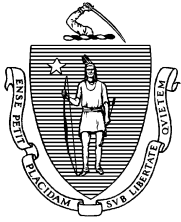


SENATE, NO. 2469

The Commonwealth of Massachusetts



IN THE YEAR OF TWO THOUSAND AND SEVEN

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

*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. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by adding the following subclause-

3 (r) trade secrets or confidential, competitively-sensitive or other proprietary information
4 provided in the course of activities conducted by a governmental body as an energy supplier
5 under a license granted by the department of public utilities pursuant to section 1F of chapter
6 164, in the course of activities conducted as a municipal aggregator under section 134 of said
7 chapter 164 or in the course of activities conducted by a cooperative consisting of governmental
8 entities organized pursuant to section 136 of said chapter 164, when such governmental body,
9 municipal aggregator or cooperative determines that such disclosure will adversely affect its
10 ability to conduct business in relation to other entities making, selling or distributing electric
11 power and energy; provided, however, that this subclause shall not exempt a public entity from
12 disclosure required of a private entity so licensed.

13 SECTION 2. Section 1 of chapter 30B of the General Laws, as so appearing, is hereby
14 amended by inserting after the word contract, in lines 98 and 99, the following words:- ;
15 provided further, that for any such contract determined to contain confidential information
16 under subclause (r) of section 7 of chapter 4, the governmental body shall instead maintain a
17 record of the procurement processes and awards for 6 years after the date of the final payment.
18 The governmental body shall make such records available to the inspector general upon demand
19 request; provided, however, that the inspector general shall not disclose the information.

20 SECTION 3. The fourth paragraph of section 9G of chapter 34 of the General Laws, as
21 so appearing, is hereby amended by adding the following clause:-

22 (8) To discuss trade secrets or confidential, competitively-sensitive or other proprietary
23 information provided in the course of activities conducted by a governmental body as an energy
24 supplier under a license granted by the department of public utilities pursuant to section 1F of
25 chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of
26 said chapter 164 or in the course of activities conducted by a cooperative consisting of
27 governmental entities organized pursuant to section 136 of said chapter 164, when such
28 governmental body, municipal aggregator or cooperative determines that such disclosure will
29 adversely affect its ability to conduct business in relation to other entities making, selling or
30 distributing electric power and energy.

31 SECTION 4. Section 23B of chapter 39 of the General Laws, as so appearing, is hereby
32 amended by adding the following clause:-

33 (10) To discuss trade secrets or confidential, competitively-sensitive or other proprietary
34 information provided in the course of activities conducted by a governmental body as an energy
35 supplier under a license granted by the department of public utilities pursuant to section 1F of
36 chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of
37 said chapter 164 or in the course of activities conducted by a cooperative consisting of
38 governmental entities organized pursuant to section 136 of said chapter 164, when such

39 governmental body, municipal aggregator or cooperative determines that such disclosure will
40 adversely affect its ability to conduct business in relation to other entities making, selling or
41 distributing electric power and energy.