

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>AQUILA, INC., d/b/a AQUILA NETWORKS, BLACK HILLS CORPORATION, AND BLACK HILLS/IOWA GAS UTILITY COMPANY, LLC</p>	<p>DOCKET NO. SPU-07-12</p>
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ORDER GRANTING REQUEST FOR CONFIDENTIALITY IN PART AND DIRECTING FILING

(Issued June 27, 2007)

On April 4, 2007, Aquila, Inc., d/b/a Aquila Networks (Aquila), Black Hills Corporation (Black Hills), and Black Hills/Iowa Gas Utility Company, LLC (BH Iowa Gas), filed with the Utilities Board (Board) a joint proposal for reorganization pursuant to Iowa Code §§ 476.76 and 476.77 (2007) and 199 IAC 32, along with an application for permission for Aquila to discontinue providing utility service in Iowa pursuant to Iowa Code § 476.20(1) and 199 IAC 7.1(6). On June 4, 2007, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed prepared direct testimony, exhibits, and workpapers of Gregory Vitale. Mr. Vitale indicates that certain information in his prepared direct testimony, exhibits, and workpapers is considered confidential by Aquila, Black Hills, or both companies. Consumer Advocate requested the Board give Aquila and Black Hills ten days to file a request for confidential treatment of the information specified.

On June 14, 2007, Aquila, Black Hills, and BH Iowa Gas filed a request for confidential treatment of the information identified by Mr. Vitale. The information for which confidential treatment is requested is located on pages 3, 34, 35, 36, 38, 39, 40, 41, 42, 44, and 45 of Mr. Vitale's prepared direct testimony; all or part of data request responses 1A, 9A, 16A, 41A, 42A, and 61A in Mr. Vitale's Ex.____(GV-1); and certain workpapers. Certain information can only be viewed by Aquila and certain information can only be viewed by Black Hills or BH Iowa Gas, while some of the information may be viewed by Aquila, Black Hills, and BH Iowa Gas.

The confidential information in Vitale's prefiled direct testimony has been identified to indicate which party or parties may view the information and each version has been specifically identified and filed separately. Confidential treatment is requested pursuant to Iowa Code § 22.7(6) as a report to a government agency, which, if released, would give advantage to competitors and serve no public purpose.

On June 15, 2007, Black Hills filed the rebuttal testimony of Mark T. Thies. On page 14 of Mr. Thies's rebuttal testimony, Mr. Vitale's acquisition premium calculation (found on pages 34 and 45 of Vitale's prefiled direct testimony) is filed in the public record. Also on page 14, Mr. Thies has filed Black Hills' acquisition premium calculation from confidential Schedule 20. Mr. Vitale's acquisition premium calculation is part of the information for which confidential treatment is sought in the June 14, 2007, pleading and the information in Schedule 20 has previously been granted confidential treatment by the Board. On June 19, 2007, Consumer Advocate

filed a correction to Vitale's acquisition premium calculation. The corrected calculation was filed as confidential.

The Board will grant confidential treatment to all of the information subject to the request for confidential treatment in Mr. Vitale's prefiled direct testimony except the acquisition premium calculation on pages 34 and 45 of Mr. Vitale's prefiled direct testimony. The Board will hold its decision on the request for confidential treatment of this specific information for ten days to allow Black Hills the opportunity to modify its request or allow the information to remain public. Black Hills should also indicate whether it wants the acquisition premium calculation from Schedule 20 treated as confidential. If the information in Mr. Thies' prefiled rebuttal testimony is to be considered confidential, Black Hills will need to file redacted copies of page 14 of Mr. Thies' prefiled rebuttal testimony.

The Board finds that the information for which confidential treatment is requested as indicated in Mr. Vitale's prefiled direct testimony, except for the information described above, is a report to a government agency, which, if released, will give advantage to competitors and serve no public purpose.

IT IS THEREFORE ORDERED:

1. The "Request for Confidential Order" filed by Aquila, Inc., d/b/a Aquila Networks, Black Hills Corporation, and Black Hills/Iowa Gas Utility Company, LLC, on June 14, 2007, is granted, with the exception of the acquisition premium calculation on pages 34 and 35 of Mr. Vitale's prefiled testimony, as described in this order.

2. The information afforded confidential treatment by the Board shall be subject to the provisions of 199 IAC 1.9(8)"b"(3).

3. Black Hills Corporation shall file a pleading within ten days of the date of this order indicating whether and why it believes the acquisition premium calculations described in this order should be treated as confidential.

UTILITIES BOARD

/s/ John R. Norris

/s/ Curtis W. Stamp

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Krista K. Tanner

Dated at Des Moines, Iowa, this 27th day of June, 2007.