

# DIVIDER

STATE OF NORTH DAKOTA

INFORMATION TECHNOLOGY DEPARTMENT

SFN 2053 (4-2002)

**PU-07-595**

**ALLTEL Communications, Inc.**

**2007 High-Cost Universal Service Support**

**Annual Report**

**Filed 8/1/2007**

**Closed 3/13/2008**

07

19 **PU-07-595** Filed: 10/14/2009 Pages: 1  
**Note to File – Trades Secret Documents have been Shredded**

Public Service Commission Staff

John Hamre

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

<b>Badlands Cellular of North Dakota Limited Partnership 2007 High-Cost Universal Service Support Annual Report</b>	<b>Case No. PU-07-587</b>
<b>North Dakota RSA No. 3 Limited Partnership 2007 High-Cost Universal Service Support Annual Report</b>	<b>Case No. PU-07-588</b>
<b>North Central RSA 2 ND Limited Partnership 2007 High-Cost Universal Service Support Annual Report</b>	<b>Case No. PU-07-590</b>
<b>North Dakota 5 – Kidder Limited Partnership</b>	<b>Case No. PU-07-591</b>
<b>Northwest Dakota Cellular of North Dakota Limited Partnership</b>	<b>Case No. PU-07-592</b>
<b>Bismarck MSA Limited Partnership</b>	<b>Case No. PU-07-593</b>
<b>ALLTEL Communications, Inc. 2007 High-Cost Universal Service Support Annual Report</b>	<b>Case No. PU-07-595</b>

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Peggy Vaagen** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **20<sup>th</sup> day of March, 2008**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing photocopies of:

**Order Granting Trade Secret Protection**

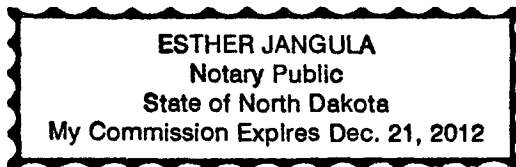
The envelope was addressed as follows:

Mark Ayotte, Attorney  
Briggs and Morgan, P.A.  
2200 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, MN 55402  
Cert. No. 7007 2560 0001 6050 7374

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

Subscribed and sworn to before me  
this 20<sup>th</sup> day of March, 2008.

SEAL



[Redacted Signature]

*Esther Jangula*  
Notary Public

19 PU-07-587 Filed: 3/20/2008 Pages: 12  
Affidavit Certified Mail Order Granting Trade Secret  
Protection  
Public Service Commission

19 PU-07-588 Filed: 3/20/2008 Pages: 12  
Affidavit Certified Mail Order Granting Trade Secret  
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19 PU-07-590 Filed: 3/20/2008 Pages: 12  
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**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Badlands Cellular of North Dakota Limited Partnership  
2007 High-Cost Universal Service Support Annual Report**

**Case No. PU-07-587**

**North Dakota RSA No. 3 Limited Partnership  
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**North Central RSA 2 of ND Limited Partnership  
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**Case No. PU-07-590**

**North Dakota 5 — Kidder Limited Partnership**

**Case No. PU-07-591**

**Northwest Dakota Cellular of North Dakota Limited Partnership**

**Case No. PU-07-592**

**Bismarck MSA Limited Partnership**

**Case No. PU-07-593**

**ORDER GRANTING TRADE SECRET PROTECTION**

**March 12, 2008**

On July 30, 2007 Badlands Cellular of North Dakota Limited Partnership, Bismarck MSA Limited Partnership, North Dakota RSA No. 3 Limited Partnership, Northwest Dakota Cellular of North Dakota Limited Partnership, North Dakota 5 — Kidder Limited Partnership, and North Central RSA 2 of North Dakota Limited Partnership (Partnerships) filed applications to protect trade secret and confidential information in conjunction with 2007 ETC Annual Report required by N.D. Admin. Code §§69-09-05-12(4) and 69-09-05-12.1. On August 28, 2007 Commission Staff (Staff) filed a response to the applications. On November 7, 2007 the Commission held an Informal Hearing. On November 26, 2007 Partnerships filed a reply brief. On December 14, 2007 Staff filed an amended response to the applications.

Partnerships seek to protect Confidential Exhibits A-1, A-2, and A-3 to its "USF Report" and Confidential Exhibit C-1 to its "2006 ETC Outage Report."

Confidential Exhibit A-1 is a table identifying specific construction or upgrade projects that Partnerships have undertaken in their designated areas in North Dakota in 2006 in order to expand or improve service.

**18 PU-07-592 Filed: 3/12/2008 Pages: 6**

**18 PU-07-593 Filed: 3/12/2008 Pages: 6**  
**Motion to Grant Trade Secret Protection**

**18 PU-07-587 Filed: 3/12/2008 Pages: 6**

**18 PU-07-588 Filed: 3/12/2008 Pages: 6**

**18 PU-07-590 Filed: 3/12/2008 Pages: 6**

**18 PU-07-591 Filed: 3/12/2008 Pages: 6**  
**Motion to Grant Trade Secret Protection**

Confidential Exhibit A-2 is a statement of Partnerships 2006 network and operating expenses and a projection of their 2008 network and operating expenses.

Confidential Exhibit A-3 is a table identifying specific construction, maintenance, or upgrade projects Partnerships plan to undertake in their designated areas in North Dakota in 2008.

Confidential Exhibit C-1 to the ETC outage report includes specific information for each outage over 30 minutes experienced by Partnerships in their ETC designated service areas in 2006.

Partnerships state that the information that they seek to protect in Confidential Exhibits A-1, A-2 and A-3 — the start and completion dates of each project, the amount of investment in each project, the geographic location of each project, the estimated population served by each project, and Partnerships 2006 and 2008 operating expenses - is information that is not known to Partnerships' competitors. Partnerships state that because Partnerships do not know analogous information about their competitors' plans or expenses, and that this information, if known to competitors, would give the competitors an unfair advantage.

Partnerships state that the information derives independent economic value from not being generally known to other persons, because if known to competitors, the competitors could assess the effectiveness of Partnerships' marketing and strategic business plans and make changes to their own business and marketing plans in response.

Partnerships state in their Reply Brief that the information provided in Confidential Exhibits A-1, A-2 and A-3 is considered confidential by the FCC under its rules. Under 47 C.F.R. § 0.457(d) trade secrets and commercial or financial information obtained from any person and privileged or confidential materials not routinely available for public inspection are treated a confidential by the FCC, and a request for protection is not required. In addition, a request for protection of confidential information may be submitted to the FCC under 47 C.F.R. §0.459. Partnerships state that the FCC has acted to routinely grant protective orders pursuant to FCC Rules 0.457 and 0.459 in order to accord confidential treatment to financial information about cell site expenditures and operating expenses set forth in wireless ETCs' build-out plans filed with the FCC. See *Petition of Singular Wireless, LLC for designation as an Eligible Telecommunications Carrier in the State of Georgia, Protective Order*, CC Docket 96-45, DA 07-3627 (rel. August 15, 2007) ("*Cingular Order*"); *NEP Cellcorp, Inc. Application for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania, Protective Order*, CC Docket 96-45, DA 07-3628 (rel. August 15, 2007) ("*NEP Order*"); *Corr Wireless Communications, LLC Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, Protective Order*, CC Docket 96-45, DA 07-3629 (rel. August 15, 2007) ("*Corr Order*"). In the *Cingular* docket, the confidential information related to the projected uses of

universal support set forth in the company's 5-year service improvement plan, including capital expenditures, operating expenses and proposed new cell sites. See *Cingular Order*, ¶ 2.

Partnerships state that the information provided in Confidential Exhibit C-1 is considered confidential by the FCC for national security reasons and should be granted trade secret protection under N.D. Admin. Code §69- 02-09-01. Partnerships state that the information required in the Commission's ETC Outage Report is similar to the information which the FCC requires wireless carriers to file in Part 4 Outage Reports as contained in 47 C.F.R. §4.1 et seq., especially §4.9. Partnerships state that the FCC has determined that the information required in Part 4 Outage Reports is highly sensitive and protected from public dissemination under the Freedom from Information Act, and quote the following:

The overwhelming majority of the commenting parties, including the Department of Homeland Security ("DHS"), have demonstrated that the outage reports will contain sensitive data, which requires confidential treatment under the Freedom of Information Act ("FOIA"). This data, though useful for the analysis of past and current outages in order to increase the reliability and security of telecommunications networks in the future, could be used by hostile parties to attack those networks, which are part of our Nation's critical information infrastructure. The disclosure of outage reporting information to the public could present an unacceptable risk of more effective terrorist activity. We therefore will treat the information that will be provided as confidential. This information will be withheld from disclosure to the public in accordance with the Freedom of Information Act.<sup>1</sup>

Partnerships state that keeping Confidential Exhibit C-1 trade secret/confidential for security reasons would be consistent with N.D. Admin. Code §69- 02-09-01 because the information in Confidential Exhibit C-1 meets all the requirements for granting trade secret protection pursuant to that rule. Partnerships state this information is not known to their competitors, and if it were known to them, they would have an unfair advantage. Partnerships state further that this information is not known to parties hostile to the United States who could use it to attack communications networks.

