

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2010-68

June 22, 2010

Competitive Electricity Providers Annual Reports
for the Year 2009 Price, Revenue and Customer
Information

PROTECTIVE ORDER

Chapter 305, § 2(E) of the Commission's rules provides, as a condition of licensing, that all competitive electricity providers must file an annual report each year. Information that must be filed in the report includes the provider's average retail sales price, total revenues, and kilowatt-hour sales in Maine, by utility service territory and customer class. In order to verify this information, we have requested that Central Maine Power Company, Bangor Hydro Electric Company and Maine Public Service Company (T&D Companies) provide us with the total MWh sales delivered to customers by each Competitive Electricity Provider during the calendar year 2009 in the aggregate. Chapter 311 also requires that all competitive electricity providers provide supporting documentation on how the RPS requirements have been met. In order to verify this information we have requested that the CEP's provide us with the aggregate costs of GIS certificates, alternative compliance payments, and the purchase of qualifying energy. Finally, as sales to customers under contract prior to September 20, 2007 are exempt from the portfolio requirements, we have requested a list of the large customers and the MWh sales whose sales the CEP's consider exempt from the portfolio requirements.

Because this type of information is considered commercially sensitive, we are providing confidential treatment to the information described above.

Accordingly, it is

ORDERED

1. That the following information shall be considered "Designated Confidential Information" for purposes of this Order and access to Designated Confidential Information shall be limited as described in paragraph 4 below. Designated Confidential Information shall consist of the total MWh sales delivered to customers by each Competitive Electricity Provider during 2009 in the aggregate provided by the T&D Companies, the costs of GIS certificates, alternative compliance payments and the purchase of qualifying energy provided by the Competitive Electricity Providers and the names of the large customers whose sales have been exempted from the portfolio requirements.

2. That 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 purpose except

solely 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 content of the Designated Confidential Information to others except as provided in paragraph 4.

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 person with respect to the documents or information that the Order granting the motion expressly and clearly removes from the coverage of this Order.

4. That access to Designated Confidential Information shall be limited to Commission members, Commission employees, the Public Advocate and counsel for the Public Advocate.

5. That no copies of Designated Confidential Information furnished by the competitive electricity providers 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 all materials claimed by the requesting competitive electricity providers to be Designated Confidential Information under the terms of this Order shall be clearly marked "confidential" by the requesting competitive electricity providers. In the case of documents each page of any such document shall be stamped "confidential" in bold lettering in the upper right hand corner of each page including the cover letter. Any document or portion thereof not clearly and conspicuously marked "confidential" in bold lettering shall not be protected under the terms of this Order. Faxed materials should be marked as any other document. With regard to other media, diskettes should be marked "confidential" on the outside of each diskette. Any person subject to the terms of this Order who receives unmarked documents or materials which he/she believes the requesting competitive electricity provider intended to be protected by the terms of this Order, and that would have been protected if marked in accordance with this paragraph, shall make a good faith effort to notify the requesting competitive electricity providers of this fact and to avoid use of such documents or materials in a manner inconsistent with protection of such material under this Order.

7. 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 through no fault of the receiving party.

8. That the Designated Confidential Information furnished by the competitive electricity providers 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 requesting competitive electricity providers and an opportunity to be heard.

Dated at Augusta, Maine, this 22nd day of June, 2010.

BY ORDER OF THE PRESIDING OFFICER



Mitchell M. Tannenbaum