

DIVIDER
STATE OF NORTH DAKOTA
INFORMATION TECHNOLOGY DEPARTMENT
SFN 2053 (4-2002)

PU-314-00-289

6-9-2000

DESCRIPTION

U.S. West Communications
SB 2420 MTS
Tariff

Closed In 2002

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

U S WEST Communications, Inc.
SB 2420 MTS
Tariff

Case No. PU-314-00-289

U S WEST Communications, Inc.
SB 2420 Access Service
Tariff

Case No. PU-314-00-290

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **15th day of February, 2002**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Order

The envelope was addressed as follows:

Dan Kuntz
P O Box 1695
Bismarck ND 58502-1695
Cert. No. 7099 3220 0002 8483 1556

Sharon Helbling further deposes and says that on the **15th day of February, 2002**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Scott Macintosh
U S WEST
220 N 5th ST
Bismarck ND 58502-5508

22 PU-314-00-289

Pages: 2

Affidavit of Service

by Public Service Commission

02/15/2002

CC: Comm Legal Illona Pat .

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Sharon Helbling

Subscribed and sworn to before me
this **15th day of February, 2002.**

Sandra L. Scott

Notary Public

SEAL

SANDRA L. SCOTT
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 11, 2004

APPROVED

MOTION

DATE: 2-14-02
KME

February 14, 2002

**U S WEST Communications, Inc.
SB 2420 MTS
Tariff**

Case No. PU-314-00-289

**U S WEST Communications, Inc.
SB 2420 Access Service
Tariff**

Case No. PU-314-00-290

I move the Commission adopt the Order closing Case Nos. PU-314-00-289 and PU-314-00-290, U S WEST Communications, Inc.'s SB 2420 Message Toll Service and Access Service Tariffs.

JRL/sdh

21 PU-314-00-289

Pages: 1

Motion

by Public Service Commission

02/14/2002

CC: Comm Legal Ilona Pat .

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

U S WEST Communications, Inc.
SB2420 MTS
Tariff

Case No. PU-314-00-289

U S WEST Communications, Inc.
SB2420 Access Service
Tariff

Case No. PU-314-00-290

ORDER

February 14, 2001

On August 1, 1999, substantial changes to North Dakota's telecommunications laws took effect due to the enactment of Senate Bill 2420. One new subsection allows U S WEST Communications, Inc. (U S WEST) to raise the price of its local residential service to \$15.50 after July 31, 1999 (Phase I) and to \$18.00 after June 30, 2000 (Phase II). The law requires U S WEST to use the increased revenues from the residential price increase to reduce the price of access and intraLATA toll in a revenue neutral and competitively neutral manner.

On June 9, 2000, U S WEST filed Phase II revisions to its intraLATA toll price schedules, Case No. PU-314-00-289 as well as its access service price schedules, Case No. PU-314-00-290.

On June 27, 2000, U S WEST filed a report required under SB 2420 of the competitive and revenue neutrality of its toll and access price schedule revisions. The filing included an application for trade secret protection of confidential information in the report, which was responded to by Commission staff on July 6, 2000 and granted by the Commission on July 19, 2000.

On August 16, 2000, in Case Nos. PU-314-99-419 and PU-314-99-420, the Commission found that U S WEST had reasonably demonstrated the competitive and revenue neutrality of its Phase I price changes.

On November 7, 2001 U S West filed an application for trade secret protection of confidential information included in responses to Commission staff information requests. Staff responded on November 14, 2001 and trade secret protection was granted by the Commission on November 21, 2001.

20 **PU-314-00-289**

Pages: 2

Order closing cases

by Public Service Commission

02/14/2002

CC: Comm Legal Ilona Pat .

On January 10, 2002, Commission staff filed a memorandum indicating the results of its Phase II review. Based on actual first-year data provided by U S WEST, Staff concluded that revenues from Phase II increases appear to have been more than offset by decreases in toll and access rates and that those decreases have resulted in approximately equal percentage reductions in toll and access revenues.

The Commission finds that U S WEST has reasonably demonstrated that it has reduced the prices of intrastate intraLATA message toll service and intrastate switched access, as such prices existed on January 1, 1999, in aggregate by an annual amount not less than the annual revenue increases resulting from the local service price changes authorized under SB 2420.

The Commission finds that U S WEST has reasonably demonstrated that it has reduced the prices of intrastate intraLATA message toll service and intrastate switched access by similar percentages in a competitively neutral manner.


Order

The Commission Orders that Case Nos. PU-314-00-289 and PU-314-00-290 be closed.

PUBLIC SERVICE COMMISSION



Anthony T. Clark
Commissioner

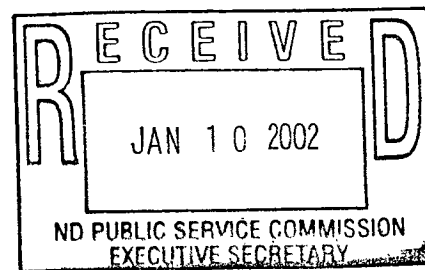


Susan E. Wefald
President

"ABSENT"

Leo M. Reinbold
Commissioner

MEMORANDUM



To: Commissioners Wefald, Reinbold and Clark
c. Jon Mielke, Legal, PUD

Fr: Jerry Lein

Da: January 10, 2002

Re: SB2420 Phase II Access and MTS Rate Rebalancing, Case Nos. PU-314-00-289 and PU-314-00-290.

SB 2420 required U S WEST (now Qwest) to file a report reasonably demonstrating that revenues from SB 2420 authorized increases in the price of local services were offset by competitively neutral equal percentage decreases in toll and access rates. Phase II rates have now been in effect since July 1, 2001. Based on actual first-year data it appears SB 2420 revenue increases have been offset by decreases in toll and access rates that have resulted in approximately equal percentage reductions in toll and access revenues.

Qwest filed its initial Phase II report on June 27, 2000. The report used forecasted sales volumes to project a Phase II first-year local service revenue increase of \$4,086,851 and an offsetting decrease in toll and access revenues of \$4,315,107. The projections included a reduction of approximately \$200,000 to offset estimated net revenue from the August, 1999 directory assistance price increases, as Qwest agreed to do when stipulating to dismiss the appeal in Case No. PU-314-98-229. The report projected approximately equal percentage decreases (19.52%) in revenues from toll and access services.