Partnerships state that the information in Confidential Exhibit C-1 derives independent economic value from not being generally known to other persons because competitors could use it to assess strategic and technological decisions the Partnerships have made in developing their network and competitors could make changes to their business and network development plans in response. Partnerships state that the information also derives economic value from not being known to hostile

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<sup>1</sup> *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 04-188, 19 FCC Rcd. 16830 (rel. Aug. 19, 2004), ¶ 3 ("Outage Order").

parties because the information to attack communications networks would cause harm to Partnerships and North Dakota citizens.

Partnerships state that the information in Confidential Exhibits A-1, A-2, and A-3 is not available to competitors by any other means. Partnerships consider information about capital improvement projects and about network and operating expenses to be highly confidential and competitively sensitive, and that Partnerships accordingly protect the information from public disclosure. Partnerships state that Confidential Exhibits A-1, A-2, and A-3 should be considered confidential pursuant to N.D.C.C. §44-04-18.4 because the information has not been previously disclosed, and it is 1) trade secret information, 2) proprietary information, 3) commercial information, and 4) financial information.

Partnerships state that the information provided under Confidential Exhibit C-1 is not available to other persons by any other means. Partnerships consider information about outages to be highly confidential and competitively sensitive. Partnerships state that they protect the information from disclosure as does the FCC.

Partnerships state that the information in Confidential Exhibit C-1 sought to be protected — location, outage start and end time, description, resolution, services affected, and steps taken to prevent similar situations — is "trade secret information" as defined in N.D.C.C. §44-04-18.4(2)(d) because it derives independent economic value from not being known to Partnerships' competitors, who could obtain economic value from its use, and because it is the subject of rigorous efforts to maintain its secrecy. Partnerships also state that the information in Confidential Exhibit C-1 is proprietary information as defined in N.D.C.C. §44-004-18.4(2)(c)(5) because it consists of technical information that is intended to be submitted as private, and the disclosure of the information to competitors could harm Partnerships' business

Partnerships state that entities that could obtain economic value from the disclosure or use of information in Confidential Exhibits A-1, A-2, and A-3 include wireless competitors such as Alltel and Sprint Nextel, and also landline telephone companies.

Partnerships identify Alltel and Sprint Nextel, and also landline telephone companies that Partnerships have not specifically identified as competitors.

Partnerships state that the efforts that they undertake to protect information in Confidential Exhibits A-1, A-2, and A-3 from public disclosure include adhering to a confidentiality/trade secret policy prohibiting Partnerships' employees from disclosing the information, and ensuring that whenever analogous information is required to be filed with a regulatory body, the filing is made on a confidential basis.

Partnerships state that they consider information contained in Confidential Exhibit C-1 to be highly confidential. The FCC protects such information from public disclosure, and Partnerships do likewise.

N.D.C.C. §47- 25.1-01 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.

The definition of "trade secret" under N.D.C.C. §44-04-18.4, which is almost identical to N.D.C.C. §47-25.1-01, reads as follows:

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

1. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and
2. Is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information. (Differences italicized).

N.D. Admin. Code §69-02-09-04 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."

Staff recommends that the information is relevant because, under N.D. Admin. Code §69-09-05-12.1(1) and 69-09-05-12.1(2) designated eligible telecommunications carriers must provide the information in Confidential Exhibits A-1, A-2, A-3 and C-1 to the Commission in an annual report to show that the company is in compliance with its obligations as an eligible telecommunications carrier.

Staff recommends that the information in Confidential Exhibits A-1, A-2, A-3 and C-1 is trade secret information that should be protected. The information provided in Confidential Exhibits A-1, A-2 and A-3 is considered confidential by the FCC under 47 C.F.R. §§ 0.457 and 0.459. The FCC also considers information in outage reports to be highly sensitive and protects the information from public dissemination in the Freedom from Information Act. N.D.C.C. §44-04-18(1), as interpreted by the North Dakota Attorney General, allows a state agency to provide confidentiality protection of information if the information is specifically protected under federal regulation. The information in Confidential Exhibits A-1, A-2, A-3 and C-1 is protected under federal regulation.

The Commission agrees that Partnerships' applications requesting trade secret protection for Confidential Exhibits A-1, A-2, and A-3 and C-1 should be granted.

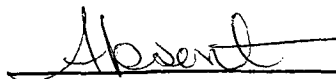


The Commission's process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.

### Order

The Commission Orders:

1. Partnership's applications for trade secret protection are GRANTED.
2. This Order does not constitute precedent for subsequent trade secret decisions by the Commission.

### PUBLIC SERVICE COMMISSION

		
<b>Tony Clark</b> Commissioner	<b>Susan E. Wefald</b> President	<b>Kevin Cramer</b> Commissioner

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**ALLTEL Communications, Inc.**  
**2007 High-Cost Universal Service Support**  
**Annual Report**

**Case No. PU-07-595**

**ORDER GRANTING TRADE SECRET PROTECTION**

**March 12, 2008**

On August 2, 2007, ALLTEL Communications, Inc. (ALLTEL) filed an application to protect trade secret and confidential information in conjunction with its 2007 ETC Annual Report required by N.D. Admin. Code §§69-09-05-12(3) and 69-09-05-12.1. On August 29, 2007 Commission Staff (Staff) filed its response to the applications. On November 7, 2007 the Commission held an Informal Hearing. On December 20, 2007 Staff filed an amended response to the application.

ALLTEL seeks to protect the following Confidential Exhibits A, C and attachments 1 and 2, and D.

Confidential Exhibit A is a Narrative of ALLTEL's Service Improvement Plan for the State of North Dakota and an Excel Spreadsheet.

Confidential Exhibit C is a summary of 2006 Universal Service Support and Expenditures in North Dakota.

Confidential Exhibit C, attachment 1 is an Excel Spreadsheet of the 2006 Universal Service Support and Expenditures in North Dakota.

Confidential Exhibit C, attachment 2 is a Description of Improvements or Upgrades.

Confidential Exhibit D is the Outage Report for the State of North Dakota.

ALLTEL states that the information is in the nature of trade secrets and exempt from public disclosure under Chapter 69-02-09 of the North Dakota Administrative Code. ALLTEL states that it would cause economic hardship to ALLTEL if the information is disclosed to ALLTEL's competitors and would adversely affect the use of universal service funds.

ALLTEL states that the two-year service plan detail and corresponding attachments contain proprietary business and technical information that are entitled to protection as trade secrets because the information satisfies the requirements of the Administrative Rule.

ALLTEL states that the information derives independent economic value from its secrecy or a competitive advantage is derived from its secrecy. ALLTEL states that maintaining the information as secret is necessary for ALLTEL to maintain the competitive

advantage of its competitors not knowing ALLTEL's current network capabilities and/or network improvement work. ALLTEL states that without this information, its competitors would not have access to any perceived vulnerabilities in ALLTEL's network.

ALLTEL states that these reports are not readily ascertainable by proper means. ALLTEL states that the information is not available in any public sources, and cannot be legally obtained from ALLTEL without an adequate showing of a legal mandate or need for appropriate use in ALLTEL's business.

ALLTEL states that it maintains the information as secret by refusing to disclose the information outside the Company or to those employees who do not need to have access to the information. ALLTEL states that within the Company, those who have been trained to use the proprietary software that enables ALLTEL to compete the analysis are held to the highest ethical standards.

N.D.C.C. §47- 25.1-01 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.

The definition of "trade secret" under N.D.C.C. §44-04-18.4, which is almost identical to N.D.C.C. §47-25.1-01, reads as follows:

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1. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and
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N.D. Admin. Code §69-02-09-04 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."

Staff recommends that the information is relevant because, under N.D. Admin. Code §69-09-05-12.1(1) and 69-09-05-12.1(2) designated eligible telecommunications carriers must provide the information in Exhibits A, C and attachments 1 and 2, and D to the Commission in an annual report to show that the company is in compliance with its obligations as an eligible telecommunications carrier.

