SENATE DOCKET, NO. 1613 FILED ON: 1/21/2011

SENATE . . . . . No. 1676

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to municipal light plants.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John F. Keenan	☐ *[District]* ☐
Michael R. Knapik	☐ *[District]* ☐
Bruce J. Ayers	*1st Norfolk*
Mark J. Cusack	*5th Norfolk*
Alice Hanlon Peisch	*14th Norfolk*

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By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1676) of John F. Keenan, Michael R. Knapik, Bruce J. Ayers, Mark J. Cusack and others for legislation relative to municipal light plants. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

An Act relative to municipal light plants.

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

SECTION 1.Section 7(26)(s) of chapter 4 of the General Laws is hereby repealed.

SECTION 2. Section 1 of chapter 30B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 99, the word “confidential” and inserting in place thereof the following word:- non-public.

SECTION 3. Section 1 of chapter 30B of the General Laws, as so appearing, is hereby further amended by striking out, in line 100, the words “subclause (r) of section 7 of chapter 4” and inserting in place thereof the following words:- sections 1F and 134 of chapter 164.

SECTION 4. Section 1F of chapter 164, as so appearing, is hereby amended by adding the following paragraph:-

“(10) Trade secrets or competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to this section, when such governmental body determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy shall not be public subject to disclosure under chapter 66; provided, however, that this clause shall not exempt a public entity from disclosure required of a private entity so licensed.”

SECTION 5. Section 47D of chapter 164, as so appearing, is hereby amended by striking out the section in its entirety and replacing with the following:-

A municipal lighting plant created pursuant to the provisions of this chapter or any special law shall be exempt from the public record requirements of section 10 of chapter 66 and the open meeting requirements of section 20 and 21 of chapter 30A in those instances when

22 necessary for protecting trade secrets, confidential, competitively sensitive or other proprietary
23 information provided in the course of proceedings conducted pursuant to this chapter when such
24 municipal lighting plant board or its designee determines that such disclosure will adversely
25 affect the plant's customers or its ability to conduct business.

26 SECTION 6. Section 134 of chapter 164, as so appearing, is hereby amended by adding
27 the following subsection:-

28 "(c) Trade secrets or competitively-sensitive or other proprietary information provided in
29 the course of activities conducted as a municipal aggregator or by a cooperative consisting of
30 governmental entities organized pursuant to this section, when such municipal aggregator or
31 cooperative determines that such disclosure will adversely affect its ability to conduct business in
32 relation to other entities making, selling or distributing electric power and energy shall not be
33 public subject to disclosure under chapter 66; provided, however, that this clause shall not
34 exempt a public entity from disclosure required of a private entity so licensed."