

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE:

QWEST COMMUNICATIONS
CORPORATION,

Complainant,

vs.

SUPERIOR TELEPHONE COOPERATIVE;
THE FARMERS TELEPHONE COMPANY OF
RICEVILLE, IOWA; THE FARMERS &
MERCHANTS MUTUAL TELEPHONE
COMPANY OF WAYLAND, IOWA;
INTERSTATE 35 TELEPHONE COMPANY,
d/b/a INTERSTATE COMMUNICATIONS
COMPANY; DIXON TELEPHONE COMPANY;
REASNOR TELEPHONE COMPANY, LLC;
GREAT LAKES COMMUNICATION CORP.;
AND AVENTURE COMMUNICATION
TECHNOLOGY, LLC,

Respondents;

DOCKET NO. FCU-07-2

REASNOR TELEPHONE COMPANY,

Counterclaimant,

vs.

QWEST COMMUNICATIONS
CORPORATION AND QWEST
CORPORATION,

Counterclaim Respondents.

**ORDER GRANTING MOTIONS FOR EXTENSION OF TIME AND
GRANTING REQUESTS FOR CONFIDENTIAL TREATMENT**

(Issued April 15, 2008)

On March 18, 2008, Qwest Communications Corporation (QCC) filed with the Utilities Board (Board) a request for confidential treatment of certain information included in its direct testimony and supporting exhibits. QCC states that the information sought to be maintained as confidential was produced by the respondents and various subpoenaed persons who designated this information as confidential pursuant to a protective agreement signed by the participants. The material for which confidentiality was requested was filed in a separate envelope and marked as confidential.

Also on March 18, 2008, AT&T Communications of the Midwest, Inc., and TCG Omaha (collectively "AT&T") filed a request for confidential treatment of certain portions of the direct testimony of Brian Benison and Wauneta Browne. AT&T states that the testimony contains references to data and deposition testimony provided by other parties to this proceeding that have been previously designated as confidential. The material for which confidentiality was requested was filed in a separate envelope and marked confidential.

Board rule 199 IAC 1.9(6)"b" provides that in a request for confidential treatment, the facts underlying the legal basis for the request shall be supported by an affidavit executed by a corporate officer with personal knowledge of the specific facts. Therefore, the Board generally requires an affidavit from an officer of the company where the documents originated to attest to the confidential nature of the information. As such, the parties that produced the information submitted by QCC

and AT&T must submit a request for confidential treatment of the information accompanied by an affidavit by a corporate officer.

On March 31, 2008, Reasnor Telephone Company, LLC (Reasnor), and Sully Telephone Association, Inc. (Sully), filed motions for an extension of time to review the materials contained in the confidential documents filed by QCC on March 18, 2008. Reasnor and Sully state that QCC submitted several hundred pages of testimony and exhibits as confidential documents and as such, Reasnor and Sully seek additional time to review the materials and file formal requests for confidential treatment pursuant to 199 IAC 1.9(6). Reasnor and Sully ask for an extension until April 21, 2008, to file their requests for confidential treatment and ask that the Board temporarily designate the documents submitted by QCC as confidential until such a request can be made.

Also on March 31, 2008, The Farmers & Merchants Mutual Telephone Company of Wayland, Iowa (Farmers-Wayland); Superior Telephone Cooperative; Farmers Telephone Company of Riceville, Iowa; Interstate 35 Telephone Company; Great Lakes Communications Corp. (Interstate 35); and Dixon Telephone Company (Dixon) (collectively referred to as "Respondents"), filed a similar motion for an extension of time to review the materials filed under seal by QCC on March 18, 2008. The Respondents state that because of the volume of materials filed by QCC, the Respondents have not had an opportunity to review the materials in order to file a more specific request for confidential treatment. The Respondents ask for an

additional 14 days to review QCC's information and file a formal request for confidential treatment and ask that the Board temporarily designate the documents submitted by QCC as confidential until such a request can be made.