The information provided in Confidential Exhibits A, C and attachments 1 and 2, and D is considered confidential by the FCC under its rules. Under 47 C.F.R. § 0.457(d) trade secrets and commercial or financial information obtained from any person and privileged or confidential materials not routinely available for public inspection are treated a confidential by the FCC, and a request for protection is not required. In addition, a request for protection of confidential information may be submitted to the FCC under 47 C.F.R. §0.459. The FCC has acted to routinely grant protective orders pursuant to FCC Rules 0.457 and 0.459 in order to accord confidential treatment to financial information about cell site expenditures and operating expenses set forth in wireless ETCs' build-out plans filed with the FCC. See *Petition of Singular Wireless, LLC for designation as an Eligible Telecommunications Carrier in the State of Georgia, Protective Order*, CC Docket 96-45, DA 07-3627 (rel. August 15, 2007) ("*Cingular Order*"); *NEP Cellcorp, Inc. Application for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania, Protective Order*, CC Docket 96-45, DA 07-3628 (rel. August 15, 2007) ("*NEP Order*"); *Corr Wireless Communications, LLC Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, Protective Order*, CC Docket 96-45, DA 07-3629 (rel. August 15, 2007) ("*Corr Order*"). In the *Cingular* docket, the confidential information related to the projected uses of universal support set forth in the company's 5-year service improvement plan, including capital expenditures, operating expenses and proposed new cell sites. See *Cingular Order*, ¶ 2.

The information provided in the outage report is considered confidential by the FCC for national security reasons and should be granted trade secret protection under N.D. Admin. Code §69-02-09-01. The information required in the Commission's ETC Outage Report is similar to the information which the FCC requires wireless carriers to file in Part 4 Outage Reports as contained in 47 C.F.R. §4.1 et seq., especially §4.9. The FCC has determined that the information required in Part 4 Outage Reports is highly sensitive and protected from public dissemination under the Freedom from Information Act. The FCC states:

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Staff recommends that the information in Confidential Exhibits A, C and attachments 1 and 2, and D is trade secret information that should be protected. The information provided in Confidential Exhibits A, C and attachments 1 and 2 is considered confidential by the FCC under 47 C.F.R. §§ 0.457 and 0.459. The FCC also considers information in outage reports to be highly sensitive and protects the information from public dissemination in the Freedom from Information Act. N.D.C.C. §44-04-18(1), as interpreted by the North Dakota Attorney General, allows a state agency to provide confidentiality protection of information if the information is specifically protected under federal regulation. The information in Confidential Exhibits A, C and attachments 1 and 2, and D is protected under federal regulation.

The Commission agrees that ALLTEL's application requesting trade secret protection for Confidential Exhibits A, C and attachments 1 and 2, and D should be granted.

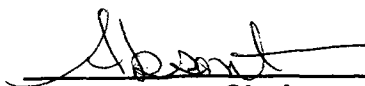
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### Order

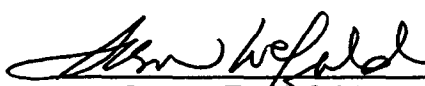
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1. ALLTEL Communications, Inc.'s application for trade secret protection is GRANTED.
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### PUBLIC SERVICE COMMISSION



Tony Clark  
Commissioner



Susan E. Wefald  
President



Kevin Cramer  
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**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

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The information provided in Confidential Exhibits A, C and attachments 1 and 2, and D is considered confidential by the FCC under its rules. Under 47 C.F.R. § 0.457(d) trade secrets and commercial or financial information obtained from any person and privileged or confidential materials not routinely available for public inspection are treated a confidential by the FCC, and a request for protection is not required. In addition, a request for protection of confidential information may be submitted to the FCC under 47 C.F.R. §0.459. The FCC has acted to routinely grant protective orders pursuant to FCC Rules 0.457 and 0.459 in order to accord confidential treatment to financial information about cell site expenditures and operating expenses set forth in wireless ETCs' build-out plans filed with the FCC. See *Petition of Singular Wireless, LLC for designation as an Eligible Telecommunications Carrier in the State of Georgia, Protective Order*, CC Docket 96-45, DA 07-3627 (rel. August 15, 2007) ("*Cingular Order*"); *NEP Cellcorp, Inc. Application for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania, Protective Order*, CC Docket 96-45, DA 07-3628 (rel. August 15, 2007) ("*NEP Order*"); *Corr Wireless Communications, LLC Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, Protective Order*, CC Docket 96-45, DA 07-3629 (rel. August 15, 2007) ("*Corr Order*"). In the *Cingular* docket, the confidential information related to the projected uses of universal support set forth in the company's 5-year service improvement plan, including capital expenditures, operating expenses and proposed new cell sites. See *Cingular Order*, ¶ 2.

The information provided in the outage report is considered confidential by the FCC for national security reasons and should be granted trade secret protection under N.D. Admin. Code §69-02-09-01. The information required in the Commission's ETC Outage Report is similar to the information which the FCC requires wireless carriers to file in Part 4 Outage Reports as contained in 47 C.F.R. §4.1 et seq., especially §4.9. The FCC has determined that the information required in Part 4 Outage Reports is highly sensitive and protected from public dissemination under the Freedom from Information Act. The FCC states:

The overwhelming majority of the commenting parties, including the Department of Homeland Security ("DHS"), have demonstrated that the outage reports will contain sensitive data, which requires confidential treatment under the Freedom of Information Act ("FOIA"). This data, though useful for the analysis of past and current outages in order to increase the reliability and security of telecommunications networks in the future, could be used by hostile parties to attack those networks, which are part of our Nation's critical information infrastructure. The disclosure of outage reporting information to the public could present an unacceptable risk of more effective terrorist activity. We therefore will treat the information that will be provided as confidential. This information will be withheld from disclosure to the public in accordance with the Freedom of Information Act.<sup>1</sup>

---

<sup>1</sup> *In the matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 04-188, 19 FCC Rcd. 16830 (rel. Aug. 19, 2004), ¶ 3 ("*Outage Order*").

Staff recommends that the information in Confidential Exhibits A, C and attachments 1 and 2, and D is trade secret information that should be protected. The information provided in Confidential Exhibits A, C and attachments 1 and 2 is considered confidential by the FCC under 47 C.F.R. §§ 0.457 and 0.459. The FCC also considers information in outage reports to be highly sensitive and protects the information from public dissemination in the Freedom from Information Act. N.D.C.C. §44-04-18(1), as interpreted by the North Dakota Attorney General, allows a state agency to provide confidentiality protection of information if the information is specifically protected under federal regulation. The information in Confidential Exhibits A, C and attachments 1 and 2, and D is protected under federal regulation.

The Commission agrees that ALLTEL's application requesting trade secret protection for Confidential Exhibits A, C and attachments 1 and 2, and D should be granted.

The Commission's process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.


### Order

The Commission Orders:

1. ALLTEL Communications, Inc.'s application for trade secret protection is GRANTED.
2. This Order does not constitute precedent for subsequent trade secret decisions by the Commission.

### PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
**Tony Clark**  
Commissioner

  
\_\_\_\_\_  
**Susan E. Wefald**  
President

  
\_\_\_\_\_  
**Kevin Cramer**  
Commissioner

**APPROVED**

DATE: 3-12-08  
SJ

**MOTION**

**March 12, 2008**

**ALLTEL Communications, Inc.  
2007 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-07-595**

I move the Commission adopt the Order Granting Trade Secret Protection to  
ALLTEL Communications, Inc., Case Nos. PU-07-595.

PJF

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Alltel Communications, Inc.  
ETC Compliance  
Annual Report

Case No. PU-07-595

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Lisa Zeimer deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **20<sup>th</sup> day of December, 2007**, she deposited in the United States Mail, at Bismarck, North Dakota, **three** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

AMENDED STAFF RESPONSE TO ALLTEL COMMUNICATION, INC.'S  
APPLICATION REQUESTING TRADE SECRET PROTECTION, AS CORRECTED

The envelopes were addressed as follows:

Mark Ayotte  
Griggs & Morgan  
2200 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis MN 55402-2157

Rae Ann Kelsch  
Alltel Regional Manager  
Upper Midwest Region  
1110 College Drive, Suite 107  
Bismarck ND 58501

**Certified No. 7007 0710 0003 6055 1442**

**Certified No. 7007 0710 0003 6055 1459**

Thomas Kelsch  
Kelsch Kelsch Ruff & Kranda  
PO Box 1266  
Mandan, ND 58554-1266

**Certified No. 7007 0710 0003 6055 1466**

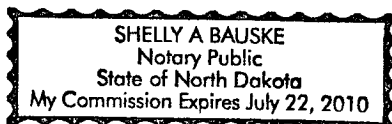
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **20<sup>th</sup> day of December, 2007**



Notary Public

SEAL



14 PU-07-595

Pages: 8



Public Service Commission  
State of North Dakota

---

COMMISSIONERS

Susan E. Wefald, President  
Kevin Cramer  
Tony Clark

Executive Director  
Illona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: [www.nd.gov/psc](http://www.nd.gov/psc)  
e-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
TTY 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

December 20, 2007

Illona Jeffcoat-Sacco  
Executive Director  
Public Service Commission  
600 E Boulevard Ave. Dept. 408  
Bismarck, ND 58505-0480

RE: **Alltel Communications, Inc.**  
**ETC Compliance**  
**Annual Report**  
**Case No. PU-07-595**

Dear Illona:

Enclosed for filing in the above referenced case are the original and seven copies of the **Amended Staff Response to Requests for Trade Secret Protection by Alltel Communications, Inc., as Corrected.**

Thank you.

