

For reasons noted below, DAPL has failed to prove a trade secret. Even if a portion of the documents are considered a trade secret, DAPL must provide a much more transparent way for the Iowa public to have knowledge of the insurance policies and parental guaranties, rather than to allow DAPL to completely shield these documents from the public.

In short, it is time to require DAPL to remove the cloak of secrecy from these proceedings.

Insurance Policies should be Public Records

Regarding the insurance policies, DAPL Motion fails to give specific reasons justifying confidential treatment. Rather, DAPL generally asserts the following:

“...relationships between entities, and between Dakota Access and its insurance vendors, express and discuss details of how Dakota Access finances and protects its assets in a highly competitive industry...”.

The whole reason for the IUB’s ruling was to ensure that Dakota Access will have sufficient insurance to protect *Iowa’s* assets.

Transparency is paramount. The IUB must not continue to allow DAPL to cloak key documents from the view of the public. It is only through transparency that the State of Iowa can ensure that DAPL will protect Iowa’s assets. Going forward, DAPL must file an annual proof of insurance. How is that going to be fact-checked outside the confines of the IUB?

Furthermore, the insurance policies themselves are largely composed of form language inherent in the insurance industry. Outside of the premium information and other identifying information within the policies, the general nature of the information is common-place within the industry.

Aside from the premium information, there is no value inherent with in the information contained in the insurance policies. There are no pricing techniques, no marketing techniques no disclosure of financial information, no customer information, no customer data, no confidential costs, no financial information, no industry processes, no product compositions, no cost books, no customer books, etc. There are no trade secrets within the insurance policies, except for the amount of the premiums.

NILA would agree that the premium information should be redacted.

But the core essence of the policies, having to do with the applicable coverages and exclusions, is absolutely essential for public disclosure.

The IUB should require DAPL to file all insurance policies, redacting the premium information.

Parental Guaranties should be Public Records

Regarding the parental guaranties, again, DAPL's rationale lacks any detail to support cloaking these important documents in secrecy. A review of Iowa statute and caselaw does not support DAPL's assertion that the parental guaranties are trade secrets.

Again, transparency is paramount. The public should be able to examine these records in the light of day.

WHEREFORE, the Northwest Iowa Landowners Association urges the IUB to direct DAPL to file the entirety of all applicable insurance policies as non-confidential records (allowing redaction for premium information), and also to require DAPL to file the parental guaranties as non-confidential records.

Submitted by:

MURRAY & MURRAY, P.L.C.

/s/ John M. Murray

John M. Murray (AT0005555)

530 Erie Street, PO Box 27

Storm Lake, Iowa 50588

(712) 732-8181

(712) 749-5089 (fax)

jmmurray5555@gmail.com

ATTORNEY FOR NORTHWEST IOWA
LANDOWNERS ASSOCIATION

CERTIFICATE OF SERVICE

I further certify that this document was electronically filed with the Iowa Utilities Board on March 23, 2016.

/s/ John M. Murray