

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:  MIDAMERICAN ENERGY COMPANY	DOCKET NO. RPU-91-5
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**ORDER ACCEPTING FINAL REPORT AND GRANTING REQUEST FOR  
CONFIDENTIALITY**

(Issued March 28, 2006)

On October 16, 2000, the Utilities Board issued an order in this docket approving a settlement between MidAmerican Energy Company (MidAmerican) and the Consumer Advocate Division of the Department of Justice (Consumer Advocate) that allowed MidAmerican to retain certain insurance recoveries related to former manufactured gas plant (FMGP) sites and to use the recoveries to accelerate remediation of FMGP sites. As part of the settlement, MidAmerican was required to file semi-annual reports showing the level of remediation activity accomplished and the expenditures made for each site.

On December 12, 2005, MidAmerican and Consumer Advocate filed a First Amendment to the settlement approved on October 16, 2000. The First Amendment stated that the insurance recoveries had been used exclusively to permit MidAmerican to expedite remediation of the FMGP sites and that objective has been accomplished. The First Amendment stated that MidAmerican had undertaken all possible expedited remediation and anticipated that after payment of the bills for

services during the remainder of 2005, the balance of unexpended insurance recoveries would be approximately \$2.5 million.

The First Amendment provided that the Board should determine the disposition of the remaining proceeds. One method of disposition would be for the Board to authorize MidAmerican to return these amounts to its I-CARE account to be distributed to community action agencies (CAP agencies) in proportion to the number of MidAmerican gas customers in each agency's Iowa service area, with the CAP agencies directed to use the insurance proceeds to supplement the heating bill assistance provided by the Low-Income Home Energy Assistance Program (LIHEAP). In its December 23, 2005, order approving the First Amendment, the Board accepted this recommendation and directed MidAmerican to distribute remaining FMGP insurance recoveries to CAP agencies in its service territory.

The First Amendment also provided that MidAmerican would file with the Board a final report within 30 days after the distribution of the remaining proceeds. The report would include the level of remediation activity accomplished and expenditures for that activity, divided into categories of threshold and expedited remediation for the period October 16 through December 31, 2005, and a final accounting of remediation cost recoveries and dispositions. The final accounting would also include data on the amounts provided by MidAmerican to the CAP agencies.

On March 15, 2006, MidAmerican filed the final report, along with a request for confidential treatment of certain portions of that report relating to the remediation cost

of specific sites. MidAmerican states that the information for which confidentiality is requested should be treated as a report to a government agency which, if released, would give advantage to competitors and serve no public purpose and, as trade secrets, which are recognized and protected by law. MidAmerican filed the affidavit of a corporate officer in support of the request.

Iowa Code § 22.7(6) (2005) provides confidential treatment for public records that are reports to government agencies and which, if released, would give advantage to competitors and serve no public purpose. The Board finds the application and affidavit support a finding that the information concerning the remediation of the FMGP sites and disposition, if released, would provide an advantage to competitors for MidAmerican business.

The Board finds that the information concerning the remediation of FMGP sites filed by MidAmerican on March 15, 2006, should be held confidential under the provisions of Iowa Code § 22.7(6). Because the Board has found that the information should be held confidential pursuant to Iowa Code § 22.7(6), the Board finds it unnecessary to rule on the claim that the information should be held confidential as a trade secret pursuant to Iowa Code § 22.7(3).

The Board also finds that the final report complies with the December 12, 2005, order. The report provides the final expenditures for FMGP remediation from 2000 through 2005 and the disposition of insurance proceeds for the same period. MidAmerican indicates that a total of \$3,494,184 was distributed to MidAmerican's I-Care account for distribution by CAP agencies.

**IT IS THEREFORE ORDERED:**

1. The final report concerning former manufactured gas plant sites remediation filed by MidAmerican Energy Company on March 15, 2006, is accepted.
2. The "Application for Confidential Order" filed by MidAmerican Energy Company on March 15, 2001, is granted under the provisions of Iowa Code § 22.7(6).
3. The information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)"b"(3).

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

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Dated at Des Moines, Iowa, this 28<sup>th</sup> day of March, 2006.