Staff discovered some numerical errors in the initial report and questioned the accuracy of Qwest's projections. In response to staff discovery requests, Qwest ~~West~~ provided corrections to the original report and a revised report based on actual customer volumes and usages for the first-year period July 2000 through June 2001.

The Commission has granted trade secret protection for the discovery responses such that actual numbers cannot be provided in this memo. However, based on the actual first-year numbers of customers and usage volumes reported by Qwest, it appears that revenues from SB 2420 Phase II increases and the August, 1999 directory assistance increase have been more than offset by decreases in toll and access rates that have resulted in approximately equal percentage reductions in toll and access revenues.

JRL

19 PU-314-00-289

Pages: 1

Report on SB2420 Phase II Access &
MTS Rate Rebalancing
by Public Service Commission by Jerry Lein

01/10/2002

CC: Comm Legal Ilona Pat.

19 PU-314-00-290

Pages: 1

Report on SB2420 Phase II Access &
MTS Rate Rebalancing
by Public Service Commission by Jerry Lein

01/10/2002

CC: Comm Legal Ilona Pat.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

U S WEST Communications, Inc.
SB 2420 MTS
Tariff

Case No. PU-314-00-289

U S WEST Communications, Inc.
SB 2420 Access Service
Tariff

Case No. PU-314-00-290

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **23rd day of November, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Order Granting Trade Secret Protection

The envelope was addressed as follows:

Dan Kuntz
P O Box 1695
Bismarck ND 58502-1695
Cert. No. 7099 3220 0002 8482 7726

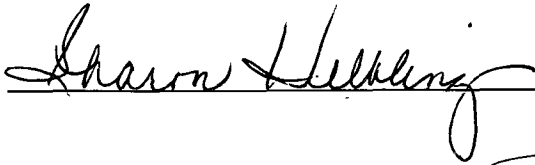
Sharon Helbling further deposes and says that on the **23rd day of November, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

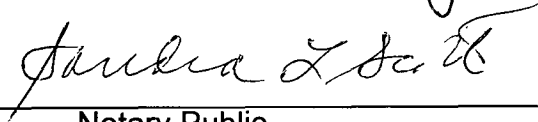
Scott Macintosh
U S WEST
220 N 5th ST
Bismarck ND 58502-5508

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **23rd day of November, 2001**.

SEAL





Notary Public

SANDRA L. SCOTT
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 11, 2004

APPROVED

MOTION

DATE: 11-21-01
KMF

November 21, 2001

**U S WEST Communications, Inc.
SB 2420 MTS
Tariff**

Case No. PU-314-00-289

**U S WEST Communications, Inc.
SB 2420 Access Service
Tariff**

Case No. PU-314-00-290

I move the Commission adopt the Order Granting Trade Secret Protection to U S WEST Communications, Inc. for certain information provided in response to staff discovery requests regarding SB 2420 message toll and access service price changes, Case Nos. PU-314-00-289 and PU-314-00-290.

JRL/sdh

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

U S WEST Communications, Inc.
SB2420 MTS
Tariff

Case No. PU-314-00-289

U S WEST Communications, Inc.
SB2420 Access Service
Tariff

Case No. PU-314-00-290

ORDER GRANTING TRADE SECRET PROTECTION

November 21, 2001

On November 8, 2001, Qwest Corporation f/k/a U S WEST Communications, Inc. (U S WEST) filed an application for a protective order limiting the disclosure of trade secret information included in U S WEST's response to Commission staff's request for information in these proceedings.

U S WEST provides the general description of the nature of the information sought to be protected as information regarding revenues from minutes for use for intraLATA toll and access services, as well as information regarding revenues from and numbers of residential customers for local exchange service. U S WEST notes the Commission issued an order granting trade secret protection for similar information in these proceedings on July 19, 2000.

U S WEST states that the information for which it seeks trade secret protection contains confidential and proprietary information regarding numbers of customers, number of toll and switched access minutes, and revenues derived from the sale of local exchange services, message toll service and wholesale access service. U S WEST states that the information is considered and treated by U S WEST to be confidential and proprietary and is not publicly disseminated. In a competitive telecommunications market place this information is highly sensitive and its public disclosure would place U S WEST at a significant competitive disadvantage.

U S WEST states that the information it seeks to protect is proprietary to U S WEST and is available only to those employees and representatives who have a need to know the information to perform their duties and responsibilities, and that it does not disclose this information outside the company except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information. U S WEST states that competitors or potential competitors would obtain economic value from the disclosure or use of the information.

16 **PU-314-00-289**

Pages: 2

Order Granting Trade Secret Protection

by Public Service Commission

11/21/2001

CC: Comm Legal Ilona Pat.

N.D.C.C. Section 47-25.1-01(4) defines "trade secret" as:

"Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:


- a. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by other persons who can obtain economic value from its disclosure or use; and
- b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

On September 13, 2001, Commission staff (Staff) filed its response to U S WEST's request for trade secret protection. Staff noted that the application deals with discovery responses that are not at this time a part of the Commission's official record in this docket, but may later become a part of the record. Staff believes the application satisfies the requirements of the law that allow the Commission to grant trade secret protection and recommended granting the application. Staff noted that the Commission's process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.

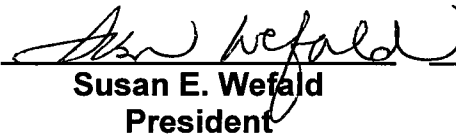
Order

The Commission Orders U S WEST's application for trade secret protection is GRANTED.

PUBLIC SERVICE COMMISSION



Anthony T. Clark
Commissioner



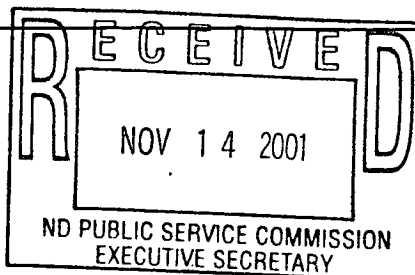
Susan E. Wefald
President



Leo M. Reinbold
Commissioner



Public Service Commission
State of North Dakota



COMMISSIONERS

Susan E. Wefald, President
Leo M. Reinbold
Anthony T. Clark

Executive Secretary
Jon H. Mielke

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
web: www.psc.state.nd.us
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

November 14, 2001

Mr. Jon H. Mielke
Public Service Commission
State Capitol
600 E. Blvd. Ave., Dept. 408
Bismarck, ND 58505-0480

Re: U S WEST Communications, Inc.
SB 2420 MTS and Access Service Tariffs
Case Nos. PU-314-00-289 and PU-314-00-290

Dear Mr. Mielke:

Enclosed for filing in the above references cases is the original and seven copies of **Staff Response to U S WEST's Application Requesting Trade Secret Protection for Response to Staff Information Request.**

Thank you.

