

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

<p>IN RE:</p> <p>POSSIBLE EXTENSION OF BOARD JURISDICTION OVER SINGLE LINE FLAT-RATED RESIDENTIAL AND BUSINESS RATES FOR LOCAL EXCHANGE CARRIERS</p>	<p>DOCKET NO. INU-08-1</p>
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**ORDER GRANTING MOTION AND  
GRANTING REQUEST FOR CONFIDENTIAL TREATMENT**

(Issued April 15, 2008)

On March 18, 2008, Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom), filed with the Utilities Board (Board) its comments in this docket, identified as Docket No. INU-08-1. The comments contained information that Iowa Telecom asserted was confidential and as such was filed separately under seal along with an application for confidential treatment. A public version of Iowa Telecom's comments was filed with the asserted confidential information redacted.

On April 2, 2008, Iowa Telecom filed a motion to replace the public and confidential versions of its comments. Iowa Telecom states that it inadvertently failed to redact other alleged confidential information from its March 18, 2008, filing, with the result that information that should have been filed under seal as confidential was filed in the public version. Iowa Telecom states that it has redacted that information and has prepared new public and confidential versions of its comments in this docket

and asks that the Board accept them as substitutes for the comments originally filed on March 18, 2008.

The Board has reviewed Iowa Telecom's motion and finds that it is reasonable. The Board will accept the replacement public and confidential versions of Iowa Telecom's comments in this docket, as filed on April 2, 2008.

Also on March 18, 2008, Iowa Telecom filed with the Utilities Board (Board) a request for confidential treatment of certain portions of its comments filed in this docket. Iowa Telecom asserts that these portions of its comments contain detailed and proprietary information in the form of Iowa Telecom's access line counts; market share; line losses; customer numbers; the timing, amount, and dollar volume of customer calling volume; and the characteristics of Iowa Telecom customers that Iowa Telecom maintains as confidential.

Iowa Telecom states that these portions of its comments contain information that is confidential as a trade secret. The testimony and exhibit have been filed under separate seal and marked as confidential. Iowa Telecom affirms in its motion filed April 2, 2008, that the information submitted in the replacement versions of Iowa Telecom's comments is of the same type that was addressed in its March 18, 2008, request for confidential treatment. Iowa Telecom supports its request for confidentiality with an affidavit by a corporate officer and cites Iowa Code §§ 22.7(3) and 22.7(6) as authority for confidential treatment of the information.

Iowa Code § 22.7(3) provides confidential treatment for trade secrets which are recognized and protected as such by law. The material submitted by Iowa Telecom includes specific financial and customer information.

The Board finds that the application and affidavits support a finding that certain portions of Iowa Telecom's comments constitute 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 is the subject of reasonable efforts to maintain its secrecy. The Board finds that this information, if released, would provide an advantage to Iowa Telecom's competitors.

Iowa Code § 22.7(6) provides confidential treatment to public records that are reports to government agencies which, if released, would give advantage to competitors and serve no public purpose. The Board finds the submitted information constitutes a report to a government agency and also finds that the release of the information would serve no public purpose. Therefore, the Board will hold the information confidential under the provisions of Iowa Code §§ 22.7(3) and 22.7(6) as requested by Iowa Telecom on March 18, 2008.

**IT IS THEREFORE ORDERED:**

1. The motion filed by Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, on April 2, 2008, is granted.

2. The request for confidentiality filed by Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, on March 18, 2008, is granted pursuant to Iowa Code §§ 22.7(3) and 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/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 15<sup>th</sup> day of April, 2008.