



STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

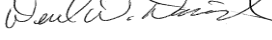
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## CASD Bulletin 2025-01

To: All Consumer-Owned Water Utilities; All Consumer-Owned Electric Utilities

From: Derek D. Davidson, Director   
Consumer Assistance and Safety Division (CASD)

Date: September 16, 2025

Re: New Maine Freedom of Access Act (FOAA) Provisions

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The purpose of this bulletin is to provide guidance to all consumer-owned utilities (COUs) regarding recent changes to Maine's Freedom of Access Act (FOAA), 1 M.R.S. § 402. These changes go into effect on September 24, 2025.

### An Act to Protect the Confidentiality of Information of Individual Customers of a Public Utility

On May 23, 2025, the Governor approved P.L. 2025, ch. 99, An Act to Protect the Confidentiality of Information of Individual Customers of a Public Utility (the Act). Section 3 of the Act added ¶ W to 1 M.R.S. § 402(3). Paragraph W provides that the following information is not a public record for the purpose of FOAA:

Information in the possession of a public utility, the Office of the Public Advocate or the Public Utilities Commission pertaining to an individual customer of a public utility as defined in Title 35-A, section 102, subsection 13 that is designated by rule as confidential by the Public Utilities Commission pursuant to Title 35-A, section 111.

### Effect of the Act on Consumer-Owned Utilities

As municipal and quasi-municipal entities, COUs in Maine are subject to FOAA. Generally, COUs are required to provide the public with access to the COUs' records unless the records in question fall under one of the exceptions listed in FOAA.<sup>1</sup> Paragraph W of the Act adds an additional exception to FOAA for customer information that the Commission has designated confidential by rule.

As to water utilities, Section 4 of Chapter 660 of the Commission's rules (Section 4) states:

A [public] utility shall not disclose, sell or transfer (other than for debt collection, credit reporting, or usage reporting pursuant to state and federal law or to law enforcement agencies pursuant to lawful process, or *as otherwise authorized by law*, Commission Rule or Order), individual customer information, including, but not limited to, a customer's name, address, telephone number, water usage, or payment history, to a third party without the consent of a customer.

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<sup>1</sup> For example, FOAA prohibits disclosure of social security numbers. 1 M.R.S. § 402(3)(N).

MPUC Rules, ch. 660, § 4 (emphasis added).

Similarly, as to electric utilities, Subsection 4(A) of Chapter 815 of the Commission's rules (Subsection 4(A)) prohibits disclosure, sale or transfer of:

individual Customer information, including, but not limited to, a Customer's name, physical or mailing address, email address, telephone number, electricity or gas usage, payment and credit history, financial condition or medical condition of a Customer or member of a Customer's family to a third party without the consent of the Customer on a case-by-case basis.

MPUC Rules, ch. 815, § 4(A). Also similar to Section 4 of Chapter 660, Chapter 815 allows disclosure without the consent of the customer for the purpose of debt collection, credit reporting, usage reporting pursuant to state and federal law, to law enforcement agencies pursuant to lawful process, and *where otherwise required by law*, including but not limited to Commission rule or order. MPUC Rules, ch. 815, § 4(B).

Accordingly, prior to the Act, because customer information was not included as an exception to FOAA, disclosure of customer information pursuant to a FOAA request was "otherwise authorized by law." Because disclosure was "otherwise authorized by law," Section 4 of Chapter 660 and Subsection 4(A) of Chapter 815 did not apply to COUs when COUs were responding to a FOAA request.

After the enactment of the Act, however, beginning on September 24, 2025, Section 4 of Chapter 660 and Subsection 4(A) of Chapter 815 will apply to COUs and COUs will be prohibited from disclosing individual customer information as specified in Chapters 660 and 815.

If you have questions regarding this bulletin, please feel free to contact me at: [derek.d.davidson@maine.gov](mailto:derek.d.davidson@maine.gov) or at (207) 287-1596.

DD/kp  
Attachment – PL 2025 ch 99

cc: Interested Persons