Sincerely,

William W. Binek
Chief Counsel

WWB/sls
Enclosure

c: Daniel S. Kuntz, Attorney
John Munn, Attorney
Scott Macintosh

15 PU-314-00-289 Pages: 4

Staff Response to Application Requesting
Trade Secret Protection
by Public Service Commission

11/14/2001

CC: Comm Legal Illona Pat.

15 PU-314-00-290 Pages: 4

Staff Response to Application Requesting
Trade Secret Protection
by Public Service Commission

11/14/2001

CC: Comm Legal Illona Pat.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

U S WEST Communications, Inc.
SB2420 MTS
Tariff
U S WEST Communications, Inc.
SB2420 Access Service
Tariff

Case No. PU-314-00-289

Case No. PU-314-00-290

**STAFF RESPONSE TO U S WEST'S APPLICATION
REQUESTING TRADE SECRET PROTECTION FOR RESPONSE TO
STAFF INFORMATION REQUEST**

On November 8, 2001, U S WEST Communications, Inc. (U S WEST) filed an application for a protective order limiting the disclosure of trade secret information included in U S WEST's response to Commission staff's request for information in these proceedings.

U S WEST provides the general description of the nature of the information sought to be protected as information regarding revenues from minutes for use for intraLATA toll and access services, as well as information regarding revenues from and numbers of residential customers for local exchange service. U S WEST notes the Commission issued an order granting trade secret protection for similar information in these proceedings on July 19, 2000.

U S WEST states that the information for which it seeks trade secret protection contains confidential and proprietary information regarding numbers of customers, number of toll and switched access minutes, and revenues derived from the sale of local exchange services, message toll service and wholesale access service. U S WEST states that the information is considered and treated by U S WEST to be confidential and proprietary and is not publicly disseminated. In a competitive

telecommunications market place this information is highly sensitive and its public disclosure would place U S WEST at a significant competitive disadvantage.

U S WEST states that the information it seeks to protect is proprietary to U S WEST and is available only to those employees and representatives who have a need to know the information to perform their duties and responsibilities, and that it does not disclose this information outside the company except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information. U S WEST states that competitors or potential competitors would obtain economic value from the disclosure or use of the information.

Staff notes that this application deals with responses to discovery requests that are not at this time a part of the Commission's official record in the this docket, but may later become part of the record.

Staff believes that U S WEST's application satisfies the requirements of the law that allows the Commission to grant trade secret protection in this proceeding. The Commission's process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.

For reasons set forth above staff recommends that the Commission grant U S WEST's Application Requesting Trade Secret Protection in this case.

Dated November 13, 2001.


William W. Binek
Chief Counsel

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

U S WEST Communications, Inc.
SB 2420 MTS
Tariff

Case No. PU-314-99-289

U S WEST Communications, Inc.
SB 2420 Access Service
Tariff

Case No. PU-314-00-290

AFFIDAVIT OF SERVICE BY FIRST CLASS MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

Sandra L. Scott deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **14th day of November, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, **three** envelopes by regular mail, fully prepaid, securely sealed and each containing a photocopy of:

Staff Response to U S WEST's Application Requesting Trade Secret Protection for Response to Staff Information Request

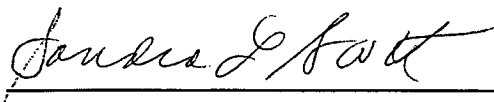
The envelopes were addressed as follows:

Dan Kuntz
P O Box 1695
Bismarck ND 58502-1695

John Munn
U S WEST
1801 California St Ste 5100
Denver CO 80202

Scott Macintosh
U S WEST
220 N 5th ST
Bismarck ND 58502-5508

Each address shown is the respective addressee's last reasonably ascertainable post office address.



Subscribed and sworn to before me
this **14th day of November, 2001**.



Notary Public

S E A L



ZUGER KIRMIS & SMITH

COUNSELORS AND ATTORNEYS AT LAW

Lyle W. Kirmis
Lance D. Schreiner, P.C.
James S. Hill, P.C.*^
Patrick J. Ward***^
Rebecca S. Thiem, P.C.*
Daniel S. Kuntz, P.C.
Brenda L. Blazer, P.C.
Jerry W. Evenson, P.C.^
Lawrence A. Dopson
Lawrence E. King, P.C.*
Tracy Vigness Kolb
Shawnda R. Reid
Constance N. Hofland

316 North Fifth Street
Provident Building
P.O. Box 1695
Bismarck, ND 58502-1695
(701) 223-2711
fax (701) 223-7387
zkslaw@zkslaw.com
www.zkslaw.com

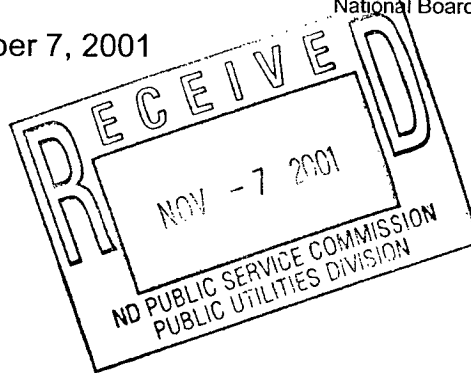
Of Counsel
John A. Zuger

Thomas O. Smith
1944-2001

Also licensed in
Minnesota *
Montana/Illinois **

^Certified Civil Trial Specialist
National Board of Trial Advocacy

November 7, 2001



Mr. Jon Mielke
Executive Secretary
ND Public Service Commission
State Capitol -- 12th Floor
Bismarck, ND 58505-0480

Re: Application for Trade Secret Protection -- Case Nos. PU-314-00-289 and PU-314-00-290

Dear Mr. Mielke:

Enclosed for filing are the original and seven copies of Qwest's Application Requesting Trade Secret Protection for confidential information included in Qwest's response to the Public Service Commission staff's request for information in these proceedings.

