

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
BEFORE THE IOWA UTILITIES BOARD

---

**IN RE:** :  
: **DOCKET NOS. RPU-2013-0003 and**  
**WIND POWER PROJECT STATUS** : **RPU-2014-0002**  
**UPDATE FOR THE** :  
**IOWA UTILITIES BOARD** :

---

**APPLICATION FOR CONFIDENTIAL TREATMENT**

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

1. Concurrent with the filing of this Application, the Company filed its Wind VIII and Wind IX Project Status Updates for the Iowa Utilities Board (“Updates”) concerning the Wind VIII and IX projects.

2. As a part of the Updates, MidAmerican has provided confidential information (“Confidential Information”) pertaining to the Wind VIII and IX projects, which Confidential Information is comprised of:

**Certain cost information (“cost information”) concerning the Wind VIII and IX project efforts (i.e., the unredacted pages 1 and 2 of the Wind VIII update, and the unredacted page 1 of the Wind IX update).**

3. MidAmerican believes the above-mentioned Confidential Information to be: (i) confidential cost information that constitutes trade secrets, pursuant to Code of Iowa §22.7(3); (ii) reports to a governmental agency which are of significant commercial and competitive value

to MidAmerican, and which, if released, would give advantage to potential vendors and competitors and serve no public purpose (pursuant to Code of Iowa §22.7(6); and (iii) confidential cost information which, if released, would serve to give advantage to MidAmerican's potential wind project vendors, MidAmerican's competitors for the purchase of wind generation components and for the development of wind projects, and to MidAmerican's competitors in the wholesale energy markets, and would hurt MidAmerican's negotiating and competitive position in future efforts to add reasonably priced wind generation to its generation portfolio and in future efforts to market energy. Release of this information would serve no public purpose. MidAmerican is not required to file the said Confidential Information by law, rule, procedure or by contract. Moreover, the Confidential Information is information that MidAmerican would be discouraged from providing were it available for public inspection. (See Code of Iowa §22.7(18).)

In support of its allegations MidAmerican is providing, and hereby incorporates herein, the Affidavit of Michael C. Fehr, Vice President, Regulation, as required by 199 Iowa Admin. Code 1.9(6)(a) and (b).

4. The Confidential Information has been filed separately with the Iowa Utilities Board, and has been highlighted and located on pages marked as "Confidential." The information for which MidAmerican seeks confidential treatment ("Confidential Information") contains information that is similar to that which the Iowa Utilities Board has previously granted confidential status in MidAmerican's wind ratemaking principles proceedings,<sup>1</sup> and in related project updates<sup>2</sup> filed with the Board.

---

<sup>1</sup> *MidAmerican Energy Company*, Docket No. 2015-0002, *Order Granting Request for Confidentiality* (June 2, 2015), *MidAmerican Energy Company*, Docket No. 2014-0002, *Order Granting Request for Confidentiality* (October 22, 2014), *MidAmerican Energy Company*, Docket No. RPU-2013-0003, *Order Granting Request for Confidentiality* (May 15, 2013); *MidAmerican Energy Company*, Docket No. RPU-2009-0003, *Order Granting Request for Confidentiality* (April 1, 2009);

5. It is not MidAmerican’s intent to withhold the Confidential Information from the Iowa Utilities Board or the Office of Consumer Advocate who require it to carry out their statutory responsibilities.

6. Mr. Fehr’s Affidavit requests that access to the Confidential Information be limited to the review of the Board, Board staff, and the Office of Consumer Advocate without protective order or agreement, and intervenors in these dockets, if any, who have signed a confidentiality agreement with MidAmerican, and that the Confidential Information be withheld from general public inspection to the extent permitted by statute, the common law, and by the rules of the Board.

### **Statement of Legal Basis for this Request**

#### **Trade Secret §22.7(3)**

7. 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(3), which is an exception to the right of the general public to otherwise have unrestricted access to said public records.

8. The 73rd General Assembly adopted the Uniform Trade Secrets Act, now Code of Iowa Chapter 550 (2015). This act, at Iowa Code §550.2, defines “trade secret” broadly and would encompass the information sought to be protected herein (the Confidential Information).

---

*MidAmerican Energy Company*, Docket No. RPU-08-4, *Order Granting Request for Confidentiality* (July 30, 2008); *MidAmerican Energy Company*, Docket No. RPU-08-2, *Order Granting Request for Confidentiality* (May 12, 2008); *MidAmerican Energy Company*, Docket No. RPU-07-2, *Order Granting Request for Confidentiality* (April 24, 2007 & June 25, 2007); *MidAmerican Energy Company*, Docket No. RPU-05-4, *Order Granting Request for Confidentiality* (March 29, 2006), *Order Granting Request for Confidentiality* (January 19, 2006), and *Order Granting Request for Confidentiality* (December 22, 2005); *MidAmerican Energy Company*, Docket No. RPU-04-3, *Order Granting Request for Confidentiality* (January 28, 2005); *MidAmerican Energy Company*, Docket No. RPU-03-1, *Order Granting Request for Confidentiality* (September 12, 2003).  
<sup>2</sup> *MidAmerican Energy Company* Docket No. RPU-2014-0002, *Order Granting Request for Confidentiality* (June 2, 2015), *MidAmerican Energy Company* Docket No. RPU-2009-0003, *Order Granting Request for Confidentiality* (February 23, 2012).

The Iowa courts have also consistently given common law protection to trade secrets. They define trade secrets 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). (Citing comment "b" to Restatement of Torts, § 757 (1939)).

9. Potential vendors to MidAmerican wind projects, and MidAmerican's competitors for the purchase of wind generation components and for the development of wind projects will obtain a competitive advantage from their knowledge of the information contained in the Confidential Information. Release of such information is commercially sensitive.

**Report to Agency §22.7(6)**

10. MidAmerican, by this Application, states that the Confidential Information constitutes a report to this Board which, if released, would threaten the electric rate and cost interests of MidAmerican's customers and serve no public purpose. Therefore, MidAmerican requests that the same be kept confidential to the full extent permitted by Iowa law. This request is premised on the statutory authority granted under Code of Iowa §22.7(6).

**Communication to Agency §22.7(18)**

11. MidAmerican further states that the Confidential Information constitutes a communication, not required by law, rule, procedure or contract. Moreover, the Confidential Information is information provided to the Board (from persons outside of government) which, if released, would threaten the electric rate and cost interests of MidAmerican's customers, serve no public purpose, and would discourage such communications in the future. Therefore, MidAmerican requests that the same be kept confidential to the full extent permitted by Iowa law. This request is premised on the statutory authority granted under Code of Iowa §22.7(18).

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

DATED this 1<sup>st</sup> day of September, 2015.

Respectfully Submitted,

MIDAMERICAN ENERGY COMPANY

By:           /s/ Charles R. Montgomery            
Charles R. Montgomery  
Managing Senior Attorney  
4299 NW Urbandale Drive  
Urbandale, IA 50322  
515-281-2976 (voice)  
515-242-4398 (facsimile)  
crmontgomery@midamerican.com