest year of service? 2012
13. What agency did they last work for? Public Utilities Commission
14. What was the title of the last position they held with the State? Utility Engineer

I have reviewed the certification form and the facts and circumstances relevant to the certification and attest it is true to the best of my knowledge and belief. By signing this form, I certify that the individual being hired meets the independent contractor test.

  
\_\_\_\_\_  
Commissioner or Director

3/10/2026  
\_\_\_\_\_  
Date

## CONTRACT AMENDMENT #1

This Contract Amendment (“Amendment”) is entered into by and between the State of New Hampshire, acting by and through the New Hampshire Department of Energy, 21 S. Fruit Street, Concord, NH 03301, (hereinafter referred to as “State”) and Douglas Brogan, 4 Russell Street, Concord, NH 03301, (hereinafter referred to as “the Contractor”), collectively referred to as (“the Parties”).

WHEREAS, the Parties have entered into a contract, approved by the New Hampshire Governor and Executive Council on March 25, 2025, Item #40 (hereinafter referred to as the Contract);

WHEREAS, the Parties desire to extend and amend the Contract as provided in this Amendment; and

WHEREAS, the Contract allows for amendments by an instrument in writing executed by both Parties;

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the Contract, and set forth herein, the Parties hereto do hereby agree as follows:

1. P-37 Section 1.7, Completion Date: Amend by deleting Section 1.7 in its entirety and replacing with the following: April 30, 2027.
2. P-37 Section 1.8, Price Limitation: Amend by deleting Section 1.8 in its entirety and replacing with the following: \$53,900.
3. Exhibit C, Contract Amount, Terms and Methods of Payment, Paragraph #1: Amend the conclusion date to read April 30, 2027.
4. Exhibit C, Contract Amount, Terms and Methods of Payment, Paragraph #2: Amend the price limitation to read \$53,900.
5. Exhibit C, Contract Amount, Terms and Methods of Payment, Paragraph #3: Amend the price limitation to read \$53,900.
6. This Amendment hereunder shall become effective upon approval by the New Hampshire Governor and Executive Council.
7. Except as specifically amended and modified by the terms and conditions of this Amendment, the Contract and the obligations of the Parties hereunder, shall remain in full force and effect with the terms and conditions set forth herein.

**Douglas Brogan**

By: Douglas Brogan  
Douglas Brogan, Individual

Date: 2/5/2026

**STATE OF NEW HAMPSHIRE**  
**Department of Energy**

Jared Chicoine  
Jared S. Chicoine, Commissioner

Date: 2/9/2026

**Approval by the Attorney General's Office (Form, Substance and Execution)**

[Signature]  
Print Name and Title

Date: 3/5/2026

**Approval by the Governor and Executive Council**

G&C Meeting Date: \_\_\_\_\_

G&C Item #: \_\_\_\_\_

