

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  DEREGULATION OF LOCAL SERVICES IN COMPETITIVE MARKETS	DOCKET NO. INU-04-1
--	---------------------

**CLARIFICATION ORDER AND  
ORDER GRANTING REQUEST FOR CONFIDENTIALITY**

(Issued August 13, 2004)

On May 7, 2004, the Utilities Board (Board) issued an "Order Initiating Formal Notice and Comment Proceeding" in Docket No. INU-04-1, pursuant to Iowa Code § 476.1D. As part of that order, the Board requested that telecommunications carriers providing service in the Council Bluffs and Sioux City markets<sup>1</sup> and certain overbuilt exchanges file updated responses to the Board's "2003 Telecommunications Competition Survey for Retail Local Voice Service."

On July 23, 2004, the Iowa Telecommunications Association (ITA) filed with the Board a request for clarification regarding confidential treatment of revisions to the telecommunications competition survey being submitted in this proceeding. In support of its request, ITA states that several of its member companies have submitted updated surveys in this proceeding under the belief that the Board would treat the information as confidential under the Board's order of August 19, 2003. ITA

---

<sup>1</sup> For purposes of this proceeding, the Sioux City market includes the communities of James and Westfield and the Council Bluffs market includes the Loveland and Wilson communities.

requests that the Board clarify whether the updated information will be maintained confidential pursuant to the Board's August 19, 2003, order.

In its May 7, 2004, order, the Board did not specifically grant confidential treatment to updated survey responses. Many of the updated responses that have been filed in this proceeding were filed with a request for confidential treatment pursuant to 199 IAC 1.9. The Board has granted those requests by order and more requests are pending before the Board at this time.

However, there appears to have been some confusion as to whether the updated responses were deemed confidential. To clear up any confusion, the Board will consider ITA's request for clarification as a request for confidential treatment of all of the responses. Because these responses include information that many companies consider to be trade secrets or otherwise entitled to confidential treatment, the Board will treat all of the updated survey responses as confidential pursuant to 199 IAC 1.9.

**IT IS THEREFORE ORDERED:**

1. The Board clarifies its position regarding confidential treatment of updated survey information as requested by the Iowa Telecommunications Association on July 23, 2004, as described in this order.

2. The Board shall treat all of the updated survey responses filed in this docket as confidential pursuant to Iowa Code §§ 22.7(3) and 22.7(6), subject to the provisions of 199 IAC 1.9(8)"b"(3).

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 13<sup>th</sup> day of August, 2004.