The Board has reviewed the requests filed by Reasnor, Sully, and the Respondents and finds that they are reasonable. Therefore, the Board will allow Reasnor, Sully, and the Respondents until April 21, 2008, to file specific requests for confidential treatment pursuant to 199 IAC 1.9(6). The Board will treat the material filed under seal by QCC on March 18, 2008, as confidential records, subject to the provisions of 199 IAC 1.9(8)"b"(3), until April 21, 2008, or until the Board rules on any specific requests for confidential treatment filed by Sully, Reasnor, or the Respondents, whichever is later.

On April 1, 2008, Farmers–Wayland, Interstate 35, and Dixon filed a joint request that certain testimony and exhibits filed by AT&T under seal on March 18, 2008, be held as confidential. Farmers-Wayland, Interstate 35, and Dixon state that the following testimony and exhibits filed by AT&T contain trade secrets and are competitively sensitive information pursuant to Iowa Code § 550.2(4):

- (a) The deposition testimony of Pat McGowan attached to the testimony of Ms. Browne as Exhibit WB-3 because it involves information regarding confidential terms of written agreements between Interstate 35 and third parties;

(b) The redacted testimony at lines 18 to 22 on page 7 of Mr. Benison's testimony, which contains information regarding Interstate 35's billings during portions of 2005 through 2007;

(c) The redacted chart at lines 19 to 20 on page 20 of Mr. Benison's testimony, which contains information regarding intrastate minutes of use for Dixon, Interstate 35, and Farmers-Wayland during 2006;

(d) Exhibit BB-2 attached to Mr. Benison's testimony, which contains information regarding minutes of use for Interstate 35 for portions of 2005 through 2007; and

(e) Parts 2 and 3 of Exhibit BB-3 attached to Mr. Benison's testimony, which contain confidential provisions of written agreements between Interstate 35 and Dixon and third parties.

Farmers-Wayland, Interstate 35, and Dixon support their request with affidavits by corporate officers stating that the information constitutes confidential trade secrets under Iowa Code § 550.2(4).

Iowa Code § 22.7(3) provides confidential treatment for trade secrets that are recognized and protected as such by law. The referenced portions of the testimony and exhibits of Ms. Browne and Mr. Benison as submitted by AT&T on March 18, 2008, contains detailed billing and other proprietary information and has independent economic value.

The Board finds that the applications and affidavits of Farmers-Wayland, Interstate 35, and Dixon support a finding that the information contained in the testimony and exhibits of Ms. Browne and Mr. Benison constitutes a trade secret under Iowa Code § 550.2(4) as it derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means, by a person able to obtain economic value from its disclosure, and it is the subject of reasonable efforts to maintain its secrecy. The Board finds that this information, if released, would provide an advantage to competitors of Farmers-Wayland, Interstate 35, and Dixon. Therefore, the Board will hold the information confidential under the provisions of Iowa Code § 22.7(3) as requested by Farmers-Wayland, Interstate 35, and Dixon on April 1, 2008.

IT IS THEREFORE ORDERED:

1. The motion for extension of time filed by Sully Telephone Association, Inc., on March 31, 2008, is granted.
2. The motion for extension of time filed by Reasnor Telephone Company, LLC, on March 31, 2008, is granted.
3. The motion for extension of time filed by The Farmers & Merchants Mutual Telephone Company of Wayland, Iowa; Superior Telephone Cooperative; Farmers Telephone Company of Riceville, Iowa; Interstate 35 Telephone Company; Great Lakes Communications Corp.; and Dixon Telephone Company on March 31,

2008, is granted, with an extension to April 21, 2008, to synchronize with the preceding motions.

4. The request for confidentiality filed by Qwest Communications Corporation on March 18, 2008, is granted. The information filed under seal by Qwest Communications Corporation will be held as confidential, subject to the provisions of 199 IAC 1.9(8)"b"(3), until April 21, 2008, or until the Board rules on a specific request for confidential treatment, whichever is latter.

5. The request for confidential treatment filed by AT&T Communications of the Midwest, Inc., and TCG Omaha on March 18, 2008, is granted.

6. The request for confidential treatment filed by The Farmers & Merchants Mutual Telephone Company of Wayland, Iowa; Interstate 35 Telephone Company; and Dixon Telephone Company, on April 1, 2008, is granted.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 15th day of April, 2008.