Please contact me if you have any questions regarding this filing.

Sincerely,

Daniel S. Kuntz

Enclosures

13 PU-314-00-289 Pages: 0
TRADE SECRET INFORMATION (filed in
PU-314-00-289 & PU-314-00-290)
by Qwest Corporation .wpd
11/08/2001 CC: Comm Legal Illona Pat .

13 PU-314-00-290 Pages: 0
TRADE SECRET INFORMATION (filed in
PU-314-00-289 & PU-314-00-290)
by Qwest Corporation
11/08/2001 CC: Comm Legal Illona Pat .

14 PU-314-00-289 Pages: 1
Cover letter re Trade Secret Application
by Qwest Corporation by Dan Kuntz, Attorney
11/08/2001 CC: Comm Legal Illona Pat .

14 PU-314-00-290 Pages: 1
Cover letter re Trade Secret Application
by Qwest Corporation by Dan Kuntz, Attorney
11/08/2001 CC: Comm Legal Illona Pat .

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Qwest Corporation
SB2420 MTS Tariff

Case No. PU-314-00-289

Qwest Corporation
SB2420 Access Service Tariff

Case No. PU-314-00-290

AN APPLICATION REQUESTING TRADE SECRET PROTECTION

Qwest Corporation ("Qwest") requests the North Dakota Public Service Commission, pursuant to Chapter 69-02-09 of the North Dakota Administrative Code, to issue a protective order limiting the disclosure of trade secret information included in Qwest's response to the Public Service Commission Staff's request for information in these proceedings.

A copy of the response containing the trade secret information is appropriately marked and submitted with this application for trade secret protection.

1. General Description of the Nature of the Information Sought to be Protected.

The response to the Staff request includes trade secret information regarding revenues from minutes for use for intraLATA toll and access services, as well as information regarding revenues from and numbers of residential customers for local exchange service. The Public Service Commission issued an order granting trade secret protection for similar information in these proceedings on July 19, 2000.

2. An Explanation of Why the Information Derives Independent Economic Value, Actual or Potential, From Not Being Generally Known to Other Persons.

The information for which Qwest seeks trade secret protection contains confidential and proprietary information regarding numbers of customers, number of toll and switched access minutes, and revenues derived from the sale of local exchange services, message toll service and wholesale access service. This information is considered and treated by Qwest to be confidential and proprietary and is not publicly disseminated. In a competitive telecommunications market place, this type of information is highly sensitive and its public disclosure would place Qwest at a significant competitive disadvantage. The Public Service Commission recognized the confidential and proprietary nature of this information in its prior order granting Qwest's trade secret application for the information.

3. An Explanation of Why the Information is Not Readily Available by Proper Means to Other Parties.

The information at issue is highly proprietary to Qwest and is available only to those employees and representatives who have a need to know the information to perform their duties and responsibilities. Qwest does not disclose this information outside the company except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information.

4. The General Description of the Persons or Entities that Would Obtain Economic Value from Disclosure or Use of the Information.

Competitors or potential competitors of Qwest that provide local exchange service and message toll service would obtain economic value from disclosure or use of the information.

5. A Specific Description of Known Competitors or Competitor's Goods and Services that are Pertinent to the Information.

Competitors and potential competitors of Qwest in North Dakota include AT&T, McLeod Telemanagement, Inc., Consolidated Communications Network, Sprint Corporation, and any other provider of telecommunications services in North Dakota or any of the other states in which Qwest operates.

6. A Description of the Efforts Used to Maintain the Secrecy of the Information.

See No. 3 above.

Dated this 7th day of November, 2001.

Respectfully submitted,

By: 

Daniel S. Kuntz (ID #03490)
Zuger Kirmis & Smith
P.O. Box 1695
Bismarck, ND 58502-1695
(701)223-2711

Attorneys for Qwest Corporation



Public Service Commission
State of North Dakota

COMMISSIONERS

Susan E. Wefald, President
Leo M. Reinbold
Anthony T. Clark

Executive Secretary
Jon H. Mielke

October 8, 2001

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
web: www.psc.state.nd.us
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

Mr. Scott A. McIntosh
Quest Corporation Communications, Inc.
220 N. 5th St.
Bismarck, North Dakota 58502-5508

Re: Information Request: SB 2420 MTS and Access Service Tariffs,
Case Nos. PU-314-00-289 and PU-314-00-290

Dear Mr. McIntosh:

In order to complete our review of U S WEST's tariff filings in the above captioned proceedings, Commission Staff requests the following information:

1. Please provide the actual number of North Dakota customers subscribed to each of the services assigned Stage 2 price increases at the beginning of each month during the period June 1, 1999 through June 1, 2002. To be clear, this request is for monthly recreations of the fourth column entitled "IFT Present Monthly QTY" in attachment 1 of the confidential work papers for which trade secret protection was granted.
2. Please provide North Dakota total actual Minutes Of Use (MOU) separately for business and residential intraLATA Message Toll Service (MTS) for each month during the period May, 1999 through May, 2002.
3. Please provide North Dakota total actual Minutes Of Use (MOU) for switched access for each month during the period May, 1999 through May, 2002.
4. There appears to be an inconsistency in the average rate per minute for MTS used in the trade secret protected work papers discussed in request #1 above. Please provide complete work papers detailing calculations with sources for all data relied upon when determining the average rate per minute for MTS prior to implementing SB 2420 stage 2 rates.

If you have any questions or are unable to provide the information requested within ten business days, please let me know.

Sincerely,

Jerry Lein, Public Utility Analyst
701 328-1035

11 PU-314-00-289

Pages: 1

Request for Information

by Public Service Commission

10/08/2001

CC: Comm Legal Illona Pat.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

U S WEST Communications, Inc.
SB 2420 Residential Price Changes
Tariff

Case No. PU-314-00-284

U S WEST Communications, Inc.
SB 2420 MTS
Tariff

Case No. PU-314-99-289

U S WEST Communications, Inc.
SB 2420 Access Service
Tariff

Case No. PU-314-00-290

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **20th day of July, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Order Granting Trade Secret Protection

The envelopes were addressed as follows:

Dan Kuntz
P O Box 1695
Bismarck ND 58502-1695

John Munn
U S WEST
1801 California St Ste 5100
Denver CO 80202

Cert. No. 7099 3220 0002 8476 8296

Cert. No. 7099 3220 0002 8476 8302

Sharon Helbling further deposes and says that on the **20th day of July, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

10 PU-314-00-289

Pages: 2

07/20/2000

Public Service Commission

Affidavit of Service by Certified Mail

CC: Comm Legal Ilona Pat .