Sincerely,



William Binek  
Chief Counsel

Enclosure

C: Parties of Record

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Alltel Communications, Inc.**  
**ETC Compliance**  
**Annual Report**

**Case No. PU-07-595**

**AMENDED STAFF RESPONSE TO ALLTEL COMMUNICATIONS, INC.'S  
APPLICATION REQUESTING TRADE SECRET PROTECTION, AS CORRECTED**

On August 2, 2007, Alltel Communications, Inc. ("Alltel") filed an application to protect trade secret and confidential information in conjunction with its 2007 ETC Annual Report required by N.D. Admin. Code §§69-09-05-12(3) and 69-09-05-12.1. On August 29, 2007, Commission Staff ("Staff") filed its response to the applications. On November 7, 2007, the Commission held an Informal Hearing.

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

Alltel seeks to protect the following Confidential Exhibits A, C and attachments 1 and 2, and D.

Confidential Exhibit A is a Narrative of Alltel's Service Improvement Plan for the State of North Dakota and an Excel Spreadsheet.

Confidential Exhibit C is a summary of 2006 Universal Service Support and Expenditures in North Dakota.

Confidential Exhibit C, attachment 1 is an Excel Spreadsheet of the 2006 Universal Service Support and Expenditures in North Dakota.

Confidential Exhibit C, attachment 2 is a Description of Improvements or Upgrades.

Confidential Exhibit D is the Outage Report for the State of North Dakota.

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

Alltel states that the information is in the nature of trade secrets and exempt from public disclosure under Chapter 69-02-09 of the North Dakota Administrative Code. Alltel states that it would cause economic hardship to Alltel if the information is disclosed to Alltel's competitors and would adversely affect the use of universal service funds.

Alltel states that the two-year service plan detail and corresponding attachments contain proprietary business and technical information that are entitled to protection as trade secrets because the information satisfies the requirements of the Administrative Rule.

Alltel states that the information derives independent economic value from its secrecy or a competitive advantage is derived from its secrecy. Alltel states that maintaining the information as secret is necessary for Alltel to maintain the competitive advantage of its competitors not knowing Alltel's current network capabilities and/or network improvement work. Alltel states that without this information, its competitors would not have access to any perceived vulnerabilities in Alltel's network.

**3. An Explanation of Why the Information is Not Readily Ascertainable by Proper Means by Other Persons.**

Alltel states that these reports are not readily ascertainable by proper means. Alltel states that the information is not available in any public sources, and cannot be

legally obtained from Alltel without an adequate showing of a legal mandate or need for appropriate use in Alltel's business.

**4. A General Description of the Persons or Entities that would Obtain Economic Value from Disclosure or Use of the Network.**

The only description provided by Alltel is its "competitors".

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

Alltel did not identify any competitors.

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

Alltel states that it maintains the information as secret by refusing to disclose the information outside the Company or to those employees who do not need to have access to the information. Alltel states that within the Company, those who have been trained to use the proprietary software that enables Alltel to compete the analysis are held to the highest ethical standards. See also the response to section 3 above.

**Staff Recommendation**

Staff has reviewed Alltel's request for trade secret protection. N.D.C.C. §47-25.1-01 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.

It should be noted that the definition of "trade secret" under N.D.C.C. §44-04-18.4, which is almost identical to N.D.C.C. §47-25.1-01, reads as follows:

“Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, *technical know how*, or process, that:

1. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons *that* can obtain economic value from its disclosure or use; and
2. Is the subject of efforts that are reasonable under the circumstances to maintain *the secrecy of the information*. (Differences italicized).

N.D. Admin. Code §69-02-09-04 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.”

The information is relevant because, under N.D. Admin. Code §§69-09-05-12.1(1) and 69-09-05-12.1(2) designated eligible telecommunications carriers must provide the information in Confidential Exhibits A, C and attachments 1 and 2, and D to the Commission in an annual report to show that the company is in compliance with its obligations as an eligible telecommunications carrier.

The information provided in Confidential Exhibits A, C and attachments 1 and 2, and D is considered confidential by the FCC under its rules. Under 47 C.F.R. § 0.457(d) trade secrets and commercial or financial information obtained from any person and privileged or confidential materials not routinely available for public inspection are treated a confidential by the FCC, and a request for protection is not required. In addition, a request for protection of confidential information may be submitted to the FCC under 47 C.F.R. §0.459. The FCC has acted to routinely grant protective orders pursuant to FCC Rules 0.457 and 0.459 in order to accord confidential

treatment to financial information about cell site expenditures and operating expenses set forth in wireless ETCs' build-out plans filed with the FCC. See *Petition of Singular Wireless, LLC for designation as an Eligible Telecommunications Carrier in the State of Georgia, Protective Order*, CC Docket 96-45, DA 07-3627 (rel. August 15, 2007) ("*Cingular Order*"); *NEP Cellcorp, Inc. Application for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania, Protective Order*, CC Docket 96-45, DA 07-3628 (rel. August 15, 2007) ("*NEP Order*"); *Corr Wireless Communications, LLC Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, Protective Order*, CC Docket 96-45, DA 07-3629 (rel. August 15, 2007) ("*Corr Order*"). In the *Cingular* docket, the confidential information related to the projected uses of universal support set forth in the company's 5-year service improvement plan, including capital expenditures, operating expenses and proposed new cell sites. See *Cingular Order*, ¶ 2.

The information provided in the outage report is considered confidential by the FCC for national security reasons and should be granted trade secret protection under N.D. Admin. Code §69-02-09-01. The information required in the Commission's ETC Outage Report is similar to the information which the FCC requires wireless carriers to file in Part 4 Outage Reports as contained in 47 C.F.R. §4.1 *et seq.*, especially §4.9. The FCC has determined that the information required in Part 4 Outage Reports is highly sensitive and protected from public dissemination under the Freedom from Information Act, and quote the following:

The overwhelming majority of the commenting parties, including the Department of Homeland Security ("DHS"), have demonstrated that the outage reports will contain sensitive data, which requires confidential treatment under the Freedom of Information Act ("FOIA"). This data,

though useful for the analysis of past and current outages in order to increase the reliability and security of telecommunications networks in the future, could be used by hostile parties to attack those networks, which are part of our Nation's critical information infrastructure. The disclosure of outage reporting information to the public could present an unacceptable risk of more effective terrorist activity. We therefore will treat the information that will be provided as confidential. This information will be withheld from disclosure to the public in accordance with the Freedom of Information Act.<sup>1</sup>

Staff agrees that the information Confidential Exhibits A, C and attachments 1 and 2 and D is trade secret information that should be protected. The information provided in Confidential Exhibits A, C and attachments 1 and 2 is considered confidential by the FCC under 47 C.F.R. §§ 0.457 and 0.459. The FCC also considers information in outage reports to be highly sensitive and protects the information from public dissemination in the Freedom of Information Act. N.D.C.C. §44-04-18(1), as interpreted by the North Dakota Attorney General, allows a state agency to provide confidentiality protection of information if the information is specifically protected under federal regulation. The information in Confidential Exhibits A, C and attachments 1 and 2 and D is protected under federal regulation.

For reasons set forth above, staff recommends that the Commission grant Alltel's Application Requesting Trade Secret Protection for Confidential Exhibits A, C and attachments 1 and 2, and D.

Dated December 20, 2007.

  
\_\_\_\_\_  
William W. Binek  
Chief Counsel

---

<sup>1</sup> *In the matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 04-188, 19 FCC Rcd. 16830 (rel. Aug. 19, 2004), ¶ 3 ("Outage Order").



