

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  IOWA TELECOMMUNICATIONS SERVICES, INC., d/b/a IOWA TELECOM	DOCKET NO. RPU-02-4
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**ORDER GRANTING REQUEST FOR CONFIDENTIAL TREATMENT  
AND GRANTING MOTION TO CLOSE DOCKET**

(Issued November 18, 2008)

On October 17, 2008, Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom), filed with the Utilities Board (Board) a request for confidential treatment of certain information attached as Exhibit A of Iowa Telecom's Network Improvement Plan 2008 Final Report and a separate motion to close this docket. Iowa Telecom states that Exhibit A includes investment expense disaggregated by certain categories of exchanges and general Iowa Telecom network buildout plans. Iowa Telecom states that Exhibit A contains information that is confidential as a trade secret. Exhibit A has been filed under separate seal and marked as confidential. Iowa Telecom supports its request for confidentiality with an affidavit by a corporate officer and cites Iowa Code § 22.7 as authority for confidential treatment of the information.

Iowa Code § 22.7(3) provides confidential treatment for trade secrets that are recognized and protected as such by law. The material submitted by Iowa Telecom includes specific information regarding its network improvements.

The Board finds that the application and affidavit support a finding that the network improvement activities constitute trade secrets under Iowa Code § 550.2(4) as the information 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 their disclosure, and the information 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 the Board finds that 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 October 17, 2008.

Also on October 17, 2008, Iowa Telecom filed a motion requesting that the Board close this docket. In support of its motion, Iowa Telecom states that the settlement agreement that precipitated the requirement of annual reporting of Iowa Telecom's network improvement plans is no longer in effect following the deregulation of Iowa Telecom's retail local exchange service rates.<sup>1</sup> Specifically,

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<sup>1</sup> See In re: Possible Extension of Board Jurisdiction Over Single Line Flat-Rated Residential and Business Rates for Local Exchange Carriers, "Final Order," Docket No. INU-08-1 (issued June 27, 2008) (declining to extend regulation of single-line flat-rated business and residential services past June 30, 2008).

Iowa Telecom states that the terms of paragraph 8 of the agreement provide as follows:

Should the local service rates of the Company at any time during the effective period of this Agreement be deregulated, this Agreement will no longer be effective from the date of the deregulation, except that all sums collected pursuant to this Agreement up to the date of deregulation must be invested in accord with this Agreement.

Iowa Telecom states that since the Board's remaining authority to regulate Iowa Telecom's rates for single-line flat-rated services expired on July 1, 2008, pursuant to Iowa Code § 476.1D(1)"c," the effectiveness of the settlement agreement is terminated. Iowa Telecom also asserts that it has invested in accord with the agreement all sums collected pursuant to the agreement up to the date of regulation as required by the agreement. As such, Iowa Telecom requests that the Board close this docket.

The Board has reviewed Iowa Telecom's request and finds that it is reasonable. The Board's review of the annual filings and final report submitted by Iowa Telecom concurs with Iowa Telecom's investment of all sums collected pursuant to the settlement agreement. Since single-line flat-rated service rates have been deregulated and Iowa Telecom has met its investment commitment, the Board finds that the settlement agreement is no longer effective and will close this docket.

**IT IS THEREFORE ORDERED:**

1. The request for confidentiality filed by Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, on October 17, 2008, is granted pursuant to Iowa Code §§ 22.7(3) and 22.7(6).
2. The information in Exhibit A shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)"b"(3).
3. The motion to close this docket filed by Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, on October 17, 2008, is granted.

**UTILITIES BOARD**

/s/ John R. Norris

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ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 18<sup>th</sup> day of November, 2008.