

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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<p>IN RE:</p> <p>HAWKEYE LAND CO., RICK STICKLE, and CEDAR LAKE DEVELOPMENT CORPORATION,</p> <p style="text-align:center">Complainants,</p> <p style="text-align:center">v.</p> <p>ITC HOLDINGS CORP.,</p> <p style="text-align:center">Respondent.</p>	<p>DOCKET NO. FCU-2009-0006</p>
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**ORDER GRANTING REQUEST FOR CONFIDENTIALITY**

(Issued April 6, 2010)

On October 22, 2009, Hawkeye Land Co. and ITC Holdings Corp. (ITC) filed with the Utilities Board (Board) a joint request that certain exhibits be withheld from public inspection. In support of their request, the parties state that Exhibits 38, 40, and 42, filed with the request, contain information provided by ITC in the course of discovery and designated as confidential. The information for which confidential treatment is sought includes detailed descriptions of ITC's easement negotiation procedures, pricing information, and negotiation strategies that were developed by ITC, are specific to ITC, and are closely protected by ITC, making the information trade secrets pursuant to Iowa Code § 550.2(4). The exhibits also contain personal

information about landowners with whom ITC has entered into easement agreements.

ITC supported the request for confidentiality with an affidavit by a corporate officer and the material for which confidentiality was requested was filed separately. ITC cited Iowa Code §§ 22.7(3) and (6) (2009) as authority for confidential treatment of the data.

The information in question qualifies as a report to a government agency. Based upon the information supplied by ITC, release of such information serves no public purpose. Therefore, the Board will hold the information confidential pursuant to Iowa Code § 22.7(6).

The filed information may also be confidential as a trade secret pursuant to Iowa Code §§ 22.7(3) and 550.2(4). However, because the Board finds the information should be held confidential under § 22.7(6), the Board does not reach the question of whether the information is a trade secret or a communication not required by law.

**IT IS THEREFORE ORDERED:**

1. The joint request that certain exhibits be withheld from public inspection, filed in this docket by Hawkeye Land Co. and ITC Holdings Corp. on October 22, 2009, is granted.

2. The filed information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)"b"(3).

**UTILITIES BOARD**

/s/ Robert B. Berntsen

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 6<sup>th</sup> day of April 2010.