

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

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**IN RE:** )  
 )  
**MIDAMERICAN ENERGY COMPANY** ) **DOCKET NO. FCU-2014-0016**

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**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 Chapter 1.9(5), submits as follows:

1. MidAmerican is filing this Application with the Iowa Utilities Board ("Board"), concurrently with its late filed hearing cross exhibit and pre-filed cross exhibits in this docket.

2. Confidential MidAmerican Cross Exhibits 2 through 4 contain specific customer information relating to customer operations and specific customer rate components, and MidAmerican notes that it has a non-disclosure agreement in place with the customer to cover this information. The release of this information could adversely affect security and the competitive position of the customer. However, 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.

3. On May 20, 2013, July 18, 2013, April 2, 2014, July 18, 2014, October 7, 2014, October 30, 2014, and June 8, 2015 the Board issued an Order protecting similar customer information. 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 or the customer, 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 2.7(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 and incorporates the Affidavit of Michael C. Fehr, Vice President – Regulation for MidAmerican.

**Statement of Legal Basis for this Request**

Trade Secret Section 22.7(3)

7. The Confidential Materials consist of confidential and proprietary information of MidAmerican and the customer, 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 operation information which, if released to the general public, would give an unfair advantage to competitors of MidAmerican and the customer. National Parks and Conservation Ass'n v. Morton, 498 F.2d 765, 768 (U.S.C.A. 1974).

10. 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 21<sup>st</sup> day of August, 2015.

Respectfully Submitted,

MIDAMERICAN ENERGY COMPANY

By           /s/ Jennifer S. Moore          

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