

HOUSE No. 4602

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act relating to the public records law..

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 Section 7(26)(s) of chapter 4 of the General Laws is hereby repealed.

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

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

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

10 “(10) Trade secrets or competitively-sensitive or other proprietary information provided
11 in the course of activities conducted by a governmental body as an energy supplier under a
12 license granted by the department of public utilities pursuant to this section, when such
13 governmental body determines that such disclosure will adversely affect its ability to conduct

14 business in relation to other entities making, selling or distributing electric power and energy
15 shall not be public subject to disclosure under chapter 66; provided, however, that this clause
16 shall not exempt a public entity from disclosure required of a private entity so licensed.”

17 SECTION 5. Section 47D of chapter 164, as so appearing, is hereby amended by
18 striking out, in lines 8-10, the words “its ability to conduct business in relation to other entities
19 making, selling, or distributing electric power and energy pursuant to this chapter.” and inserting
20 in place thereof the following words:- the plant’s customers or its ability to conduct business.

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

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