

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>ARTI, LLC,</p> <p style="padding-left: 100px;">Complainant,</p> <p style="padding-left: 100px;">vs.</p> <p>MIDAMERICAN ENERGY COMPANY,</p> <p style="padding-left: 100px;">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-2014-0016 (C-2014-0145)</p>
---	---

**ORDER GRANTING IN PART AND DENYING IN PART APPLICATION FOR
RECONSIDERATION DATED AUGUST 6, 2015, LIFTING STAY, AND GRANTING
ALL OUTSTANDING CONFIDENTIALITY REQUESTS**

(Issued December 13, 2016)

On November 21, 2014, the Utilities Board (Board) issued an order opening a formal proceeding, Docket No. FCU-2014-0016, to address a complaint filed by Arti, LLC (Arti), against MidAmerican Energy Company (MidAmerican). The complaint involves the phase-in (PI) and equalization (E) rates charged by MidAmerican for electric service at the Arti facility. Arti originally filed a complaint through the Board's informal complaint proceeding. The informal complaint was identified as C-2014-0145.

On July 29, 2015, the Board issued an order granting in part and denying in part a request filed by Arti on May 18, 2015, to hold certain information in the prepared direct testimony and exhibits of Brubaker and Arons as confidential. On

July 31, 2015, the Board issued an order granting in part and denying in part a request filed by MidAmerican on June 19, 2015, to hold certain information in the prepared rebuttal testimony and exhibits of Rea and Czachura as confidential.

On August 6, 2015, Arti filed an application for reconsideration of the Board's July 29 and July 31, 2015, orders, a petition to stay the orders, and a motion for continuance of the hearing scheduled for August 18, 2015. After the August 6, 2015, pleading by Arti, the Board issued an order on August 10, 2015, granting in part and denying in part a request for confidential treatment filed July 24, 2015, by Arti. In addition to seeking reconsideration of the confidentiality orders, Arti also asked the Board to replace the November 21, 2014, docketing order with a "suitably redacted order."

On August 10, 2015, MidAmerican filed a response to Arti's August 6, 2015, pleading. In the response, MidAmerican states that it does not object to the application for reconsideration and the petition for an immediate stay. MidAmerican states that it will continue to hold the information at issue confidential pending the Board's decision and any court proceeding.

On August 12, 2015, the Board issued an order granting a stay of its previous orders regarding the confidentiality requests to allow the opportunity to complete its review of the issues raised by Arti. The Board also stated that it would review the application for reconsideration and issue an order addressing the issues raised in that application at a later date.

Since the stay was granted, Arti filed additional requests for confidentiality regarding the same information subject to the stay on September 8, September 11, September 24, October 20, October 26, and November 19, 2015, and April 11, 2016, that have not been addressed by a Board order. MidAmerican also filed confidentiality requests on September 8, September 18, September 25, October 26, and November 19, 2015, that are related to the same information subject to the stay and have not been addressed by a Board order.

On March 7, 2016, the Board issued its "Order Addressing Complaints" in this matter as well as a related docket, FCU-2015-0003. Arti requested reconsideration of that order on April 11, 2016, and the Board denied that request in its April 26, 2016, order. On May 23, 2016, the parties filed a joint notice stating that they would not seek judicial review of the March 7, 2016, order.

The Board has completed its review of Arti's August 6, 2015, application for reconsideration along with all of the subsequent confidentiality requests filed by Arti and MidAmerican. The Board believes that its disclosure of the information in its November 21, 2014, order docketing this case for formal proceedings does not negate Arti's claim for confidentiality for that same information. Arti and MidAmerican have undertaken reasonable efforts to maintain the confidentiality of that information throughout. The Board will therefore grant Arti's August 6, 2015, application for reconsideration of its prior confidentiality orders in this matter.

The information for which Arti seeks confidential treatment in all of the outstanding requests filed by Arti and MidAmerican includes customer specific rate,

billing, and usage information. Arti states that the information for which confidential treatment is requested is extremely sensitive information about Arti's business and operations. Arti states that it maintains this information on an extremely secure, confidential, and proprietary basis. MidAmerican likewise asserts the filings contain specific customer information related to customer billing statements, usage, and specific customer rate components. Both parties request the information be treated as confidential pursuant to Iowa Code § 22.7(3) as trade secrets and Iowa Code § 22.7(6) as a report to a government agency that, if released, would give advantage to competitors and serve no public purpose. Both parties filed the information as confidential through the Board's electronic filing system and filed affidavits of a corporate officer in support of each request.

The Board will grant all of the outstanding confidentiality requests in this docket in whole. Iowa Code § 22.7(6) provides that reports to a government agency which, if released, would give advantage to competitors and serve no public purpose may be kept confidential. The Board finds that the confidential materials detailed above meet the requirements of Iowa Code § 22.7(6) and should be protected from public disclosure. The information was filed with the Board in its electronic filing system and constitutes a report to a government agency. The disclosure of customer-specific rate, usage, and billing information could provide an advantage to competitors and would not serve a public purpose. The confidential information was separately filed and supported by affidavits from corporate officers as required by Board rules. The Board will therefore hold the information confidential pursuant to

Iowa Code § 22.7(6). Such information will be held confidential subject to the provisions of 199 IAC 1.9(8)(b)(3).

The Board notes that the filed information may also be confidential as a trade secret pursuant to Iowa Code § 22.7(3). However, because the Board finds the information should be held confidential under Iowa Code § 22.7(6), the Board does not reach the question of whether the information is a trade secret.

Arti also seeks the replacement of the Board's November 21, 2014, order with a suitably redacted version. Public records include "all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state." Iowa Code § 22.1(3)(a). Both Iowa Code § 22.7 and Board rule 199 IAC 1.9(5) contain provisions related to confidential materials. The Board's November 21, 2014, order, along with the record of that order within the Board's electronic filing system are public records. While the Board could amend the order with a subsequent filing, it cannot remove or otherwise redact the order from the electronic filing system. The Board must therefore deny Arti's application for reconsideration to the extent it asks the Board to replace the November 21, 2014, order with a "suitably redacted order."

Since the Board is addressing the request for reconsideration and granting the requests for confidentiality, the stay issued in the Board's August 12, 2015, order is no longer necessary. The Board will therefore lift the stay.

IT IS THEREFORE ORDERED:

1. The Application for Reconsideration filed by Arti, LLC, on August 6, 2015, is granted in part and denied in part as described in the body of this order.
2. The applications for confidential treatment filed by Arti, LLC, on May 18, July 24, September 8, September 11, September 24, October 20, October 26, and November 19, 2015, and April 11, 2016, are granted.
3. The applications for confidential treatment filed by MidAmerican Energy Company on June 19, September 8, September 18, September 25, October 26, and November 19, 2015 are granted.
4. The information shall be held confidential by the Utilities Board subject to the provisions of 199 IAC 1.9(8)(b)(3).
5. The stay granted in the Utilities Board's August 12, 2015, order is lifted.

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 13th day of December 2016.