1	L.D. 177
2	Date: (Filing No. H- )
3	ENERGY, UTILITIES AND TECHNOLOGY
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	131ST LEGISLATURE
8	FIRST SPECIAL SESSION
9 10	COMMITTEE AMENDMENT " "to H.P. 118, L.D. 177, "An Act to Amend the Authority of the Public Utilities Commission Regarding Special Rate Contracts"
11	Amend the bill by striking out the title and substituting the following:
12 13	'An Act to Amend the Authority of the Public Utilities Commission Regarding Access to Information in Proceedings Involving Special Rate Contracts'
14 15	Amend the bill by striking out everything after the enacting clause and inserting the following:
16 17	'Sec. 1. 35-A MRSA $\S1311$ -A, sub- $\S1$ , $\PF$ , as enacted by PL 1997, c. 691, $\S5$ and affected by $\S10$ , is amended to read:
18	F. Notwithstanding any other provision of this subsection:
19 20 21	(1) The commission may deny all parties, including the commission and its staff, access to information if the commission finds that the potential for harm from disclosure of the information outweighs its probative value in the proceeding; and
22 23 24 25	(2) The commission may deny an attorney access to information under protective order if the commission finds that the attorney's request for access to the information is not made in good faith or that the attorney will not respect the terms of the protective order-; and
26 27 28	(3) The commission may deny or limit access by an attorney to information under protective order in a proceeding involving one or more special contracts under section 703 if:
29 30 31	(a) The information is customarily regarded as confidential business information and relates to the reasons for the parties' entering into the special contract; and
32 33	(b) The party represented by the attorney is not a party to the special contract with the utility.

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The commission may deny or limit access to information by any attorney under this subparagraph after providing the attorney with an opportunity to be heard and upon finding that the potential for harm from disclosure of the information outweighs the need for disclosure.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

7 SUMMARY

This amendment replaces the bill and allows the Public Utilities Commission to deny or limit access to information by an attorney in a proceeding involving one or more special contracts if the information is customarily considered confidential business information, the information is relevant to the reasons or justification for the parties' entering into the special contract and the party represented by the attorney is not a party to the special rate contract. The commission may deny or limit access to information by any attorney in a proceeding involving one or more special contracts after providing the attorney with an opportunity to be heard and upon finding that the potential for harm from disclosure of the information outweighs the need for disclosure.

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