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**Testimony in Support of
LD 251, “An Act to Protect the Confidentiality of Information of Individual
Customers of a Public Utility”**

Senator Carney, Representative Kuhn, and distinguished members of the Joint
Standing Committee on Judiciary,

My name is Heather Sanborn, here today as Public Advocate, to testify in **support of LD 251**, “An Act to Protect the Confidentiality of Information of Individual Customers of a Public Utility.” The Office of the Public Advocate would like to thank Senator Lawrence for sponsoring this bill.

The scope of what is considered a public record is broad, and includes any written, printed or electronic data from which information can be obtained, that is in the possession of a public entity for the purpose of conducting its business, or which is a record of public business.¹ Since a public entity may have sensitive personal information in their systems, the law already defines 22 types of information that is considered confidential and defines many types of public entities that may hold confidential information, such as municipalities, schools, and public officials. LD 251 seeks to exempt from the definition of public record, the personal account information of customers of a public utility.

Customers of investor-owned utilities are already protected by PUC rules from requests to access their customer data because they are not public entities subject to FOAA. These rules preclude a utility from disclosing, selling, or transferring individual customer information, including such information as name, contact information, usage data, and credit history.² This means that a utility customer’s personal information is protected, except to the extent that the utility in question is a “political subdivision” of a municipality, such as in the case of municipal water and electric districts. Such municipal utilities may be subject to a

¹ Title 1 Ch. 13 Subchapter 1 Freedom of Access Section 402 Definitions
<https://legislature.maine.gov/statutes/1/title1sec402.html>

² PUC Rules 65-407 Chapter 815, Section 4 Confidentiality of Customer Information

FOAA request, requiring them to disclose the private data of their customers. This issue was originally brought forward by representatives of a public water utility who were receiving requests for individual customer data by outside groups seeking to market to particular customers who were behind on their bills. The utility did not want to disclose this information and sought help in protecting the rights of their customers.

We share their concern. Often individuals of all types of utilities contact the Public Advocate's office for support with questions about their service. As part of that process, people often share their utility bills and other communications with our staff. As a public agency, we also are concerned that these individuals' utility data should remain confidential in the face of a FOAA request of our office as well. Currently, this customer utility information in the hands of our office could be subject to a FOAA request.

LD 251 will help to ensure that confidential information regarding utility customers will remain confidential and not subject to improper public disclosure.

Thank you for your time, attention, and consideration of this testimony. The Office of the Public Advocate looks forward to working with the Committee on LD 251 and will be available if requested for the work session to assist the Committee in its consideration of this bill.

Respectfully submitted,

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