

Senate File 2443 - Introduced

SENATE FILE 2443

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 3153)

A BILL FOR

1 An Act related to competitive information of city utilities.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 388.9, subsection 1, Code 2026, is amended
2 to read as follows:

3 1. Notwithstanding section 21.5, subsection 1, the governing
4 body of a city utility or combined utility system, or a city
5 enterprise or combined city enterprise as defined in section
6 384.80, by a vote of two-thirds of the members of the body
7 or all of the members present at the meeting, may hold a
8 closed session to discuss proprietary information or marketing
9 and pricing strategies ~~or proprietary information if its the~~
10 competitive position of the utility or a third party would be
11 harmed by the public disclosure of the marketing and pricing
12 strategies and such disclosure is not required of potential or
13 actual competitors, and if no public purpose would be served by
14 such disclosure or other utilities. The minutes and an audio or
15 audiovisual recording of a session closed under this subsection
16 shall be available for public examination at that point in time
17 when the public disclosure would no longer harm the utility's
18 competitive position.

19 Sec. 2. Section 388.9, subsection 2, paragraph b, Code 2026,
20 is amended to read as follows:

21 b. For purposes of this subsection section, "proprietary
22 information" includes customer records that if disclosed would
23 harm the competitive position of a customer or a utility;
24 ~~or information required by a noncustomer contracting party~~
25 ~~to be kept confidential pursuant to a nondisclosure agreement~~
26 ~~which relates~~ related to electric transmission planning and
27 construction, critical energy infrastructure, electric generation
28 capacity planning, energy markets or prices, or an ownership
29 interest or acquisition of an ownership interest in an electric
30 generating facility, including but not limited to information
31 required to be kept confidential pursuant to a nondisclosure
32 agreement, or other information made confidential by law or rule.

33 EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 Under current law, the governing body of a city utility
2 or combined utility system, or a city enterprise or combined
3 city enterprise, may vote to hold a closed session to discuss
4 marketing and pricing strategies or proprietary information if
5 its competitive position would be harmed by public disclosure not
6 required of potential or actual competitors, and if no public
7 purpose would be served by such disclosure. The minutes and
8 an audio or audiovisual recording of the session shall be made
9 available for public examination once the public disclosure would
10 no longer harm the utility's competitive position.

11 This bill allows for a closed session by vote to discuss
12 proprietary information or marketing and pricing strategies if
13 the competitive position of the utility or a third party would
14 be harmed by the public disclosure of the marketing and pricing
15 strategies and such disclosure is not required of potential or
16 actual competitors or other utilities.

17 "Proprietary information" is currently defined, for purposes
18 of Code section 388.9, subsection 2, as customer records
19 that if disclosed would harm the competitive position of a
20 customer, or information required by a noncustomer contracting
21 party to be kept confidential pursuant to a nondisclosure
22 agreement which relates to electric transmission planning
23 and construction, critical energy infrastructure, an ownership
24 interest or acquisition of an ownership interest in an electric
25 generating facility, or other information made confidential by
26 law or rule.

27 The bill changes the definition of "proprietary information"
28 to include customer records that if disclosed would harm the
29 competitive position of a customer or a utility; or information
30 related to electric transmission planning and construction,
31 critical energy infrastructure, electric generation capacity
32 planning, energy markets or prices, or an ownership interest or
33 acquisition of an ownership interest in an electric generating
34 facility, including but not limited to information required to be
35 kept confidential pursuant to a nondisclosure agreement, or other

1 information made confidential by law or rule. The bill applies
2 this definition of proprietary information to all of Code section
3 388.9.

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