Judy Pepler
U S WEST
220 N 5th St
Bismarck ND 58502-5508

Scott Macintosh
U S WEST
220 N 5th ST
Bismarck ND 58502-5508

Each address shown is the respective addressee's last reasonably ascertainable post office address.

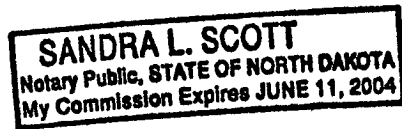
Subscribed and sworn to before me
this **20th day of July, 2000.**

Sharon Helbling

Sandra L Scott

Notary Public

SEAL



PU-314-00-289

Copies To:

State Library (8 copies)

Historical Society

Associated Press

MOTION

July 19, 2000

**U S WEST Communications, Inc.
SB 2420 Residential Price Changes
Tariff**

Case No. PU-314-00-284

**U S WEST Communications, Inc.
SB 2420 MTS
Tariff**

Case No. PU-314-00-289

**U S WEST Communications, Inc.
SB 2420 Access Service
Tariff**

Case No. PU-314-00-290

I move the Commission adopt the Order Granting Trade Secret Protection to U
S WEST Communications, Inc. for information filed in support of its SB 2420 2000
Price Changes, Case Nos PU-314-00-284, PU-314-00-289 and PU-314-00-290.

JRL/sdh

000289-3.doc

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**U S WEST Communications, Inc.
SB 2420 Residential Price Changes
Tariff**

Case No. PU-314-00-284

**U S WEST Communications, Inc.
SB 2420 MTS
Tariff**

Case No. PU-314-00-289

**U S WEST Communications, Inc.
SB 2420 Access Service
Tariff**

Case No. PU-314-00-290

ORDER GRANTING TRADE SECRET PROTECTION

July 19, 2000

On June 27, 2000, U S WEST Communications, Inc. (U S WEST) filed an application for a protective order limiting the disclosure of trade secret information filed in the captioned proceedings. U S WEST seeks trade secret protection for the report required by Senate Bill 2420 reasonably demonstrating the revenue neutrality of the new price schedules for residential local exchange service.

U S WEST states that the information it seeks to protect contains confidential and proprietary information which includes the minutes of use for intraLATA toll and access and/or information that would allow a person to calculate this information. Additionally, the documents contain confidential and proprietary information regarding numbers of customers, or information that would allow someone to derive this information. U S WEST states that in a competitive telecommunications market place, this type of information is highly sensitive and that its public disclosure would place U S WEST at a significant competitive disadvantage.

U S WEST states that the information it seeks to protect is proprietary to U S WEST and is available only to those employees and representatives who have a need to know the information to perform their duties and responsibilities, and that it does not disclose this information outside the company except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information. U S WEST states that competitors or potential competitors would obtain economic value from the disclosure or use of the information.

8 **PU-314-00-289** Pages: 2
07/19/2000
Public Service Commission
Order Granting Trade Secret Protection

CC: Comm Legal Illona Pat .

On July 6, 2000, Commission Staff responded that it believes the application satisfies the requirements of law which allow the Commission to grant trade secret protection. Staff noted that the Commission's rules and process provide a means for interested parties to review trade secret documents upon signing a nondisclosure agreement. Staff recommended approval of U S WEST's application for trade secret protection in these cases.

N.D. Admin. Code § 69-02-09-04 identifies the procedure to be followed for trade secret requests, and requires that the "commission staff examine the information and application and make a prima facie recommendation of whether the information is relevant and a trade secret under the definition of trade secret in North Dakota Century Code section 47-25.1-01."

N.D.C.C. § 47-25.1-01(4) defines the term "trade secret" as follows:

"Trade secret' means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

- a. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

We find that the information for which trade secret protection is requested is relevant to the proceedings and that the information is trade secret.

Order

The Commission orders that the application of U S WEST for trade secret protection is GRANTED.

PUBLIC SERVICE COMMISSION



Susan E. Wefald Bruce Hagen Leo M. Reinbold
Commissioner President Commissioner



Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

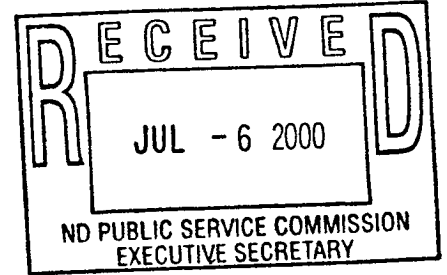
COMMISSIONERS

Bruce Hagen
President
Susan E. Wefald
Leo M. Reinbold

July 6, 2000

Executive Secretary
Jon H. Mielke

Mr. Jon H. Mielke
Public Service Commission
600 E Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480



RE: **U S WEST Communications, Inc.**
SB 2420 Residential Price Changes, MTS
and Access Service Tariffs
Case No. PU-314-00-284, PU-314-00-289 and PU-314-00-290

Dear Jon:

Enclosed for filing in the above referenced cases is the original and seven copies of the Staff Response to Application Requesting Trade Secret Protection.

Thank you.

Sincerely,

William W. Binek
Chief Counsel

WWBsIs
Enclosure

C: Daniel S. Kuntz, Attorney
John Munn, Attorney
Judy Peppler
Scott Macintosh

7 **PU-314-00-284**
07/06/2000
Public Service Commission
Letter re Staff Response

7 **PU-314-00-289**
07/06/2000
Public Service Commission
Letter re Staff Response

7 **PU-314-00-290**
07/06/2000
Public Service Commission
Letter re Staff Response

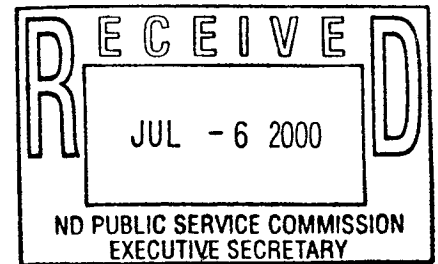
Pages: 1

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CC: Comm L

CC: Comm Legal Ilona Pat .

