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THE STATE OF NEW HAMPSHIRE

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June 3, 2026

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

REQUESTED ACTION

Pursuant to RSA 94:6, New Appointment, the Public Utilities Commission (PUC) respectfully requests approval to place Diana E. Fenton at Step 6 for the position of PUC/SEC Administrator (position #9U596) unclassified salary grade GG, earning \$118,352 annually effective on June 12, 2026, upon Governor and Executive Council approval. **100% Other Funds**

EXPLANATION

The Administrator of the Public Utilities Commission (PUC) and the Site Evaluation Committee (SEC) holds an administrative, legal, and operational role for the agency, with the primary responsibility being to fulfill the statutory duties of the SEC Administrator under RSA 162-H:3-a. This includes managing the procedural, docket-related, and communication functions necessary for the review and approval of energy facility siting. The Administrator ensures that SEC processes are legally sound, transparent, and efficiently managed.

However, the workload related to the SEC can vary significantly from year to year depending on the number and complexity of active projects. Recognizing that fact, in 2024 the Legislature enacted House Bill 609 to provide greater stability and continuity by making the SEC Administrator a PUC employee and assigning additional responsibilities within the PUC. These duties will include improving intergovernmental and external processes and communications, managing rulemaking activities, overseeing the Clerk's Office and its functions, and supporting the management of classified staff and overall PUC operations. This structure ensures the Administrator's expertise is consistently leveraged to support both the SEC's mission and the operational needs of the PUC.

Ms. Fenton has the experience and skillset to capably serve in this role and to provide significant benefits to the Public Utilities Commission and the people of New Hampshire.

She has demonstrated exceptional leadership and management capabilities throughout her career in state service, particularly in her current role as Chief of the Governance Unit at the New Hampshire Department of Education. She oversees a wide range of regulatory and administrative functions, including constituent outreach, hearings, mediations, and investigations. Her responsibilities include supervising a

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combination of full and part-time staff while also managing the unit's budget, reflecting strong administrative skills and operational oversight.

Ms. Fenton also has a proven ability to manage and execute highly complex legal projects, both in her time at the Department of Education and the Department of Justice. She is a skilled communicator who has the ability to translate complex legal requirements into clear, actionable guidance for diverse audiences. She has consistently shown a strong aptitude for building and improving processes that strengthen public sector governance. Her career reflects a commitment to establishing effective systems that support transparency and accountability.

For these reasons, Diana Fenton is well-qualified to serve as the Administrator of the Public Utilities Commission and Site Evaluation Committee. Her combination of legal expertise, management experience, communication skills, and process building capability will make her an asset to the PUC as we endeavor to serve the public interest of the State of New Hampshire.

Ms. Fenton has accepted my offer of appointment to the PUC's staff. Her anticipated start date is June 12, 2026. On behalf of the PUC, I respectfully request the approval of the Governor and Council to compensate Ms. Fenton at Step 6 of the salary grade GG. This position is funded through the utilities assessment authorized by RSA 363-A, and the SEC fund authorized by 162-H:21.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Chris Ellms Jr.", written in a cursive style.

Christopher J. Ellms, Jr.
Chairman
Public Utilities Commission

Diana E. Fenton, Esq.

Mont Vernon, NH 03057

EXPERIENCE:

New Hampshire Department of Education—(November 2015-Present)

Chief of the Governance Unit, Attorney IV—Commissioner's Office (April 2018-Present)

Attorney III, Commissioner's Office (November 2015-April 2018)

- Manage all constituent concerns, hearings, alternative dispute resolutions, mediations, direct appeals from individual school board decisions, and complaints pertaining to vocational rehabilitation, higher education, and special education;
- Created the Code of Conduct and Code of Ethics for NH Educators;
- Conduct, oversee, and review investigations of educator misconduct;
- Supervise 3 full-time staff, 5 part-time hearing officers, and 4 part-time special education investigators;
- Manage budget for the Governance Unit;
- Work with state senators and representatives to draft legislation, testify as to the implications of proposed bills, and track bills relating to education throughout the legislative process;
- Write Technical Advisories to explain to educators the implications of new laws.

New Hampshire Attorney General's Office—(April 2007-November 2015)

Assistant Attorney General

- First Traffic Safety Resource Prosecutor for the state. Developed and provided training for law enforcement officers on traffic crimes with an heavy focus on impaired driving cases;
- Created training program and protocols for law enforcement on how to legally obtain a blood sample from a suspect in a negligent homicide case to ensure admissibility in a court of law;
- Provided technical and litigation assistance on traffic crimes to prosecutors;
- Prosecuted homicide cases, including: *State v. Robert Dellinger (2015)*; *State v. James Robarge (2015)*; *State v. Jackson Mwangi (2011)*; and *State v. Ivonne Hernandez (2009)*;
- Researched, wrote, and argued numerous legal briefs before New Hampshire Supreme Court, including: *State v. Njogu*; *State v. Gallagher*; *In Re: Opinion of the Justices*; *State v. Dalton*; *State v. Hernandez*; *State v. Gardner*; *State v. Belleville*; *State v. Daoud*; *State v. Demond-Surace*; *State v. Johnson*; *State v. Fogg*; and *State v. Pandelena*.

Regional Prosecutor-Antrim, Bennington, Deering—(April 2006-April 2007)

Prosecutor

- Created first regional prosecutor position for towns of Antrim, Bennington and Deering;
- Prosecuted misdemeanor level offenses in circuit court.

Hillsborough County Attorney's Office—(2004-2006)

Head Law Clerk

PROFESSIONAL LICENSE:

- Member New Hampshire Bar—Admitted 2006

EDUCATION:

- University of New Hampshire Law School (Formerly Franklin Pierce Law), Concord, NH—Juris Doctorate (J.D.) 2005.
- Dickinson College, Carlisle, PA—Bachelor of Science (B.S.) in Biology 2000.

PUBLICATIONS:

- Misdemeanor DUI Prosecution Manual, Distributed to law enforcement and prosecutors throughout state, 2012.
- One For the Road, Quarterly Newsletter pertaining to traffic safety legal issues and New Hampshire Supreme Court case updates sent to law enforcement and prosecutors throughout state 2007-2015.
- Lead drafter New Hampshire Code of Ethics and Code of Conduct for Educational Professionals adopted by the State Board of Education in 2018.