

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: REHABILITATION CENTER OF ALLISON, IOWA, UNITYPOINT CLINIC FAMILY MEDICINE AT HUXLEY, f/k/a HUXLEY FAMILY PHYSICIANS, HANCOCK COUNTY HEALTH SYSTEMS, HELEN ADOLPHSON and CHARLOTTE SKALLERUP, DOUGLAS PALS, SUTHERLAND MERCY MEDICAL CLINIC	DOCKET NOS. FCU-2012-0019, FCU-2013-0004, FCU-2013-0005, FCU-2013-0006, FCU-2013-0009, FCU-2014-0007
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**ORDER GRANTING MOTION FOR CONFIDENTIAL TREATMENT
FILED SEPTEMBER 8, 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 Qwest Communications Company, LLC d/b/a CenturyLink QCC (CenturyLink), participated in six of the eight cases.

In ordering clause number six of the ALJ's order, CenturyLink was directed to file with the Board copies of the call completion data relating to Iowa the company reported to the Federal Communications Commission (FCC) on a quarterly basis.

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 8, 2016, CenturyLink filed copies of the Iowa data and a motion for confidential treatment of the data. CenturyLink provided data reported to the FCC for the second quarter of 2015 through the first quarter of 2016. CenturyLink provided public and confidential versions of the reports.

CenturyLink filed the motion for confidential treatment pursuant to Board rule 1.9(5)(a)(1) and (3). CenturyLink explains that its filing contains Iowa-specific data filed with the FCC relating to call completion statistics in the company's Iowa service territories. CenturyLink asserts that it protects the data from public disclosure because the data is competitively sensitive and, if released, could be used by competitors to their competitive advantage. CenturyLink states that the information was filed with the FCC on a confidential basis.

CenturyLink asserts that confidential treatment of the data is warranted under Iowa Code § 22.7(3) as a trade secret or under Iowa Code § 22.7(6) as a report to a governmental agency which, if released, would give advantage to competitors and serve no public purpose. In support of the motion, CenturyLink attaches the affidavit of Mr. Wayne Johnson, the company's State Regulatory Affairs Director, attesting to the fact that the information was filed in response to the ALJ's order and to the competitively-sensitive nature of the information.

No objections to the motion were filed. Based on CenturyLink'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 CenturyLink'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 Qwest Communications Company, d/b/a CenturyLink QCC, on September 8, 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.