

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COX IOWA TELCOM, L.L.C.	DOCKET NO. WRU-08-18-3102
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ORDER GRANTING WAIVER AND REQUEST FOR CONFIDENTIALITY

(Issued May 6, 2008)

On April 29, 2008, Cox Iowa Telcom, L.L.C. (Cox Iowa), filed with the Utilities Board (Board) a request for a waiver of the number utilization threshold requirements for the Council Bluffs, Iowa, rate center. Cox Iowa states it received a request from two corporate customers for 60 and 100 consecutive numbers, respectively. Cox Iowa states that it does not have the number blocks the customers require in its inventory of telephone numbers in that rate center.

Cox Iowa states that it submitted a request for a new 1,000 block of numbers to NeuStar, Inc., the National Pooling Plan Administrator (Pooling Administrator). When applying for a block of 1,000 numbers, the Federal Communications Commission (FCC) requires that a carrier must show that it has a minimum utilization rate of 75 percent or less than a six-month inventory of numbers in the relevant rate center. The Pooling Administrator denied Cox Iowa's request because Cox Iowa was unable to meet either of these FCC requirements.

The FCC has given states the authority to overturn the Pooling Administrator's decision to withhold numbering resources from a carrier based on the state's

determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all available remedies. (See 47 C.F.R. § 52.15(g)(4).) In addition, the FCC states that carriers may demonstrate the need for additional numbering resources by providing the state with documentation of a customer request and current proof of utilization in the rate center. (FCC 01-362, ¶ 64.) The FCC is careful to point out that states may not accommodate requests for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers. (Id.) Therefore, a statement by the carrier regarding the types of numbers being requested and the purpose of the request is necessary.

The information filed by Cox Iowa in support of its request satisfies the requirements specified in the FCC's orders delegating waiver authority to the Board. Cox Iowa has provided documentation of its customers' requests as well as appropriate statements regarding number utilization in the Council Bluffs rate center. The Board will grant the waiver requested.

Also on April 29, 2008, Cox Iowa filed a request for confidential treatment of supporting information submitted with its waiver request. Cox Iowa supports its request for confidentiality with an affidavit by a corporate officer, stating that the information constitutes confidential trade secrets under Iowa Code § 550.2(4) and also constitutes a report to a government agency within the meaning of Iowa Code § 22.7(6). The materials were sealed in a separate envelope and marked

confidential. Cox Iowa cites Iowa Code §§ 22.7(3) and 22.7(6) as authority for confidential treatment of the information.

The Board finds that the request and affidavit support a finding that the cost information 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 by persons 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 Cox Iowa's competitors.

Iowa Code § 22.7(3) provides confidential treatment for trade secrets, which are recognized and protected as such by law. The material submitted by Cox Iowa includes cost support material and supporting data. The supporting affidavit by Percy Kirk, Senior Vice President and General Manager of Cox Iowa, states that the information is unpublished data not known outside of Cox Iowa and is in fact restricted to certain Cox Iowa employees.

Iowa Code § 22.7(6) provides confidential treatment for 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 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 Cox Iowa on April 29, 2008.

IT IS THEREFORE ORDERED:

1. The request for waiver of the Federal Communications Commission's utilization threshold requirements filed by Cox Iowa Telcom, L.L.C., on April 29, 2008, is granted as discussed in the body of this order.
2. The Executive Secretary of the Utilities Board shall mail a copy of this order to NeuStar, Inc., 1800 Sutter Street, Suite 780, Concord, CA 94520, to the attention of Ms. Diane Mueller, Pooling Administrator.
3. The request for confidentiality filed by Cox Iowa Telcom, L.L.C., on April 29, 2008, is granted pursuant to Iowa Code §§ 22.7(3) and 22.7(6).
4. 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 6th day of May, 2008.