

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

MIDAMERICAN ENERGY COMPANY

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DOCKET NO. RPU-2012-0001

APPLICATION FOR CONFIDENTIAL TREATMENT

COMES NOW, MidAmerican Energy Company ("MidAmerican") and for its Application for Confidential Treatment ("Application") pursuant to Code of Iowa §22.7 (2011) and 199 IAC § 1.9(5), submits as follows:

1. MidAmerican is filing with the Iowa Utilities Board ("Board"), its monthly management reports for August. MidAmerican is required to file management reports pursuant to 199 IAC 26.5(5)"e"(10). 199 IAC 26.5(5)"e"(10) also requires that the reports continue to be filed until the resolution of the proceeding.

2. MidAmerican requests confidential treatment of its monthly management reports filed pursuant to 199 IAC 26.5(5)"e"(10). The release of this information could adversely affect security and the competitive positions of MidAmerican. Specifically, MidAmerican is requesting confidential treatment for its August management reports ("Confidential Materials").

4. The Board issued an order Granting Request for Confidentiality on February 23, 2012, which included MidAmerican's monthly management reports filed with its rate application on February 21, 2012. On June 15, 2012, the Board issued an order Granting Request for Confidentiality for the additional reports filed on March 13, April 10, and June 12, 2012. On

July 18, 2012, the Board issued an order Granting Request for Confidentiality for the additional reports filed on July 16, 2012. On August 21, 2012, the Board issued an order Granting Request for Confidentiality for the additional reports filed on August 17, 2012.

5. 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 Materials from general public inspection 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.

6. MidAmerican, by this Request, states that the Confidential Materials consist 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 §2.7(3) (2011).

7. In support of its allegations that the Confidential Materials constitute a trade secret pursuant to Code of Iowa §22.7(3), and further that the Confidential Materials constitute 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, MidAmerican attaches and incorporates the Affidavit of Dean A. Crist, Vice President – Regulation for MidAmerican in its Request.

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 (2011), which is an exception to the right of the general public to otherwise have unrestricted access to 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).

Report to Agency, Section 22.7(6)

10. The Confidential Materials contain cost and strategy information which, if released to the general public, would give an unfair advantage to existing and potential raid service providers, coal suppliers and competitors of MidAmerican. *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 768 (U.S.C.A. 1974). Additionally, they contain information regarding security measures, which if released, could be detrimental to public safety.

11. Because maintaining confidentiality of such information maximizes MidAmerican's ability to operate safely and at the lowest reasonable cost, 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 18th day of September, 2012.

Respectfully Submitted,

MIDAMERICAN ENERGY COMPANY

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