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Susan E. Wefald, President  
Kevin Cramer  
Tony Clark

Executive Director  
Illona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: [www.nd.gov/psc](http://www.nd.gov/psc)  
e-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
TTY 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

December 14, 2007

Illona Jeffcoat-Sacco  
Executive Director  
Public Service Commission  
600 E Boulevard Ave. Dept. 408  
Bismarck, ND 58505-0480


RE: **Alltel Communications, Inc**  
**ETC Compliance**  
**Annual Report**  
**Case No. PU-07-595**

Dear Illona:

Enclosed for filing in the above referenced case are the original and seven copies of the **Amended Staff Response to Alltel Communications, Inc.'s Application Requesting Trade Secret Protection.**

Thank you.

Sincerely,



William W. Biniek  
Chief Counsel

Enclosure

C: Parties of Record

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Alltel Communications, Inc.**  
**ETC Compliance**  
**Annual Report**

**Case No. PU-07-595**

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treatment to financial information about cell site expenditures and operating expenses set forth in wireless ETCs' build-out plans filed with the FCC. See *Petition of Singular Wireless, LLC for designation as an Eligible Telecommunications Carrier in the State of Georgia, Protective Order*, CC Docket 96-45, DA 07-3627 (rel. August 15, 2007) ("*Cingular Order*"); *NEP Cellcorp, Inc. Application for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania, Protective Order*, CC Docket 96-45, DA 07-3628 (rel. August 15, 2007) ("*NEP Order*"); *Corr Wireless Communications, LLC Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, Protective Order*, CC Docket 96-45, DA 07-3629 (rel. August 15, 2007) ("*Corr Order*"). In the *Cingular* docket, the confidential information related to the projected uses of universal support set forth in the company's 5-year service improvement plan, including capital expenditures, operating expenses and proposed new cell sites. See *Cingular Order*, ¶ 2.

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though useful for the analysis of past and current outages in order to increase the reliability and security of telecommunications networks in the future, could be used by hostile parties to attack those networks, which are part of our Nation's critical information infrastructure. The disclosure of outage reporting information to the public could present an unacceptable risk of more effective terrorist activity. We therefore will treat the information that will be provided as confidential. This information will be withheld from disclosure to the public in accordance with the Freedom of Information Act.<sup>1</sup>

Staff agrees that the information Applicants seek to protect is trade secret information that should be protected. The financial information provided to the Commission is considered confidential by the FCC under 47 C.F.R. §§ 0.457 and 0.459. The FCC also considers information in outage reports to be highly sensitive and protects the information from public dissemination in the Freedom from Information Act. N.D.C.C. §44-04-18(1), as interpreted by the North Dakota Attorney General, allows a state agency to provide confidentiality protection of information if the information is specifically protected under federal regulation. The information Applicants include as TRADE SECRET-PRIVATE is protected under federal regulation.

For reasons set forth above, staff recommends that the Commission grant Applicants Requests for Trade Secret Protection.

Dated December 14, 2007.



William W. Binek  
Chief Counsel

---

<sup>1</sup> *In the matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 04-188, 19 FCC Rcd. 16830 (rel. Aug. 19, 2004), ¶ 3 ("Outage Order").

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Alltel Communications, Inc.**  
**ETC Compliance**  
**Annual Report**

**Case No. PU-07-595**

**AFFIDAVIT OF SERVICE BY REGULAR MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Lis Zeimer** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **14<sup>th</sup> day December, 2007**, she served **three** envelopes by first class mail, fully prepaid, securely sealed and containing a photocopy of:

**AMENDED STAFF RESPONSE TO ALLTEL COMMUNICATIONS, INC.'S  
APPLICATION REQUESTING TRADE SECRET PROTECTION**

The envelopes were addressed as follows:

Thomas D. Kelsch  
Kelsch Kelsch Ruff & Kranda  
Attorneys at Law  
PO Box 1266  
Mandan ND 58554-7266

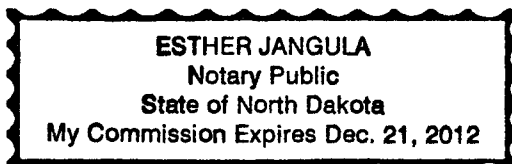
Rae Ann Kelsch  
Alltel Regional Manager  
Upper Midwest Region  
1110 College Dr - Ste 107  
Bismarck ND 58501


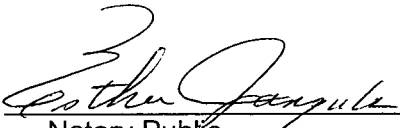
Mark J. Ayotte  
Griggs and Morgan  
2200 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, MN 55402-2157

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

Subscribed and sworn to before me  
this **14th day of December, 2007**.

SEAL



  
\_\_\_\_\_  
  
\_\_\_\_\_  
Notary Public

# Kelsch Kelsch Ruff & Kranda

C.F. Kelsch  
1890-1987

Attorneys at Law  
Mandan, North Dakota

William C. Kelsch  
Retired

THOMAS F. KELSCH  
ARLEN M. RUFF, P.C.  
THOMAS D. KELSCH, P.C.  
TODD D. KRANDA, P.C.\*  
WILLIAM J. DELMORE  
DANIEL NAGLE

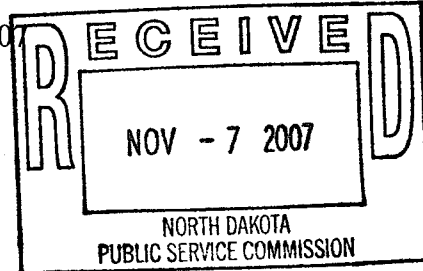
\*Also Licensed in Minnesota

 MERITAS LAW FIRMS WORLDWIDE

103 Collins Avenue  
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1-888-663-9818  
Fax (701) 663-9810  
Website [www.kelschlaw.com](http://www.kelschlaw.com)

November 7, 2007

ILLONA JEFFCOAT-SACCO  
ND PUBLIC SERVICE COMMISSION  
600 E BOULEVARD AVE  
BISMARCK ND 58505-0480



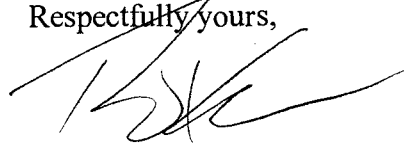
RE: Badlands Cellular of North Dakota LP, 2007 High Cost of Universal Service Support Annual Report, et al.  
Public Service Commission Case No.'s PU-07-587, 588, 590, 591, 592, 593 and 595  
Our File No. 12278

Dear Ms. Jeffcoat-Sacco:

Please find enclosed for filing in the above-entitled matter a copy of a letter from the North Dakota State Board of Law Examiners acknowledging receipt of the Motion and Affidavit regarding Mark Ayotte's appearance under Rule 3 of the North Dakota Admission to Practice Rules and payment of \$380 for 2007.

Thank you for your attention to this matter. If you have any questions, please give me a call.

Respectfully yours,



Thomas D. Kelsch

TDK:dr  
Enc  
cc: William Binek

13	PU-07-587	Pages: 2
13	PU-07-588	Pages: 2
14	PU-07-590	Pages: 2
14	PU-07-591	Pages: 2
14	PU-07-592	Pages: 2
14	PU-07-593	Pages: 2
12	PU-07-595	Pages: 2

Letter Acknowledging Receipt of Motion and Affidavit  
by Kelsch Kelsch Ruff & Kranda  
11/07/2007

CC: Comm Legal Illona Pat .



# State of North Dakota

## STATE BOARD OF LAW EXAMINERS

JUDICIAL WING, 1ST FL  
600 E BOULEVARD AVE DEPT 180  
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E-MAIL: PMiller@ndcourts.com  
COURTNEY KOEBELE  
ASSISTANT BAR ADMISSIONS  
ADMINISTRATOR  
E-MAIL: CKoebele@ndcourts.com

November 6, 2007

Mr. Mark J. Ayotte  
2200 IDS Center  
80 S. 8<sup>th</sup> St.  
Minneapolis, MN 55402-2157

**COPY**

Mr. Thomas D. Kelsch  
P.O. Box 1266  
Mandan, ND 58554-7266

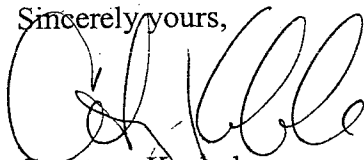
Re: Badlands Cellular of North Dakota LP

Dear Counsel:

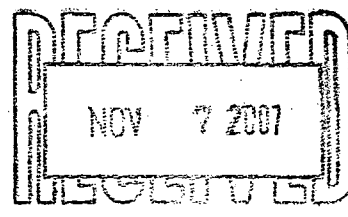
Copies of the Motion and Affidavit regarding Mark Ayotte's appearance in the above cases under Rule 3 of the North Dakota Admission to Practice Rules and payment in the amount of \$380 for 2007 are acknowledged.

