

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  IOWA-AMERICAN WATER COMPANY	DOCKET NO. RPU-2020-0001
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**ORDER ADDRESSING REQUESTS FOR CONFIDENTIAL TREATMENT**

**PROCEDURAL BACKGROUND**

On August 28, 2020, Iowa-American Water Company (Iowa-American) filed with the Utilities Board (Board) an application and proposed tariff requesting an increase in rates for water service. On June 28, 2021, the Board issued a final order addressing the request to increase rates. As part of the docket, Iowa-American filed three requests for confidential treatment that have not been previously addressed by the Board. The requests were filed on March 1, March 9, and August 27, 2021. The three requests for confidential treatment are addressed below.

**MARCH 1, 2021 REQUEST**

On February 26, 2021, the Board issued an order that addressed a request for confidential treatment filed by Iowa-American. Within the order, the Board stated information was filed confidentially by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, on December 17, 2020; however, at that time, Iowa-American had not requested confidential treatment of that specific information. The Board's February 26, 2021 order stated if Iowa-American desired confidential treatment, Iowa-American would need to file a request within five days of the date of the order.

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On March 1, 2021, Iowa-American filed an Application for Confidential Treatment requesting the information filed by OCA on December 17, 2020, be held confidential.

The information requested to be held confidential includes:

- a. OCA Kruger Direct Exhibit 2 (Confidential Version), IAWC's Response to OCA Data Request Nos. 45 and 78, which contain information related to the goals of and achievements attained by the Company's employees in connection with the Company's performance plans and the performance plan itself, provided as an additional response to IAWC's response to OCA Data Request 78;
- b. OCA Munoz Direct Exhibit 1 (Confidential Version), IAWC's Response to OCA Data Request No. 55, which contain rating agency reports; and
- c. OCA Munoz Direct Testimony (Confidential Version), pages 58 through 62, which discuss information from the credit rating agency reports included in Mr. Munoz's Direct Exhibit 1 (Confidential Version).

Iowa-American asserts the information should be held confidential pursuant to Iowa Code §§ 22.7(3) and (6) and 199 Iowa Administrative Code (IAC) 1.9(5)(a)(1) and (3) as trade secrets and as reports to the Board which, if released, would give advantage to competitors and serve no public purpose, respectively.

Iowa-American asserts the information filed confidentially is treated as highly confidential information by Iowa-American and its parent company, American Water Works Company (American Water). Iowa-American further asserts that due to American Water being a publicly traded company, any disclosure may require making the information publicly available pursuant to Securities and Exchange Commission rules.

Iowa-American states the performance plan documents should be held confidential because its competitors could use the information to "raid the Company's employee base," and potential acquisition partners could have a competitive advantage during negotiations. Additionally, Iowa-American states the detailed financial

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information discussed by rating agencies would give competitors and potential acquisition partners, who do not have access to the specific information, value resulting from the disclosure, if access was granted.

The Board will grant confidential treatment to the above information filed by OCA on December 17, 2020, pursuant to Iowa Code § 22.7(6) as a report to a government agency as public disclosure of the information would provide a competitive advantage to Iowa-American's competitors and potential acquisition partners and would serve no public purpose. The information also may constitute trade secrets pursuant to Iowa Code § 22.7(3); however, because the Board has found the information qualifies for confidential treatment pursuant to Iowa Code § 22.7(6), it is unnecessary to address whether it also constitutes trade secrets.

### **MARCH 9, 2021 REQUEST**

On March 9, 2021, Iowa-American filed a request for confidential treatment for: (1) American Water's 2019 Consolidated Federal Tax Returns; and (2) Iowa-American's 2019 Federal and State Tax Returns.

Iowa-American asserts the documents are permitted confidential treatment pursuant to Iowa Code § 422.20 and 199 IAC 1.9(5)(b)(1). Pursuant to 199 IAC 1.9(5)(b)(1), tax records submitted to the Board and required by the Board in the execution of its duties shall be held confidential; therefore, the Board will grant confidential treatment.

### **AUGUST 27, 2021 REQUEST**

On August 27, 2021, Iowa-American filed a compliance filing, which included a request for confidential treatment for: (1) Attachment B, the company's service line

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inventory for the Clinton system; and (2) Attachment C, the company's service line inventory for its Quad Cities system.

Iowa-American asserts the information should be held confidential pursuant to Iowa Code §§ 22.7(3) and (6) and 199 IAC 1.9(5)(a)(1) and (3) as trade secrets and as reports to the Board which, if released, would give advantage to competitors and serve no public purpose, respectively.

Iowa-American further asserts that the information includes customer-specific information and is treated as highly confidential. Iowa-American states, "Disclosure of the Confidential Information would allow anyone, no matter what their motives, to identify specific customers of Iowa-American and the composition and location of water lines serving those customers," in addition to raising security concerns and customers receiving unwanted solicitations. Iowa-American states similar information is deemed confidential under Board rules for gas and electric customers, and water customers also should be protected from disclosure. Lastly, Iowa-American states the information is competitively sensitive and could give suppliers and contractors an advantage in negotiations.

The Board will grant confidential treatment to the above information filed by Iowa-American on August 27, 2021, pursuant to Iowa Code § 22.7(6) as a report to the Board which, if released, would give advantage to competitors and serve no public purpose.

The information may also constitute trade secrets pursuant to Iowa Code § 22.7(3); however, because the Board has found the information qualifies for confidential treatment pursuant to Iowa Code § 22.7(6), it is unnecessary to address whether it also constitutes trade secrets.

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## ORDERING CLAUSES

### IT IS THEREFORE ORDERED:

1. Iowa-American Water Company's March 1, 2021 request for confidential treatment is granted.
2. Iowa-American Water Company's March 9, 2021 request for confidential treatment is granted.
3. Iowa-American Water Company's August 27, 2021 request for confidential treatment is granted.
4. The confidential information shall be subject to the provisions of 199 Iowa Administrative Code 1.9(8)(b).

## UTILITIES BOARD

**Geri Huser** Date: 2021.09.21  
22:15:19 -05'00'

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**Richard Lozier** Date: 2021.09.22  
17:22:38 -05'00'

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### ATTEST:

**Louis Vander Streek** Louis Vander Streek  
2021.09.23 15:13:50  
-05'00'

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**Josh Byrnes** Date: 2021.09.22  
12:32:56 -05'00'

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Dated at Des Moines, Iowa, this 23rd day of September, 2021.