

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINT OF CAROLYN FRAHM	DOCKET NO. FCU-2013-0007
--	--------------------------

**ORDER GRANTING MOTION FOR CONFIDENTIAL TREATMENT
FILED AUGUST 29, 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 Windstream Iowa Communications, Inc. (Windstream), participated in Docket No. FCU-2013-0007.

In ordering clause number six of the ALJ's order, Windstream was directed to file with the Board copies of the call completion data relating to Iowa that the company reports to the Federal Communications Commission (FCC) on a quarterly basis. On August 29, 2016, Windstream filed with the Board copies of the Iowa data filed with the FCC and a motion for confidential treatment of the data. Windstream provided public and confidential versions of the reports.

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).

Windstream filed the motion for confidential treatment pursuant to Board rule 1.9(5)(a)(1) and (3). Windstream explains that its filing contains proprietary business information and trade secrets about the company's compliance with FCC requirements, including performance metrics established by Windstream and the company's remedial measures with respect to its intermediate carriers. Windstream 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 Windstream's business operations.

Windstream 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 the motion, Windstream attaches the affidavit of Windstream corporate officer Mr. Mike Shippey, who attests to the competitively sensitive nature of the information.

No objections to the motion were filed. Based on Windstream'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 Windstream'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 Windstream Iowa Communications, Inc., on August 29, 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.