

SENATE NO. 1980

AN ACT REGULATING PUBLIC ENTITIES LICENSED BY THE DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to save money on energy purchases by extending to public entities licensed to participate competitively in the wholesale electric markets as suppliers, brokers, or aggregators the same ability to protect trade secrets, competitive or proprietary information now extended to municipal light companies, and further to provide certain reporting and record-keeping requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

- 1 SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2004 Official Edition, is
2 hereby amended by inserting after clause (p) the following clause-
- 3 (q) trade secrets, confidential, competitively sensitive or other proprietary information provided
4 in the course of proceedings conducted under a license granted by the department of
5 telecommunications and energy to act as an energy supplier under section 1F of chapter 164
6 when such disclosure will adversely affect the ability to conduct business in relation to other
7 entities making, selling, or distributing electric power and energy, provided that this clause
8 shall not exempt a public entity from disclosure required of a private entity so licensed.

9 SECTION 2. Clause (33) of subsection (b) of section 1 of chapter 30B, as so appearing, is hereby
10 amended by inserting at the end of the clause the following words:- provided further, that for any such
11 contract determined to contain confidential information under clause (q) of section 7 of chapter 4, the
12 governmental body shall maintain a record of the procurement processes and awards for six years after
13 the date of the final payment. The governmental body shall make these records available to the office
14 of the inspector general upon demand, and that office shall not disclose the information.

15 SECTION 3. Section 9G of chapter 34, as so appearing, is hereby amended by inserting after clause
16 (7) the following clause:-

17 (8) trade secrets, confidential, competitively sensitive or other proprietary information provided
18 in the course of proceedings conducted under a license granted by the department of
19 telecommunications and energy to act as an energy supplier under section 1F of chapter 164
20 when such disclosure will adversely affect the ability to conduct business in relation to other
21 entities making, selling, or distributing electric power and energy.

22 SECTION 4. Section 23B of chapter 39 of the General Laws, as so appearing, is hereby amended by
23 inserting after clause (9) the following clause:-

24 (10) To discuss trade secrets, confidential, competitively sensitive or other proprietary
25 information provided in the course of proceedings conducted under a license granted by the
26 department of telecommunications and energy to act as an energy supplier under section 1F of
27 chapter 164 when such disclosure will adversely affect the ability to conduct business in
28 relation to other entities making, selling, or distributing electric power and energy.