Rule 3 currently requires payment of a fee to the State Board of Law Examiners during each calendar year regardless of whether a matter spans multiple years, or the attorney is appearing in a new matter. A new motion and affidavit are required for every separate proceeding in which the nonresident attorney wishes to appear, but the fee is only annual.

Sincerely yours,



Courtney Koebele  
Assistant Bar Admissions Administrator



**APPROVED**

DATE: 11-07-07  
EQ

**MOTION**

**November 7, 2007**

**Badlands Cellular of North Dakota Limited Partners  
2007 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-07-587**

**North Dakota RSA No. 3 Limited Partnership  
2007 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-07-588**

**North Central RSA 2 of ND Limited Partnership  
2007 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-07-590**

**North Dakota 5 – Kidder Limited Partnership  
2007 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-07-591**

**Northwest Dakota Cellular of North Dakota Limited  
2007 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-07-592**

**Bismarck MSA Limited Partnership et. al.  
2007 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-07-593**

**ALLTEL Communications, Inc.  
2007 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-07-595**

I move the Commission permit attorney Mark Ayotte to appear before the Commission pursuant to N.D. Admin. Code §69-02-01-06 and the North Dakota Supreme Court Rule 3 for the limited purpose of representing the Partnerships in the above pending matters.

11 **PU-07-595**

Pages: 1

Motion re Attorney Ayotte Representation

by Public Service Commission

11/07/2007

CC: Comm Legal Ilona Pat.

# Kelsch Kelsch Ruff & Kranda

C.F. Kelsch  
1890-1987

Attorneys at Law  
Mandan, North Dakota

William C. Kelsch  
Retired

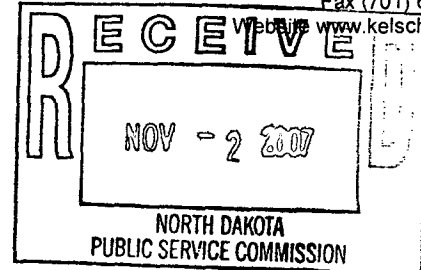
THOMAS F. KELSCH  
ARLEN M. RUFF, P.C.  
THOMAS D. KELSCH, P.C.  
TODD D. KRANDA, P.C.\*  
WILLIAM J. DELMORE  
DANIEL NAGLE

\*Also Licensed in Minnesota

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Web Site www.kelschlaw.com

November 2, 2007



ILLONA JEFFCOAT-SACCO  
ND PUBLIC SERVICE COMMISSION  
600 E BOULEVARD AVE  
BISMARCK ND 58505-0480

RE: Badlands Cellular of North Dakota LP, 2007 High Cost of Universal Service Support Annual Report, et al.  
Public Service Commission Case No.'s PU-07-587, 588, 590, 591, 592, 593 and 595  
Our File No. 12278

Dear Ms. Jeffcoat-Sacco:

Please find enclosed for filing in the above-entitled matter the following documents:

1. Motion for Admission to Practice;
2. Notice of Motion Pursuant to Rule 3.2 North Dakota Local Rules of Court
3. Affidavit of Mark J. Ayotte;
4. Proposed Order;
5. A copy of the check filed with the State Board of Law Examiners in the amount of \$380.00.

Thank you for your attention to this matter and please return a copy of the signed Order in the enclosed envelope.

If you have any questions, please give me a call.

Respectfully yours,

A handwritten signature in black ink, appearing to read "T. Kelsch".

Thomas D. Kelsch

TDK:dr  
Encs

cc: Mark Ayotte  
William Binek

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12	PU-07-592	Pages: 6
12	PU-07-593	Pages: 6
10	PU-07-595	Pages: 6



Motion w Notice, Affidavit & Proposed Order

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Badlands Cellular of North Dakota Limited  
Partners, 2007 High Cost Universal Service  
Support Annual Report, *et al.*

Case Nos. PU-07-587, 588,  
590, 591, 592, 593 and 595

**MOTION FOR ADMISSION TO PRACTICE**

The undersigned attorney of record in the above-captioned matters moves the Commission, pursuant to Rule 3 of the North Dakota Supreme Court Rules, and based on the Affidavit attached hereto, to grant Mark J. Ayotte, a non-resident attorney of good standing in the State of Minnesota, permission to appear before the Commission on behalf of the Partnerships, and to practice before the Commission in the above-pending matters. Mark J. Ayotte designates Thomas D. Kelsch as his associate attorney admitted and licensed to practice law in this State.

Pursuant to North Dakota Supreme Court Rule 3, Mark J. Ayotte attaches his Affidavit in support of this Motion.

Dated this 1<sup>st</sup> day of November, 2007.

  
\_\_\_\_\_  
Mark J. Ayotte

MN State Bar No. 166315  
BRIGGS AND MORGAN, P.A.  
2200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402-2157  
Telephone No. (612) 977-8400  
Fax No. (612) 977-8650

  
\_\_\_\_\_  
THOMAS D. KELSCH

State Bar ID No. 03918  
KELSCH KELSCH RUFF & KRANDA  
103 Collins Ave., P.O. Box 1266  
Mandan, ND 58554-7266  
Telephone No. (701) 663-9818  
Fax No. (701) 663-9810

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Badlands Cellular of North Dakota Limited  
Partners, 2007 High Cost Universal Service  
Support Annual Report, *et al.*

Case Nos. PU-07-587, 588,  
590, 591, 592, 593 and 595

**AFFIDAVIT OF MARK J. AYOTTE**

STATE OF MINNESOTA    )  
                                  ) ss.  
COUNTY OF HENNEPIN    )

1. I am presently a member in good standing admitted to practice law in the State of Minnesota. I have been continuously licensed in Minnesota since October 18, 1985.
2. I am not presently subject to a public disciplinary proceedings with respect to my law license in Minnesota or any other State.
3. I am not under any restriction or probation in the practice of law in any jurisdiction in which I am licensed.
4. I am not now nor have I ever been suspended or disbarred from a court in any jurisdiction relating to the practice of law.
5. Prior to the subject action, I have not appeared in any North Dakota state court proceeding in the past three years.

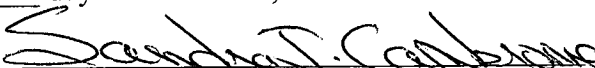
FURTHER AFFIANT SAYETH NOT.

Dated this 1<sup>st</sup> day of November, 2007.

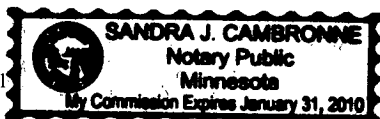
  
Mark J. Ayotte

Subscribed and sworn to before me this 1<sup>st</sup> day of November, 2007.

(SEAL)

  
Notary Public  
My Commission Expires: 1-31-2010

2100450v1



STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Badlands Cellular of North Dakota Limited  
Partners, 2007 High Cost Universal Service  
Support Annual Report, *et al.*

Case Nos. PU-07-587, 588,  
590, 591, 592, 593 and 595

**ORDER**

Attorney Mark J. Ayotte filed a Motion to be admitted to practice law before this Commission in the above-referenced matters. After reviewing his Motion and attached Affidavit, I am granting his Motion and Order that he be permitted to appear on behalf of the Partnerships in the above matters.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Commissioner

Briggs and Morgan Professional Association  
W2200 First National Bank Building  
332 Minnesota Street  
St. Paul, MN 55101-1396

Bank  
800 Nicollet Mall  
Minneapolis, Minnesota 55402-2157

203935

Date: Amount

Pay: Three hundred eighty and 00/100

10/30/2007

\$ \*\*\*380.00\*\*\*

ND State Board of Law Examiners

TWO SIGNATURES REQUIRED IF OVER \$2000.00  
VOID 180 DAYS AFTER DATE OF ISSUE

TO THE  
ORDER OF

*Symon Mattson*

⑈00203935⑈ ⑈091000022⑈ ⑈1801⑈ ⑈1083713⑈

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Oct 30/07	32305	00063		VENDOR: ND State Board of Law Examiners; IN	380.00	380.00

Invoice: 103007

Check Totals: \$380.00

# Kelsch Kelsch Ruff & Kranda

C.F. Kelsch  
1890-1987

Attorneys at Law  
Mandan, North Dakota

William C. Kelsch  
Retired

THOMAS F. KELSCH  
ARLEN M. RUFF, P.C.  
THOMAS D. KELSCH, P.C.  
TODD D. KRANDA, P.C.\*  
WILLIAM J. DELMORE  
DANIEL NAGLE

\*Also Licensed in Minnesota

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1-888-663-9818  
Fax (701) 663-9810  
Website www.kelschlaw.com

November 2, 2007

STATE BOARD OF LAW EXAMINERS  
JUDICIAL WING 1ST FLOOR  
600 E BOULEVARD AVE DEPT 180  
BISMARCK ND 58505-0530

RE: Badlands Cellular of North Dakota LP, 2007 High Cost of Universal Service Support Annual Report, et al.  
Public Service Commission Case No.'s PU-07-587, 588, 590, 591, 592, 593 and 595  
Our File No. 12278

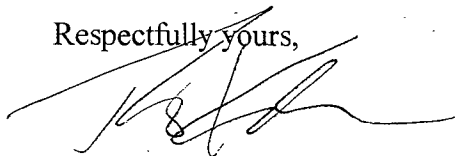
Dear Sir or Madam:

Enclosed in the above-entitled matter are copies of the following documents:

1. Motion For Admission To Practice;
2. Notice of Motion Pursuant to Rule 3.2 North Dakota Local Rules of Court;
3. Affidavit of Mark J. Ayotte;
4. Proposed Order;
5. Check in the amount of \$380.00.

