

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: EFFICIENT USE OF TELEPHONE NUMBERING RESOURCES	DOCKET NO. NOI-00-3
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**ORDER ON CONFIDENTIAL TREATMENT OF DISAGGREGATED,
CARRIER-SPECIFIC FORECAST AND UTILIZATION DATA**

(Issued December 5, 2000)

On October 11, 2000, the Utilities Board (Board) initiated this inquiry to gather information regarding the use of telephone numbering resources in Iowa. At that time, the Board contemplated sending written questions to Iowa telecommunications companies, asking about their existing and planned use of telephone numbers. The Board expected the process of gathering information and processing it to be a time-consuming one. However, it appears there may be a better, more readily-available source of similar information: The Federal Communications Commission (FCC) grants to state commissions the authority to obtain from the North American Numbering Plan Administrator (NANPA) certain historical and forecasted number utilization data that carriers provide to NANPA semi-annually. The Board believes that use of this existing data resource may materially advance this inquiry.

The NANPA data are derived from the FCC-mandated Form 502 and include number utilization by central office code and utilization forecast data. The data are broken down into key elements at the 1000-number-block level for major carriers. This information will supplement, and may substitute for, a Board staff survey of all

the local exchange carriers (LECs) in Iowa regarding their historical and projected number utilization.

In the order granting state commissions access to the NANPA reports, the FCC deems this information confidential and requires that state commissions offer protection against public disclosure of the data.¹ Specifically, the FCC found “that disaggregated, carrier-specific forecast and utilization data should be treated as confidential and should be exempt from public disclosure under 5 U.S.C. § 552(b)(4).” (NRO at paragraph 78, footnote omitted.) Pursuant to this FCC finding, NANPA requires written assurances of confidentiality before it will release the data to a state commission.

The federal statute referenced by the FCC, 5 U.S.C. § 552(b)(4), provides confidential treatment for “(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential....” This is essentially the same as Iowa Code § 22.7(3) (1999), which provides confidential treatment for “trade secrets which are recognized as such and protected as such by law.” The FCC has recognized that this information is a trade secret protected from public disclosure pursuant to federal law; the information is therefore a confidential record pursuant to Iowa Code § 22.7(3). The Board will therefore treat the disaggregated, carrier-specific forecast and utilization data as confidential records, not subject to public review.

¹ *Re: Numbering Resource Optimization*, “Report and Order and Further Notice of Proposed Rulemaking,” 15 FCC Rcd 7574 (2000) (NRO), at paragraphs 75-82.

The Board notes that the FCC also found that aggregated data, such as a carrier's utilization rate in an entire numbering plan area and the total number of central office codes assigned to a carrier in a specific state, are not trade secrets and do not require confidential treatment. NRO at paragraph 79. Thus, the Board will allow public inspection of any aggregated data received from NANPA and will use such data in its staff reports, as appropriate.

IT IS THEREFORE ORDERED:

1. Pursuant to the FCC finding that disaggregated, carrier-specific number utilization and forecast data are confidential trade secrets under 5 U.S.C. § 552(b)(4), the Board will treat such data as confidential records pursuant to Iowa Code § 22.7(3).
2. The information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)"b"(3).

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr. /s/ Diane Munns
Executive Secretary

Dated at Des Moines, Iowa, this 5th day of December, 2000.