

MAINE STATE LEGISLATURE

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UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 716, L.D. 931, Bill, "An Act to Provide for the Security of Certain Utility Information"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 35-A MRSA §1311-B is enacted to read:

§1311-B. Security of certain utility information

1. Designation of information as confidential. If the commission, on its own motion or on petition of any person or entity, determines that public access to specific information about public utility technical operations in the State could compromise the security of public utility systems to the detriment of the public interest, the commission shall issue an order designating that information as confidential. Information designated as confidential pursuant to this section may include, but is not limited to, emergency response plans and network diagrams. Information designated as confidential under this section is not a public record under Title 1, section 402, subsection 3.

2. Treatment of information by commission; generally. Except as otherwise provided in this section, the commission may not release information designated as confidential under

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2 subsection 1 and shall take appropriate steps to protect such
3 information in its possession.

4 3. Access to information by parties in proceeding.
5 Designation of information as confidential under subsection 1
6 does not limit the right of a party in a proceeding before the
7 commission to obtain discovery of that information.
8 Notwithstanding section 1311-A, subsection 1, paragraphs A and C,
9 the commission may issue a protective order limiting discovery of
10 information designated as confidential pursuant to subsection 1
11 if the commission finds that specific limits are necessary to
12 protect the public interest.

14 4. Release of information to other state agencies. The
15 commission may release information designated as confidential
16 pursuant to subsection 1 or require the release of that
17 information by a public utility to another state agency to the
18 extent necessary to support emergency preparedness or response,
19 law enforcement or other public health and safety activities.
20 The commission shall consult with a public utility before
21 releasing or requiring the release of confidential information
22 about that utility to a state agency unless the commission
23 determines that the public health and welfare require immediate
24 release without such consultation. The commission shall notify a
25 public utility within 2 business days of providing information
26 about that utility to a state agency pursuant to this
27 subsection. As soon as practicable after receiving notice from a
28 state agency pursuant to subsection 5, paragraph B of the
29 agency's intent to release the information, the commission shall
30 notify the public utility of the agency's intent.

32 5. Release by other state agencies. A state agency that
33 receives information about a public utility pursuant to
34 subsection 4:

36 A. May not use that information for any purpose other than
37 for the support of emergency preparedness or response, law
38 enforcement or other public health and safety activities;

40 B. May not release that information to any other person or
41 entity without prior notice to the commission unless the
42 agency determines that immediate release of the information
43 to one or more persons or entities is necessary for the
44 protection of public health and safety; and

46 C. Shall, when finished with the use of any documents
47 received from the commission or from a public utility
48 pursuant to subsection 4, return the documents to the
49 commission or the public utility, as appropriate.'

50

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The Public Utilities Commission will incur some minor additional costs to issue an order designating as confidential specific information about public utility technical operations and facilities that, if released to the general public, could compromise the security of the public utility system. These costs can be absorbed within the commission's existing budgeted resources.'

SUMMARY

This amendment replaces the bill. This amendment:

1. Authorizes the Public Utilities Commission to issue an order designating certain information confidential if the release of the information could compromise the security of a utility to the detriment of the public interest;

2. Allows access to the information by discovery in the context of commission proceedings but allows the commission to limit discovery if necessary to protect the public interest;

3. Allows the commission to release or direct the release of the information to other state agencies for public health and safety purposes but requires notice first to the affected utility;

4. Allows agencies receiving the information to release the information to others but requires notice, through the commission, to the utility, except in emergency situations; and

5. Adds a fiscal note to the bill.