Thank you for your attention to this matter. Feel free to give me a call should you have any questions.

Respectfully yours,



Thomas D. Kelsch

TDK;dr

Encs

cc: Mark Ayotte  
William Binek



**Anderson, Lori D.**

---

**From:** Jeffcoat-Sacco, Ilona  
**Sent:** Monday, October 01, 2007 10:38 AM  
**To:** Anderson, Lori D.  
**Subject:** FW: Rescheduling the Confidentiality issue before PSC PU-07-595

Please docket in all the cases--thanks

*Ilona A. Jeffcoat-Sacco*  
ND PSC  
701-328-2407 (fax 2410)  
[ijs@nd.gov](mailto:ijs@nd.gov)

---

**From:** Ayotte, Mark [<mailto:MAyotte@Briggs.com>]  
**Sent:** Monday, October 01, 2007 10:01 AM  
**To:** tdkelsch@kelschlaw.com; Jeffcoat-Sacco, Ilona; Fahn, Patrick J.  
**Cc:** Sean.Simpson@midwestwireless.com; Raeann.Kelsch@alltel.com; Mark.R.Smith@VerizonWireless.com  
**Subject:** RE: Rescheduling the Confidentiality issue before PSC PU-07-595

Confirmed. I can also be available on November 7. Please advise.

---

**From:** Thomas D Kelsch [<mailto:tdkelsch@kelschlaw.com>]  
**Sent:** Monday, October 01, 2007 9:59 AM  
**To:** [ijs@nd.gov](mailto:ijs@nd.gov); 'Fahn, Patrick J.'  
**Cc:** Ayotte, Mark; Sean.Simpson@midwestwireless.com; Raeann.Kelsch@alltel.com  
**Subject:** Rescheduling the Confidentiality issue before PSC PU-07-595

Ilona, and Pat,

When I indicated that October 24<sup>th</sup> would work for Alltel, I forgot that both Rae Ann and I will be in New York from the 20<sup>th</sup> returning on the 24th. We would be available on Nov. 7<sup>th</sup>, and I believe that Attorney Ayotte would be available as well, on that date.

Tom  
Thomas D. Kelsch  
Kelsch Kelsch Ruff & Kranda  
103 Collins Avenue, PO Box 1266  
Mandan ND 58554-7266  
Phone 701-663-9818 (toll free 1-888-663-9818)  
Fax 701-663-9810  
[tdkelsch@kelschlaw.com](mailto:tdkelsch@kelschlaw.com)

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9	<b>PU-07-590</b>	Pages: 2
9	<b>PU-07-591</b>	Pages: 2
9	<b>PU-07-592</b>	Pages: 2
9	<b>PU-07-593</b>	Pages: 2
9	<b>PU-07-595</b>	Pages: 2

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E-mail confirmation of November 7

by Public Service Commission  
10/01/2007

CC: Comm Legal Ilona Pat

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**Anderson, Lori D.**

---

**From:** Jeffcoat-Sacco, Illona  
**Sent:** Friday, September 28, 2007 2:30 PM  
**To:** -Grp-PSC Commissioners  
**Cc:** -Grp-PSC Legal; -Grp-PSC Public Utilities; Bauske, Shelly A.  
**Subject:** FW: Request to Postpone Informal Hearing on PU-07-587,588,590,591,592,593,& 595 Confidential Treatment of ETC filings

Illona A. Jeffcoat-Sacco  
ND PSC  
701-328-2407 (fax 2410)  
[ijs@nd.gov](mailto:ijs@nd.gov)

-----Original Message-----

**From:** Ayotte, Mark [<mailto:MAyotte@Briggs.com>]  
**Sent:** Friday, September 28, 2007 12:49 PM  
**To:** [tdkelsch@kelschlaw.com](mailto:tdkelsch@kelschlaw.com); Jeffcoat-Sacco, Illona; Fahn, Patrick J.; Binek, William W.; [sean.simpson@midwestwireless.com](mailto:sean.simpson@midwestwireless.com)  
**Cc:** [raeann.kelsch@alltel.com](mailto:raeann.kelsch@alltel.com)  
**Subject:** Re: Request to Postpone Informal Hearing on PU-07-587,588,590,591,592,593,& 595 Confidential Treatment of ETC filings

I concur with Alltel's request. I had sent an email to Pat Fahn on behalf of the Partnerships this morning making a similar request. Please advise if I too need to submit a formal letter to confirm the request.

Mark J. Ayotte  
Briggs and Morgan, P.A.  
2200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
Telephone No. (612) 977-8240  
Fax No. (612) 977-8650

8	<b>PU-07-587</b>	Pages: 2
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8	<b>PU-07-590</b>	Pages: 2
8	<b>PU-07-591</b>	Pages: 2
8	<b>PU-07-592</b>	Pages: 2
8	<b>PU-07-593</b>	Pages: 2
8	<b>PU-07-595</b>	Pages: 2

----- Original Message -----

**From:** Thomas D Kelsch <[tdkelsch@kelschlaw.com](mailto:tdkelsch@kelschlaw.com)>  
**To:** [ijs@nd.gov](mailto:ijs@nd.gov) <[ijs@nd.gov](mailto:ijs@nd.gov)>; 'Fahn, Patrick J.' <[pfahn@nd.gov](mailto:pfahn@nd.gov)>; [wbinek@nd.gov](mailto:wbinek@nd.gov)>; Ayotte, Mark; [Sean.Simpson@midwestwireless.com](mailto:Sean.Simpson@midwestwireless.com)<[Sean.Simpson@midwestwireless.com](mailto:Sean.Simpson@midwestwireless.com)>  
**Cc:** [Raeann.Kelsch@alltel.com](mailto:Raeann.Kelsch@alltel.com) <[Raeann.Kelsch@alltel.com](mailto:Raeann.Kelsch@alltel.com)>  
**Sent:** Fri Sep 28 11:33:31 2007  
**Subject:** Request to Postpone Informal Hearing on PU-07-587,588,590,591,592,593,& 595 Confidential Treatment of ETC filings

E-mail re: concur with Alltel's request to postpone by Briggs and Morgan by M. Ayotte  
09/28/2007 CC: Comm Legal Illona Pat .

Illona,

Pursuant to our telephone contact this morning you indicated that the Commission would reschedule the above informal hearings to either October 24th, or some other date where the parties can be present. I am attaching a short written request for postponement of the hearing for the file. As I indicated on the phone I have been in contact with Mark Ayotte,

attorney for the various limited partnership ETC's and he is in agreement with changing the hearing date to October 24th, or some other date<sup>3</sup> when both Alltel and the Limited Partnerships can be available and heard on the issue.

I am copying Attorney Ayotte with this correspondence.

Thank you for agreeing to work with us on this matter.

