



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

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Testimony of the Maine Public Utilities Commission
In Support of
LD 251, An Act to Protect the Confidentiality of Information of Individual
Customers of a Public Utility

March 6, 2025

Senator Carney, Representative Kuhn, and Distinguished Members of the Joint Standing Committee on Judiciary (Committee), my name is Deirdre Schneider, testifying in support of LD 251, An Act to Protect the Confidentiality of Information of Individual Customers of a Public Utility on behalf of the Public Utilities Commission (Commission).

LD 251 exempts information pertaining to an individual customer of a public utility that is designated as confidential in rules adopted by the Commission from the definition of public records.

The Commission submitted this bill because over the summer some issues were brought to the Commission's attention in regard to consumer-owned utilities, which are often municipal departments or political subdivisions that are subject to the Freedom of Access Act (Act). Under Commission rules, Chapters 660 and 815 (see attached) a utility is prohibited from disclosing, without consent, individual customer information including a customer's: name; physical or mailing address; email address; telephone number; water, electricity or gas usage; payment and credit history; financial condition; or medical condition (or the medical condition of a member of a customer's family). However, since consumer-owned utilities are subject to the Act, any individual customer information that is not otherwise exempt from the definition of "public records" is subject to disclosure by the utility despite the existing rules. There have been instances where a utility has received requests for all of the customers that are behind on their utility bill or for usage information relating to a certain class of customers. In these cases, the requestor may be trying to find individuals to offer loans or to sell certain products.

In the case of investor-owned utilities, Commission rules govern disclosure of individual customer information. This creates an inequity in the treatment of customers because a customer of an investor-owned utility is afforded a greater level of privacy protection than a customer of a consumer-owned utility. Furthermore, disclosure of the information that is considered confidential under the Commission's rules does not seem to serve a public interest purpose. To the contrary, such disclosure could subject vulnerable customers to predatory practices by unscrupulous actors.

The Commission met several times with the Public Advocate and representatives from consumer-owned utilities to discuss this issue and draft language to address it. LD 251 is the result of those discussions and is an important piece of legislation that protects the privacy of utility customer information, brings parity to the treatment of utility customers' personal information and is not contrary to purposes of the Act.

I would be happy to answer any questions or provide additional information for the work session.

Chapter 660: CONSUMER PROTECTION STANDARDS FOR WATER UTILITIES

§ 4 CUSTOMER PRIVACY

A utility shall not disclose, sell or transfer (other than for debt collection, credit reporting, or usage reporting pursuant to state and federal law or to law enforcement agencies pursuant to lawful process, or as otherwise authorized by law, Commission Rule or Order), individual customer information, including, but not limited to, a customer's name, address, telephone number, water usage, or payment history, to a third party without the consent of a customer. Utilities may accept oral certification from a social service agency that they have received authorization from the customer to discuss that customer's account information. A utility may also share customer information with State, County, tribal and local emergency management agency personnel when the customer information is requested as part of that agency's response to an emergency situation. In addition, a utility may also share customer information with sewer and sanitary departments or districts to the extent necessary to allow these entities to bill customers for services rendered.

Chapter 815: CONSUMER PROTECTION STANDARDS FOR GAS UTILITIES AND ELECTRIC TRANSMISSION AND DISTRIBUTION UTILITIES

4. CONFIDENTIALITY OF CUSTOMER INFORMATION

- A. Privacy of individual Customer information.** Except as provided in Subsection 4(B), a Utility may not disclose, sell or transfer, individual Customer information, including, but not limited to, a Customer's name, physical or mailing address, email address, telephone number, electricity or gas usage, payment and credit history, financial condition or medical condition of a Customer or member of a Customer's family to a third party without the consent of the Customer on a case-by-case basis.
- B. Disclosure of individual Customer information.** A Utility may disclose the individual Customer information set forth above in Subsection 4(A) without the consent of the Customer (a) for the purpose of debt collection, credit reporting, or usage reporting pursuant to state and federal law; (b) to law enforcement agencies pursuant to lawful process; or (c) where otherwise required by law, including but not limited to Commission rule or order. Notwithstanding subsection (a) in the previous sentence, a Utility may not disclose the individual Customer information set forth above in Subsection 4(A) without the consent of the Customer for the purposes of debt collection or credit reporting if the Customer submits to the Utility an enforceable Protection from Abuse Order.
- C. Oral Certification.** Utilities may accept oral certification from a social service agency that they have received authorization from the Customer to discuss that Customer's account information. For a consumer-owned Utility where its Customers are members of the Utility's corporation, the Utility may share Customer information with its corporation members only to the extent necessary to allow for the election of officers and for the Utility to perform other functions necessary for the operation of the Utility. A Utility may also share Customer information with State, County, tribal, and local emergency management agency

personnel when the Customer information is requested at the time of that agency's response to an emergency situation.

- D. **CASD treatment of individual Customer information.** CASD will conduct the informal dispute resolution process set forth in this Rule in such a manner as to not disclose Customer identity.