

**Iowa Utilities Board Electronic Filing System
Best Practices Advisory
July 2, 2009**

This message is a "Best Practices" advisory regarding the IUB Electronic Filing System.

- **Item One** refers to identification of **confidential information**.
- **Item Two** refers to **signatures** in EFS documents.

This is also a reminder that IUB observes state holidays and will be closed on Friday, July 3, 2009. See the EFS home page <http://efs.iowa.gov> for a link to a list of state holidays.

Item One: The best way to identify confidential information when it is filed in EFS.

Board rule 199 IAC 14.12 relates to filing confidential information through the EFS and provides in relevant part as follows: "Each page of the confidential version of the document shall be marked in a way that identifies it as belonging to the confidential version of the document. The confidential material itself should be highlighted or otherwise distinguished on the page to identify what specific information is confidential."

This rule requires that the word "confidential" (or something similar) appear on every page of a document that contains confidential information. Some parties are not complying with that requirement. In some cases, Board staff has been adding a confidential stamp to confidential documents when they come in to remedy this deficiency, but that is getting to be an overly-burdensome task, so we are going to have to start rejecting filings that do not comply with this requirement. It is best if the confidential designation is visible both on the screen and in a printed version of the document.

The rule quoted above also requires that the confidential information within the document must be "highlighted or otherwise distinguished on the page" to identify it. This has also proven to be a problem at times.

For example, in a recent docket, some of the parties have filed prepared direct testimony that includes confidential information. Some of them did not identify each page as being part of the confidential version of their testimony, as described above. The issue that is of greater concern, however, is how the confidential data is distinguished on the page.

Specifically, some of the filings identified confidential material within the text of the testimony by placing "***" before and after the confidential text. Others identified confidential material within the text of the testimony by placing [BEGIN....] and [END...] around the confidential text. None of the filings shaded or highlighted the confidential text or data. While these filings may (or may not) technically be in compliance with the rule, the information is not readily identifiable as being confidential, which is the real intent of the rule.

These inconsistencies of the identification of confidential information within filings such as testimony or briefs could result in a situation where confidential information is inadvertently included in a publicly available memo or order. For example, if the "***" marking that identifies the start of confidential information is on page 3, and the

confidential information continues to page 5, it would be possible to inadvertently incorporate confidential information from page 4 into a publicly available memo or order. We simply do not have the resources available to scan the pages before and after every useful item of information to see if there are asterisks or brackets or other items of punctuation hiding on another page.

We are often able to determine what is confidential by comparing the confidential and public versions of documents, when they are both filed with us, but that is less than ideal and sometimes does not work at all. We think there is a better way.

So, we have developed a short "best practice" guide for identifying confidential information in filings in the EFS.

1. Put the word "confidential" on every single page of the document that contains confidential information, not just on the first page or only on the pages that actually contain confidential information. Filings that do not comply with this requirement may be rejected in the initial screening process. Make sure the word confidential is visible both on the screen and in the printed document.

2. All of the actual confidential information should be highlighted or shaded, preferably in light gray. In Microsoft Word, this can be done by highlighting the confidential information and using the "borders and shading" tool. In our testing, light gray shades print the best and seem to survive photocopying the best, at least when compared to yellow highlighting (which prints too light and barely copies at all) or darker shades (which can render the text illegible when photocopied). DO NOT use punctuation signs or text at the beginning and end of the confidential information to identify it; our experience indicates it does not work as well as shading.

For now, the shading advice is only a recommendation. After we have a year or so of experience with EFS, we anticipate proposing amended rules to reflect what we have learned from experience with the system. At that time you will be able to comment on the best way to address this and other, similar issues.

Item Two: Signatures on Documents in EFS:

A signature designation of "/s/ Name" is required per 199 IAC 14.13. Please do not submit documents with handwritten signatures. The rules for electronic filing say that all documents must be full-text searchable, whenever possible (199 IAC 14.5(7)). Documents containing handwritten signatures are often scanned and not word searchable. Additionally, for privacy reasons, the Board prefers not to post to the Internet documents showing a handwritten signature.