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



U S WEST Communications, Inc.
SB 2420 Residential Price Changes
Tariff

Case No. PU-314-00-284

U S WEST Communications, Inc.
SB 2420 MTS
Tariff

Case No. PU-314-00-289

U S WEST Communications, Inc.
SB 2420 Access Service
Tariff

Case No. PU-314-00-290

STAFF RESPONSE TO APPLICATION REQUESTING
TRADE SECRET PROTECTION

On June 27, 2000, U S WEST Communications, Inc. (U S WEST) filed an application for a protective order limiting the disclosure of trade secret information filed in these proceedings. U S WEST seeks trade secret protection for the report required by Senate Bill 2420 reasonably demonstrating the revenue neutrality of the new price schedules for residential local exchange service.

U S WEST states that the information it seeks to protect contains confidential and proprietary information which includes the minutes of use for intraLATA toll and access and/or information that would allow a person to calculate this information. Additionally, the documents contain confidential and proprietary information regarding numbers of customers, or information that would allow someone to derive this information. U S WEST states that in a competitive telecommunications market place, this type of information is highly sensitive and that its public disclosure would place U S WEST at a significant competitive disadvantage.

6 **PU-314-00-284** Pages: 6
07/06/2000
Public Service Commission by Wm. Binek,
Staff Response to Application Requesting
Trade Secret Protection
CC: Comm Legal Illon:

6 **PU-314-00-289** Pages: 6
07/06/2000
Public Service Commission by \\\
Staff Response to Application R
Trade Secret Protection
CC: Com

6 **PU-314-00-290** Pages: 2
07/06/2000
Public Service Commission by Wm. Binek, Ch:
Staff Response to Application Requesting
Trade Secret Protection
CC: Comm Legal Illona Pat

U S WEST states that the information it seeks to protect is proprietary to U S WEST and is available only to those employees and representatives who have a need to know the information to perform their duties and responsibilities, and that it does not disclose this information outside the company except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information. U S WEST states that competitors or potential competitors would obtain economic value from the disclosure or use of the information.

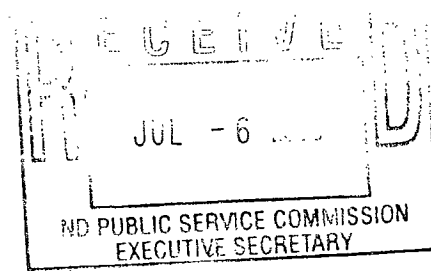
Staff believes that U S WEST's application satisfies the requirements of the law which allows the Commission to grant trade secret protection in these proceedings. The Commission's process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.

Staff recommends that the Commission grant U S WEST's Application Requesting Trade Secret Protection in these cases.

Dated July 6, 2000.



William W. Binek
Chief Counsel



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

U S WEST Communications, Inc.
SB 2420 Residential Price Changes
Tariff

Case No. PU-314-00-284

U S WEST Communications, Inc.
SB 2420 MTS
Tariff

Case No. PU-314-00-289

U S WEST Communications, Inc.
SB 2420 Access Service
Tariff

Case No. PU-314-00-290

AFFIDAVIT OF SERVICE BY ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sandra L. Scott deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **6th day of July, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, 4 envelopes with first class postage, fully prepaid, securely sealed and each containing a photocopy of:

Staff Response to Application Requesting Trade Secret Protection

The envelopes were addressed as follows:

Scott Macintosh
U S WEST
220 N 5th ST
Bismarck ND 58502-5508

Daniel S Kuntz
Attorney at Law
P O Box 1695
Bismarck ND 58502-1695

John Munn
U S WEST
1801 California St Ste 1500
Denver CO 80202

Judy Peppler
U S WEST
220 N 5th St
Bismarck ND 58502-5508

5 **PU-314-00-284**
07/06/2000
Public Service Commission
Affidavit of Service by Regular Mail

5 **PU-314-00-289**
07/06/2000
Public Service Commission
Affidavit of Service by Regular Mail

F 5 **PU-314-00-290**
07/06/2000
Public Service Commission
Affidavit of Service by Regular Mail

Pages: 2

CC: Comm L

CC: Comm Le

CC: Comm Legal Ilona Pat .

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Amanda L. Scott

Subscribed and sworn to before me
this 6th day of July, 2000.

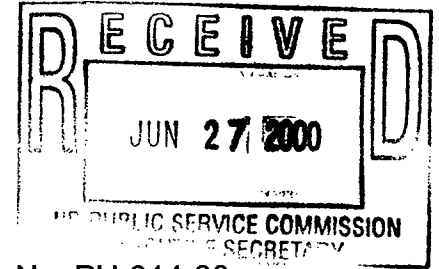
Susan K. Richter

Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



U S WEST Communications, Inc.
Report Reasonably Demonstrating Revenue Neutrality

Case No. PU-314-00_____

AN APPLICATION REQUESTING TRADE SECRET PROTECTION

U S WEST Communications, Inc. ("U S WEST") requests the North Dakota Public Service Commission, pursuant to Chapter 69-02-09 of the North Dakota Administrative Code, to issue a protective order limiting the disclosure of the trade secret information filed contemporaneously with this pleading which is the report required by Senate Bill 2420 reasonably demonstrating the revenue neutrality of the new price schedules for residential local exchange service. Copies of the documents containing the trade secret information have been appropriately marked and submitted in sealed envelopes contemporaneously with this filing.

1. General Description of the Nature of the Information Sought to be Protected.

The document subject to this application is the report required by Senate Bill 2420 reasonably demonstrating the revenue neutrality of the new price schedules for residential local exchange service.

2. An Explanation of Why the Information Derives Independent Economic Value, Actual or Potential, From Not Being Generally Known to Other Persons.

