

**STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD**

**FILED WITH
Executive Secretary
December 15, 2014
IOWA UTILITIES BOARD**

IN RE:)
)
MONTANA MIKE'S STEAKHOUSE;)
BUENA VISTA COUNTY COURTHOUSE;	) DOCKET NO. FCU-2014-0015
BUENA VISTA COUNTY LAW	) (C-2014-0123,
ENFORCEMENT CENTER; AVOCA	) C-2014-0126,
SUPER FOODS; R&L FOODS;	) C-2014-0127,
LOFFREDO FRESH PRODUCE;	) C-2014-0128,
MULHOLLAND GROCERY; SCOTT'S	) C-2014-0129,
FOODS, STORAGE & DESIGN; CAPITAL	) C-2014-0130,
CITY FRUIT; and ARTI, LLC,	) C-2014-0131,
Complainants,	) C-2014-0132,
vs.	) C-2014-0141,
MIDAMERICAN ENERGY COMPANY,	) C-2014-0142,
Respondent.	) C-2014-0145)
)

APPLICATION FOR CONFIDENTIAL TREATMENT

COMES NOW, MidAmerican Energy Company ("MidAmerican") and for its Application for Confidential Treatment ("Application") pursuant to Code of Iowa Section 22.7 (2013) and 199 IAC 1.9(5), submits as follows:

1. MidAmerican is filing with the Iowa Utilities Board ("Board"), concurrently with its submission of its testimony to the consolidated customer complaints, this Application pursuant to Iowa Code 476.6(22).
2. MidAmerican Schedules B and C to Exhibit ___(CBR-1), includes specific customer information ("Confidential Materials") related to customer account numbers and specific customer usage. Therefore, the Confidential Materials contain individual customer confidential information relating to account identifiers and usage. It is not MidAmerican's intent to withhold this

information from the Board or the Office of Consumer Advocate who require it to carry out their statutory responsibilities. It is also not MidAmerican's intent to withhold this information from the customers. MidAmerican notes that it has a non-disclosure agreement in place with the customers and as noted in its response has provided certain Confidential Materials to the customers.

3. The Board issued similar Orders protecting similar customer information in Docket No. RPU-2013-0004 and TF-2014-0338. The Board has established rules governing the examination of all public records of the Board as set out in 199 IAC 1.9. MidAmerican requests for the Board to withhold the confidential materials from general public inspection, which would, if granted in the Board's discretion, require the Board to continue to maintain the confidentiality of the Confidential Materials as records not routinely available for public inspection subject to such other limitations as the Board may consider appropriate.

4. MidAmerican, with this Application, states that the Confidential Materials consist of trade secrets of MidAmerican and its customers, which are recognized and protected as such by law, and requests that the same be kept confidential to the full extent permitted by Iowa law. This specific request is premised on the statutory authority granted under Code of Iowa Section 22.7(3).

5. MidAmerican, with this Application, hereby further states that the Confidential Materials constitute a report to this Board which, if released, would give advantage to competitors and serve no public purpose. This specific request is premised on the statutory authority granted under Code of Iowa Section 22.7(6).

6. In support of its allegations that the Confidential Materials constitute a trade secret pursuant to Code of Iowa Section 22.7(3), and further that the Confidential Materials constitute a report pursuant to Code of Iowa Section 22.7(6) to the Board which, if released, would give

advantage to competitors and serve no public purpose, MidAmerican attaches hereto and incorporates herein the Affidavit of Dean A. Crist, Vice President – Regulation for MidAmerican.

Statement of Legal Basis for this Request

Trade Secret Section 22.7(3)

7. The confidential information consists of confidential and proprietary information of MidAmerican and its customers which falls within the purview and protection of the exclusion authorized under Code of Iowa Section 22.7, which is an exception to the right of the general public to otherwise have unrestricted access to said public records.

8. “Trade secrets” have been defined as "...information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it." *Farnum v. G.D. Searle*, 339 N.W.2d 384, 389 (Iowa 1983).

Report to Agency, Section 22.7(6)

9. The Confidential Materials contain cost and usage information which, if released to the general public, would give an unfair advantage to MidAmerican’s competitors. *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 768 (U.S.C.A. 1974).

10. Because maintaining the confidentiality of the Confidential Material maximizes MidAmerican's ability to operate safely and at the lowest reasonable cost by keeping specific customer load information confidential, substantial public benefits result from confidential treatment and no tangible public benefits would result from release.

WHEREFORE, MidAmerican Energy Company respectfully requests the Iowa Utilities Board to grant this Application for Confidential Treatment, holding confidential the Confidential Materials filed in this proceeding, subject only to the established procedures of the Board in the retention of and public access to such Confidential Materials. Accordingly, MidAmerican respectfully requests that the Confidential Materials, in their entirety, be held by the Board as a confidential record not routinely available for public inspection.

DATED this 15th day of December, 2014.

Respectfully Submitted,

MIDAMERICAN ENERGY COMPANY

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