

**ACT No. 269**

Regular Session, 2014

HOUSE BILL NO. 1121

BY REPRESENTATIVE DANAHAHAY

1 AN ACT

2 To enact R.S. 44:3.3, relative to public records; to provide an exemption for certain  
3 commercially sensitive information of a public power authority; to provide for  
4 definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:3.3 is hereby enacted to read as follows:

7 §3.3. Public power authority; commercially sensitive information

8 A. Nothing in this Chapter shall require the disclosure of commercially  
9 sensitive information in the custody or control of a public power authority.

10 B. For purposes of this Section, the following terms shall have the following  
11 meanings:

12 (1) "Commercially sensitive information" means information regarding a  
13 utility matter that is directly related to the public power authority's competitive  
14 activity which would, if disclosed, give an advantage to competitors or prospective  
15 competitors and includes the following:

16 (a) Portfolio and generation unit specific fixed, variable, and related costs.

17 (b) Fuel and purchased power costs and costs of related activities.

18 (c) Risk management information and strategies.

19 (d) Power pricing information, system load characteristics, marketing  
20 analyses and strategies, and customer billing, contract, and usage information.

21 (2) "Public power authority" means a political subdivision of the state  
22 created by the governing authority of a municipality pursuant to R.S. 33:4172 for the  
23 purpose of the construction, acquisition, improvement, operation, or management of  
24 a public power project or improvement.

1                    C. The provisions of Subsection A of this Section shall not apply to general  
 2                    information relating to the identity of the parties to any agreement or contract with  
 3                    a public power authority, and such information shall be subject to inspection,  
 4                    examination, copying, and reproduction.

5                    D. Nothing in this Section shall be construed in a manner as to prevent the  
 6                    inspection, examination, copying, or reproduction of any record or part of a record  
 7                    that does not contain commercially sensitive information.

8                    Section 2. This Act shall become effective upon signature by the governor or, if not  
 9                    signed by the governor, upon expiration of the time for bills to become law without signature  
 10                    by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 11                    vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 12                    effective on the day following such approval.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_