The purpose of this filing is to reasonably demonstrate the revenue neutrality of the price increase to residential local exchange service. The information for which U S WEST seeks trade secret protection contains confidential and proprietary information which includes the minutes of use for intraLATA toll and access and/or information that would

3 **PU-314-00-289**
06/27/2000
U S WEST Communications
Application Requesting Trade Sec

CC: Comm

3 **PU-314-00-290**
06/27/2000
U S WEST Communications
Application Requesting Trade Sec

CC: Comm

3 **PU-314-00-284**
06/27/2000
U S WEST Communications
Application Requesting Trade Secret Protection

CC: Comm Legal Ilona Pat .

Pages: 3

allow a person to calculate this information. Additionally, the documents contain confidential and proprietary information regarding numbers of customers, or information that would allow someone to derive this information. This information is considered and treated by U S WEST to be confidential and proprietary and is not publicly disseminated. In a competitive marketplace, this type of information is highly sensitive and its public disclosure would place U S WEST at a significant competitive disadvantage.

3. An Explanation of Why the Information is Not Readily Available by Proper Means to Other Parties.

Information regarding U S WEST's minutes of use and numbers of customers is highly proprietary and available only to those employees and representatives who have a need to know the information to perform their duties and responsibilities. U S WEST does not disclose this information outside the company except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information.

4. The General Description of the Persons or Entities that Would Obtain Economic Value from Disclosure or Use of the Information.

Competitors or potential competitors of U S WEST would obtain economic value from disclosure or use of the information.

5. A Specific Description of Known Competitors or Competitor's Goods and Services that are Pertinent to the Tariff or Rate Filing.

Competitors and potential competitors of U S WEST in North Dakota include AT&T, MCI Communications, Inc., McLeod Telemanagement, Inc., Ideacon Telecom Group, LLC, Excel Telecommunications and any other provider of telecommunications services in North Dakota or any of the other states in which U S WEST operates.

6. A Description of the Efforts Used to Maintain the Secrecy of the Information.

See No. 3 above.

Dated this 27th day of June, 2000.

Respectfully submitted,

By 

Daniel S. Kuntz (ID#03490)
Zuger Kirmis & Smith
P.O. Box 1695
Bismarck, ND 58502-1695
(701)223-2711

John Munn
1801 California Street, Suite 5100
Denver, CO 80202
303-672-5823

Attorneys for U S WEST Communications, Inc.

kac:\dkuntz\6062\app.ts

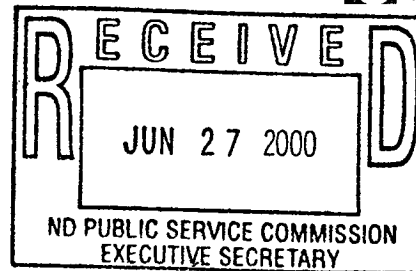
U S WEST
220 North Fifth Street
Bismarck, ND 58501
(701) 222-6833

Scott A. Macintosh
Director-Regulatory Affairs

June 27, 2000

Executive Secretary
N.D. Public Service Commission
600 E. Boulevard Ave-12th Floor
Bismarck, ND 58505-0480

USWEST
life's better here®



On June 9, 2000, U S WEST filed new price schedules for residential local exchange service, switched access, and message toll service associated with the second phase of changes allowed by SB 2420. As in the first phase, new revenue realized by any increases to the price of local exchange service is to be applied as decreases to the prices of message toll service and switched access. SB 2420 also requires U S WEST to file a report with the Commission reasonably demonstrating the revenue neutrality of these price changes. An original and seven (7) copies of the report are enclosed with this letter. U S WEST has followed the same procedure as used in the first phase to assure revenue neutrality. Details of the calculations appear in the report. These calculations include the determination of:

- Amount of new revenue generated by residential local exchange rate changes.
- Amount of required reductions.
- Effect of revenue reductions on the Average Per Minute Rates (APMR) of message toll service and switched access.

Proprietary trade secret information has been redacted from the attached copy of the report available for public review. A separate copy of the report containing the proprietary trade secret information is being filed with an application for trade secret protection pursuant to Commission rules.

If you have further questions after review of this material please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Scott A. Macintosh".

Scott A. Macintosh

Enclosures

4 **PU-314-00-284** Pages: 3
06/27/2000
U S WEST Communications
Summary of SB 2420 Rebalancing

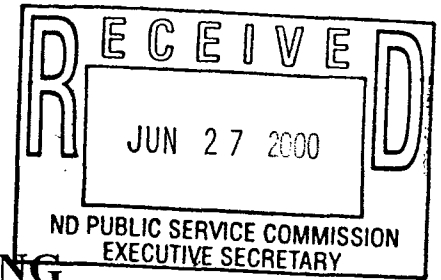
4 **PU-314-00-289** Pages: 3
06/27/2000
U S WEST Communications
Summary of SB 2420 Rebalancing

CC: Comm Legal Ilona Pat .



4 **PU-314-00-290** Pages: 3
06/27/2000
U S WEST Communications
Summary of SB 2420 Rebalancing

CC: Comm Legal Ilona Pat .



U S WEST
SUMMARY OF SB 2420 REBALANCING
June 27, 2000

The determination of revenue neutrality is based on the following calculations:

1. Amount of new revenue generated by increases in prices of residential local exchange service = \$4,086,851. (See Attachment 1. for detail of revenue calculation.)
2. Amount of revenue generated by intraLATA toll and switched access based on present rates = \$20,916,916 (Minutes of Use X Avg. Per Minute Rate = Total Revenue)

Toll

Switched Access

NOTE: Minutes of use based on annualizing actual data from a test period of November 99 through January 2000 for both access and toll.

3. Required reduction in toll and switched access revenues after rebalancing:
 $\$4,086,851 \div \$20,936,091 = 19.52\%$
4. Determination of actual new average per minute rates (APMR) for toll and switched access: (New Revenue \div MOU=APMR)

Toll

Access

NOTE: See Attachments 2.& 3. for detail of actual revenues and minutes of use. Actual changes in toll include reductions in excess of those required for rebalancing.

5. Actual reduction in APMR for toll and switched access after rebalancing:

Switched Access		Toll	
Total Reduction	\$ 2,864,516**	Total Reduction	\$ 1,450,591
Required Reduction	\$ 2,654,547	Required Reduction	\$ 1,432,178
Difference	+\$ 209,969	Difference	+\$ 18,413

**Total reduction includes approximately \$200,000 which is the estimated net revenue increase resulting from the DA price changes made in August 1999.

