

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-162

January 31, 2005

PUBLIC UTILITIES COMMISSION
Procedures for Conservation Program
Planning

PROTECTIVE ORDER
NO. 3 (Specific Customer
Data)

By this Order, the Presiding Officer grants protection to any specific customer data that is provided to the Commission as part of a conservation program developed and implemented by the Commission.

PL 2001, Ch. 624, (The Conservation Act) enacted during the second session of the 120th Maine Legislatures, directs the Maine Public Utilities Commission (the Commission) to develop and, to the extent of available funds, implement energy conservation programs. In conjunction with implementing such programs, from time to time customer-specific information and documents may be submitted to the Commission or to persons employed by contractors of the Commission.

The Commission has maintained in the past that customer specific information generally should be kept confidential and not become a public document within the Freedom of Access Law (1 M.R.S.A. § 401 et seq.). For commercial customers, the information likely would constitute trade secrets. The Commission has protected customer-specific information concerning residential customers because of their reasonable expectation that such information will be kept private.

By 35-A M.R.S.A. §1311 and 1311- and Rule 26(C) of the Maine Rules of Civil Procedure, the Commission is authorized to protect confidential information from disclosure and to permit disclosure only in designated ways. The Presiding Officer finds that the confidentiality of customer-specific information should be maintained.

Accordingly, it is

ORDERED

1. Subject to findings under the procedure described in paragraphs 2 and 3 below that, all customer-specific information shall be considered "Designated Confidential Information" for purposes of this Order and, until such time as this order is modified, access to

Designated Confidential Information shall be limited as described in paragraph 4 below.

2. That until further order by the Commission, all designated confidential information shall, unless removed from the coverage of this order as provided in paragraph 3 below be and remain confidential. Designated confidential information shall not be disclosed for any purposes except solely and in accordance with this order. No person to whom access to designated confidential information is accorded pursuant to paragraph 4 of this order shall disclose or reveal directly or indirectly, the contents of the designated confidential information to others except as provided in paragraphs 5 and 6.
3. That the characterization and designation of any documents or other information as Designated Confidential Information may be challenged by any interested person by motion and upon reasonable prior notice and an opportunity for hearing. Upon the entry of an Order granting such a motion, the provisions and restrictions of this order shall cease to bind any persons with respect to the documents or information that the Order granting the motion shall expressly and clearly remove from the coverage of this Order.
4. That, unless this Order is modified, access to Designated Confidential Information shall be limited to Commission members, Commission employees, and Commission consultants and contractors hired to assist the Commission implement energy conservation programs.
5. That, unless this Order is modified, no copies of Designated Confidential Information furnished by T&D utilities shall be circulated to persons other than those persons who are authorized under Paragraph 4 of this Order to obtain Designated Confidential Information.
6. That the restrictions upon, and obligations accruing to, persons who become subject to this order shall not apply to any Designated Confidential Information submitted in accordance with paragraph 1 of this Order if the Commission rules, after reasonable notice and hearing, that Designated Confidential Information was publicly known at the time it was furnished or has since become publicly known.
7. That should any Designated Confidential Information be forwarded to the courts of this State in accordance with applicable law and

procedures, it shall be under seal and so designated in writing for the information of the court.

8. The Designated Confidential Information furnished by T&D utilities pursuant to this Order shall remain in the possession of the Commission, under seal, and subject to the protective requirements of this Order, until this Commission or its authorized presiding officer shall otherwise order.
9. That this order may be modified on motion of the Commission upon reasonable prior notice to the utilities and the service list in this docket and an opportunity for hearing.

Dated at Augusta, Maine, this 31st day of January, 2005.

BY ORDER OF THE PRESIDING OFFICER

James A. Buckley