

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINTS OF HANCOCK COUNTY HEALTH SYSTEMS AND CAROLYN FRAHM	DOCKET NOS. FCU-2013-0005, FCU-2013-0007
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**ORDER GRANTING MOTIONS FOR CONFIDENTIAL TREATMENT
FILED SEPTEMBER 30, 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 Airus, Inc. (Airus), participated in Docket Nos. FCU-2013-0005 and FCU-2013-0007.

In ordering clause number 11 of the ALJ's order, Airus was directed to comply with the commitments it made in the course of the proceedings. Airus had committed to developing and implementing a call completion action plan and to providing the Board with quarterly progress reports containing a description of the progress Airus is making in meeting its commitments, details on any call completion problems reported to Airus, and steps the company has taken to resolve any problems.

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).

On September 30, 2016, Airus filed a quarterly report in each docket and separate motions for confidential treatment of the report. Airus provided public and confidential versions of the report.

Airus filed the motions for confidential treatment pursuant to Board rule 1.9(5)(a)(1) and (3). Airus explains that the report contains proprietary business information and trade secrets about the company's proposed solutions to call completion problems. Airus asserts that the company exercises reasonable care to maintain the secrecy of the information and release of the information to competitors or the public could harm the company's business operations.

Airus asserts that confidential treatment of the data 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 each motion, Airus attaches the affidavit of corporate officer Julie Oost who attests to the competitively sensitive nature of the information.

No objections to the motions were filed. Based on the motions and affidavits, the Board finds that the information in the quarterly report qualifies as a report to a governmental agency which, if released, would give advantage to Airus' 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 motions for confidential treatment filed by Airus, Inc., on September 30, 2016, are 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.