2 **PU-314-00-289** Pages: 0
06/27/2000
U S WEST Communications
Trade Secret Information

CC: Comm Legal Illona Pat .

2 **PU-314-00-290** Pages: 0
06/27/2000
U S WEST Communications
Trade Secret Information

CC: Comm Legal Illona Pat .

2 **PU-314-00-284** Pages: 0
06/27/2000
U S WEST Communications
Trade Secret Information

CC: Comm Legal Illona Pat .

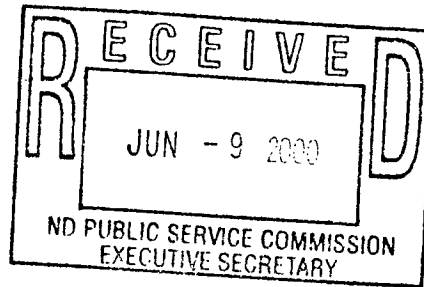
U S WEST
220 North 5th Street
Bismarck, ND 58501

(701) 222-6833

USWEST

Scott A. Macintosh
Director-Regulatory Affairs

June 9, 2000



Executive Secretary
Public Service Commission
State Capitol
Bismarck, North Dakota 58505-0480

Attached for filing with the Commission are an original and one copy of the North Dakota Exchange and Network Services Price Schedule and Access Service Price Schedule.

SB 2420, passed by the 1999 Legislature calls for rebalancing of rates for residential local service, intraLATA toll and switched access. This filing contains the price changes necessary to accomplish Phase II of the rebalancing allowed by SB 2420. SB 2420 also requires that U S WEST file a report reasonably demonstrating the revenue and competitive neutrality of these price changes. That report will be filed under separate cover.

We have shown July 1, 2000 as the effective date. We would appreciate acknowledgment of receipt of this filing. An additional copy of this transmittal letter and a self-addressed, stamped envelope, are enclosed. Please date stamp the copy and return it to USWC.

Sincerely,

S. A. Macintosh

Attachments



1 **PU-314-00-289**
06/09/2000
U S WEST Communications
SB 2420 MTS tariff filing

Pages: 6

CC: Comm Legal Ilona Pat .

ADDITIONAL INFORMATION FOR TELECOMMUNICATIONS FILING

I. Description of Service Affected:

- Single party, two party and four party residential service will be increased statewide to \$18.00. Additional lines will be \$15.50
- The fixed monthly charge for residential measured service will be increased statewide to \$13.00.
- Measured Service usage charges decrease to \$.05 initial minute and \$.01 for each additional minute of use for all calls.
- Res/Bus Combination service will be \$18.00 statewide.
- The average per minute rate for intraLATA toll will be lowered from \$.1695 to \$.1238.
- The average per minute rate for switched access will be lowered from \$.060101 to \$.047439.

II. Value/Benefit to Customer:

- Customers will benefit from lowered toll rates.
- IXC customers will benefit from substantially lowered access rates.
- All rate changes will be done on a revenue neutral basis.

III. Proposed Effective Date of Service:

U S WEST proposes to make this change effective July 1, 2000.

U S WEST COMMUNICATIONS

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EXCHANGE AND NETWORK SERVICES		
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5	153	5
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ACCESS SERVICE		
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6	110.1	3
6	110.2	3
6	114	4
6	115	4
15	7	4
15	8	4

U S WEST COMMUNICATIONS, INC.
Exchange and Network Services
Price Schedule

State of North Dakota
Effective: 7-1-2000

SECTION 6
Page 9
Release 6

6. MESSAGE TELECOMMUNICATION SERVICE

6.2 STANDARD SERVICE OFFERINGS

6.2.1 TWO-POINT MESSAGE TELECOMMUNICATION SERVICE (Cont'd)

D. Charge Determination

1. For basic MTS calls, the charge is determined by the:

- Date
- Time of day and day of week
- Duration of call
- Class of call

2. MTS charges apply as follows:

- **RESIDENCE** - Applies to customer-dialed station-to-station calls

DAY RATE PER MINUTE	EVENING AND NIGHT/WEEKEND RATE PER MINUTE
\$0.20 (R)	\$0.09 (R)

- **BUSINESS** - Applies to customer-dialed station-to-station calls

DAY RATE PER MINUTE	EVENING AND NIGHT/WEEKEND RATE PER MINUTE
\$0.20 (R)	\$0.09 (R)

- **MISCELLANEOUS** - Applies to operator-assisted calls (including mechanized calling card) and all alternately billed calls including calls placed from Public Access Lines. This charge also applies where billing capabilities do not exist to separately identify residence and business customer-dialed station-to-station calls.

DAY RATE PER MINUTE	EVENING AND NIGHT/WEEKEND RATE PER MINUTE
\$0.30	\$0.30

U S WEST COMMUNICATIONS, INC.
Exchange and Network Services
Price Schedule

State of North Dakota
 Effective: ~~8-20-99~~ 7-1-2000

SECTION 6
 Page 9
 Release 86

6. MESSAGE TELECOMMUNICATION SERVICE

6.2 STANDARD SERVICE OFFERINGS

6.2.1 TWO-POINT MESSAGE TELECOMMUNICATION SERVICE (Cont'd)

D. Charge Determination

1. For basic MTS calls, the charge is determined by the:

- Date
- Time of day and day of week
- Duration of call
- Class of call

2. MTS charges apply as follows:

- **RESIDENCE** - Applies to customer-dialed station-to-station calls

DAY RATE PER MINUTE	EVENING AND NIGHT/WEEKEND RATE PER MINUTE
0.20 (R) \$0.26	0.09 (R) \$0.13

- **BUSINESS** - Applies to customer-dialed station-to-station calls

DAY RATE PER MINUTE	EVENING AND NIGHT/WEEKEND RATE PER MINUTE
0.20 (R) \$0.26	0.09 (R) \$0.13

- **MISCELLANEOUS** - Applies to operator-assisted calls (including mechanized calling card) and all alternately billed calls including calls placed from Public Access Lines. This charge also applies where billing capabilities do not exist to separately identify residence and business customer-dialed station-to-station calls.

DAY RATE PER MINUTE	EVENING AND NIGHT/WEEKEND RATE PER MINUTE
\$0.30	\$0.30

(C)
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(C-M)

(M) ~~Material moved from Page 10.~~