

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINT OF HORN MEMORIAL HOSPITAL	DOCKET NO. FCU-2014-0014
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**ORDER GRANTING MOTION FOR CONFIDENTIAL TREATMENT
FILED AUGUST 25, 2016**

(Issued October 28, 2016)

On July 28, 2016, the Utilities Board's (Board) Administrative Law Judge (ALJ) issued a "Proposed Decision and Order Making Recommendation to Board" in Docket Nos. FCU-2012-0019, FCU-2013-0004, FCU-2013-0005, FCU-2013-0006, FCU-2013-0007, FCU-2013-0009, FCU-2014-0007, and FCU-2014-0014, collectively referred to as the rural call completion cases.¹ Frontier Communications of America, Inc. (Frontier), participated in Docket No. FCU-2014-0014.

In ordering clause number six of the ALJ's order, Frontier was directed to file with the Board copies of the call completion data relating to Iowa the company reports to the Federal Communications Commission (FCC) on a quarterly basis. On August 25, 2016, Frontier filed with the Board the portions of Frontier's second quarter 2016 report to the FCC relating to Iowa and a motion for confidential

¹ The ALJ's Proposed Decision became the final decision of the Board pursuant to the Board's rule at 199 Iowa Admin. Code 7.26(2).

treatment of the report. Frontier provided public and confidential versions of the report.

Frontier filed the motion for confidential treatment pursuant to Board rule 1.9(6) and Iowa Code § 22.7. Frontier explains that the report contains competitively sensitive information about the company's long distance call completion results and that this information is not normally released to the public. Frontier asserts that the information, if released, could be used by the company's competitors to their competitive advantage. Frontier states that the information was filed with the FCC on a confidential basis.

Frontier asserts that confidential treatment of the report as a trade secret is warranted under Iowa Code § 22.7(3) or as a report to a governmental agency which, if released, would give advantage to competitors and serve no public purpose, under Iowa Code § 22.7(6). In support of the motion, Frontier attaches the affidavit of corporate officer Allison Ellis, attesting to the competitively sensitive nature of the information in the report.

No objections to the motion were filed. Based on Frontier's motion and affidavit, the Board finds that the information qualifies as a report to a governmental agency which, if released, would give advantage to Frontier's competitors and serve no public purpose. The Board will hold the information confidential under the provisions of Iowa Code § 22.7(6) and 199 IAC 1.9. Because the Board has concluded the information should be held confidential pursuant to Iowa Code § 22.7(6), the Board will

not address the claim that the information should be held confidential pursuant to Iowa Code § 22.7(3).

IT IS THEREFORE ORDERED:

1. The motion for confidential treatment filed by Frontier Communications of America, Inc., on August 25, 2016, is granted as described in the body of this order.

2. The information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)(b)(3).

UTILITIES BOARD

/s/ Geri D. Huser

/s/ Elizabeth S. Jacobs

ATTEST:

/s/ Trisha M. Quijano
Executive Secretary, Designee

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 28th day of October 2016.