

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 118 - L.D. 177

**An Act to Amend the Authority of the Public Utilities Commission Regarding  
Access to Information in Proceedings Involving Special Rate Contracts**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 35-A MRSA §1311-A, sub-§1, ¶F**, as enacted by PL 1997, c. 691, §5 and affected by §10, is amended to read:

F. Notwithstanding any other provision of this subsection:

(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~~

(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~~

(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:

(a) The information is customarily regarded as confidential business information and relates to the reasons for the parties' entering into the special contract; and

(b) The party represented by the attorney is not a party to the special contract with the utility.

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.