

STATE OF IOWA

BEFORE THE IOWA UTILITIES BOARD

IN RE:	:	
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MIDAMERICAN ENERGY COMPANY	:	Docket No. EEP-2012-0002
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APPLICATION FOR CONFIDENTIAL TREATMENT

COMES NOW, MidAmerican Energy Company (MidAmerican), and for its Application for Confidential Treatment (Application), filed pursuant to Code of Iowa §22.7 (2011) and 199 Iowa Admin. Code §1.9(5) et seq., submits the following:

1. MidAmerican is submitting for filing its Application of MidAmerican Energy Company For Approval of Energy Efficiency Plan (Plan) pursuant to the March 9, 2009, Iowa Utilities Board (Board) Order, Section 476.6(16) of the Code of Iowa (2011), and 199 IAC Chap. 35.

The accompanying Plan contains confidential schedules, which are filed with the associated testimony.

2. Specifically, the documents are the Energy Efficiency Planning Model, Electric and Gas Load forecasts, and natural gas contract information, which are contained in Exhibit____(CBR), Confidential Schedule 6, Exhibit__(ODS), Confidential Schedules 5 and 12 and Exhibit__(BJW), Confidential Schedules 1-10 (Confidential Information). The release of this Confidential Information could adversely affect the competitive positions of MidAmerican and MidAmerican customers.

3. If the Confidential Information was publicly available, it would be of significant competitive value to MidAmerican's suppliers of fuel, fuel services and natural gas supply as they would have knowledge of MidAmerican's expectations concerning the avoided costs and price of their products. Moreover, suppliers would have the opportunity to use that information in negotiations with MidAmerican concerning the price of their products. The Confidential Information would also be of significant value to MidAmerican's competitors, suppliers and customers in the wholesale markets for electric power, energy, and natural gas. The avoided costs, price of fuel, and natural gas supply comprise a significant component of an energy producer's production costs, and knowledge of MidAmerican's actual and projected fuel and natural gas costs would be of material value to those parties to whom it sells energy, those from whom it buys, and those with whom it competes for sales.

4. The Board has established rules governing the examination of all public records of the Board as set out in 199 IAC 1.9. The request of MidAmerican for the Board to withhold the Confidential Information from general public inspection would, if granted in the Board's discretion, require the Board to continue to maintain the confidentiality of the Confidential Information as records not routinely available for public inspection subject to such other limitations as the Board may consider appropriate.

5. MidAmerican, by this Request, hereby further states that Confidential Information constitutes 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 §22.7(6) (2011).

6. MidAmerican, by this Request, hereby states that Confidential Information consists of trade secrets of MidAmerican, 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 §22.7(3) (2011).

7. In support of its allegations that Confidential Information constitutes a report pursuant to Code of Iowa §22.7(6) to the Board which, if released, would give advantage to competitors and serve no public purpose, and further that the confidential materials constitute a trade secret pursuant to Code of Iowa §22.7(3), MidAmerican attaches hereto and incorporates herein the Dean A. Crist, Vice President – Regulation.

Statement of Legal Basis for this Request

Trade Secret Section 22.7(3)

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

9. “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).

10. As stated above, MidAmerican’s competitors will obtain a competitive advantage from their knowledge of the Confidential Information. Release of such information is commercially sensitive.

Report to Agency Section 22.7(6)

11. The Confidential Information also contains information which, if released to the general public, would give an unfair advantage to competitors. National Parks and Conservation Ass'n v. Morton, 498 F.2d 765, 768 (U.S.C.A. 1974).

12. The release of the Confidential Information would serve no public purpose, and thus the Confidential Information qualifies as an exclusion to the general rule of public access to reports made to governmental agencies under Iowa Code §22.7(6) (2007).

13. Without confidential treatment, the contents of the Confidential Information would be subject to public disclosure. As stated above, this would place MidAmerican at a competitive disadvantage.

WHEREFORE, MidAmerican Energy Company respectfully requests the Iowa Utilities Board to grant this Application for Confidential Treatment, holding confidential the Confidential Information 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 Information, in their entirety, be held by the Board as a confidential record not routinely available for public inspection.

DATED this 1st day of February, 2013.

Respectfully Submitted,

MIDAMERICAN ENERGY COMPANY

By /s/ Jennifer S. Moore
Jennifer S. Moore
Senior Attorney
106 East Second Street
P.O. Box 4350
Davenport, Iowa 52808
Phone: (563) 333-8006
Fax: (563) 333-8021
Email: jsmoore@midamerican.com