Tom

Thomas D. Kelsch  
Kelsch Kelsch Ruff & Kranda  
103 Collins Avenue, PO Box 1266  
Mandan ND 58554-7266  
Phone 701-663-9818 (toll free 1-888-663-9818) Fax 701-663-9810 [tdkelsch@kelschlaw.com](mailto:tdkelsch@kelschlaw.com)  
<<mailto:tdkelsch@kelschlaw.com>>

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(<http://www.messagelabs.com>)

---

# Kelsch Kelsch Ruff & Kranda

C.F. Kelsch  
1890-1987

Attorneys at Law  
Mandan, North Dakota

William C. Kelsch  
Retired

THOMAS F. KELSCH  
ARLEN M. RUFF, P.C.  
THOMAS D. KELSCH, P.C.  
TODD D. KRANDA, P.C.\*  
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1-888-663-9818  
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Website www.kelschlaw.com

September 28, 2007

ILLONA JEFFCOAT-SACCO  
ND PUBLIC SERVICE COMMISSION  
600 E BOULEVARD AVE  
BISMARCK ND 58505-0480

RE: Case No.'s PU-07-587, 588, 590, 591, 592, 593 & 595  
NDPSC  
Alltel  
Request to Postpone Informal Hearings  
Our File No. 12278

Dear Ms. Jeffcoat-Sacco:

I am enclosing an original and 7 copies of the Request to Postpone Informal Hearings in the above actions on behalf of Alltel and an Affidavit of Service by Mail.

If you have any questions, please give me a call.

Respectfully yours,



Thomas D. Kelsch

TDK:dr

Encs

cc: William Binck  
Sean Simpson  
RaeAnn Kelsch, Alltel  
Mark Ayotte

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7	PU-07-593	Pages: 4
7	PU-07-595	Pages: 4



Request to Postpone Informal Hearing on  
October 3, 2007  
by Kelsch Kelsch Ruff & Kranda  
09/28/2007

CC: Comm Legal Ilona Pat.

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

ALLTEL COMMUNICATIONS, INC.  
REQUEST TO POSTPONE INFORMAL  
HEARINGS

Case No. PU-07-595

The Commission scheduled informal hearings on the above matter and on PU-07-587, 588, 590, 591, 592 and 593 for October 3, 2007 at 1:30 p.m. at the Commission Hearing Room.

Sean Simpson, legal counsel for Alltel, has a conflict for October 3, 2007. He has hearings scheduled in South Dakota.


Alltel believes that it is necessary for Mr. Simpson to take part in the informal hearings in this matter.

Mr. Simpson would be available for October for the Commission's next regularly scheduled informal hearing date of October 24<sup>th</sup>.

Alltel has contacted Mark Ayotte, attorney for Badland Cellular, NDRSA No 3, NDRAS No 2, North Dakota 5, North Dakota Cellular and Bismarck MSA, Limited Partnerships. Attorney Ayotte is in agreement with Alltel, that because the requests for confidential treatment raise identical issues, it would be best that both matters be taken together at the same informal hearing.

Alltel hereby requests that the Commission continue the informal hearings on these matters to October 24 or some other date when Alltel and the Limited Partnerships can be available and heard on these issues.

Dated this 28 day of September, 2007.

  
\_\_\_\_\_  
THOMAS D. KELSCH  
State Bar ID No. 03918  
KELSCH, KELSCH, RUFF & KRANDA  
Attorney for AllTel Corporation  
103 Collins Avenue, P.O. Box 1266  
Mandan, North Dakota 58554-7266  
(701) 663-9818

**Anderson, Lori D.**

---

**From:** Jeffcoat-Sacco, Illona  
**Sent:** Friday, September 28, 2007 2:29 PM  
**To:** -Grp-PSC Commissioners  
**Cc:** -Grp-PSC Legal; -Grp-PSC Public Utilities; Bauske, Shelly A.  
**Subject:** FW: Request to Postpone Informal Hearing on PU-07-587,588,590,591,592,593,& 595 Confidential Treatment of ETC filings  
**Attachments:** SKMBT\_C35207092811280.pdf

Based on this e-mail and one to follow--this matter will be removed from the Informal Hearing agenda and scheduled for a future one.

*Illona A. Jeffcoat-Sacco*  
ND PSC  
701-328-2407 (fax 2410)  
[ijs@nd.gov](mailto:ijs@nd.gov)

---

**From:** Thomas D Kelsch [mailto:[tdkelsch@kelschlaw.com](mailto:tdkelsch@kelschlaw.com)]  
**Sent:** Friday, September 28, 2007 11:34 AM  
**To:** Jeffcoat-Sacco, Illona; Fahn, Patrick J.; Binek, William W.; 'Ayotte, Mark'; Sean.Simpson@midwestwireless.com  
**Cc:** Raeann.Kelsch@alltel.com  
**Subject:** Request to Postpone Informal Hearing on PU-07-587,588,590,591,592,593,& 595 Confidential Treatment of ETC filings

Illona,  
Pursuant to our telephone contact this morning you indicated that the Commission would reschedule the above informal hearings to either October 24<sup>th</sup>, or some other date where the parties can be present. I am attaching a short written request for postponement of the hearing for the file. As I indicated on the phone I have been in contact with Mark Ayotte, attorney for the various limited partnership ETC's and he is in agreement with changing the hearing date to October 24<sup>th</sup>, or some other date<sup>3</sup> when both Alltel and the Limited Partnerships can be available and heard on the issue.

I am copying Attorney Ayotte with this correspondence.

Thank you for agreeing to work with us on this matter.

Tom

Thomas D. Kelsch  
Kelsch Kelsch Ruff & Kranda  
103 Collins Avenue, PO Box 1266  
Mandan ND 58554-7266  
Phone 701-663-9818 (toll free 1-888-663-9818)  
Fax 701-663-9810  
[tdkelsch@kelschlaw.com](mailto:tdkelsch@kelschlaw.com)

NOTICE: This e-mail, and attachments, are covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., are confidential, and/or are legally privileged. This message and attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient or their authorized representative, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please 1) notify us immediately by e-mail or by telephone, 2)

delete this e-mail, and all associated text files from all storage locations including individual and network storage devices; and 3) refrain from disseminating or copying this communication. Thank you.

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Alltel Communications, Inc.**  
**ETC Compliance**  
**Annual Report**

**Case No. PU-07-595**

**AFFIDAVIT OF SERVICE BY REGULAR MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Lori Anderson** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **29<sup>th</sup> day of August, 2007**, she served **two** envelopes by first class mail, fully prepaid, securely sealed and containing a photocopy of:

**STAFF RESPONSE TO ALLTEL COMMUNICATIONS, INC.'S APPLICATION  
REQUESTING TRADE SECRET PROTECTION**

The envelopes were addressed as follows:

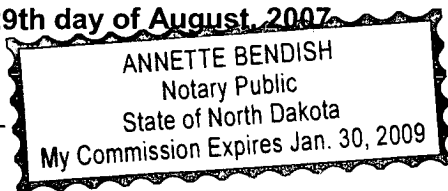
Thomas D. Kelsch  
Kelsch Kelsch Ruff & Kranda  
Attorneys at Law  
PO Box 1266  
Mandan ND 58554-7266

Rae Ann Kelsch  
Alltel Regional Manager  
Upper Midwest Region  
1110 College Dr - Ste 107  
Bismarck ND 58501

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

Subscribed and sworn to before me  
this **29th day of August, 2007**.

SEAL



*Lori Anderson*  
\_\_\_\_\_  
*Annette Bendish*  
\_\_\_\_\_  
Notary Public



Public Service Commission  
State of North Dakota

---

COMMISSIONERS

Susan E. Wefald, President  
Kevin Cramer  
Tony Clark

Executive Director  
Illona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: [www.nd.gov/psc](http://www.nd.gov/psc)  
e-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
TTY 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

August 29, 2007

Illona Jeffcoat-Sacco  
Executive Director  
Public Service Commission  
600 E Boulevard Ave. Dept. 408  
Bismarck, ND 58505-0480


RE: **Alltel Communications, Inc  
ETC Compliance  
Annual Report  
Case No. PU-07-595**

Dear Illona:

Enclosed for filing in the above referenced case are the original and seven copies of the **Staff Response to Alltel Communications, Inc.'s Application Requesting Trade Secret Protection.**

Thank you.

Sincerely,



William W. Binek  
Chief Counsel

Enclosure

C: Parties of Record

5 **PU-07-595**

Pages: 1

Letter to Executive Director

by Public Service Commission  
08/29/2007

CC: Comm Legal Illona Pat .

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Alltel Communications, Inc.**  
**ETC Compliance**  
**Annual Report**

**Case No. PU-07-595**

**STAFF RESPONSE TO ALLTEL COMMUNICATIONS, INC.'S APPLICATION  
REQUESTING TRADE SECRET PROTECTION**

On August 2, 2007, Alltel Communications, Inc. ("Alltel") filed an application to protect trade secret and confidential information in conjunction with its 2007 ETC Annual Report required by N.D. Admin. Code §§69-09-05-12(3) and 69-09-05-12.1

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

Alltel seeks to protect the following Confidential Exhibits A, C and attachments 1 and 2, and D.

Confidential Exhibit A is a Narrative of Alltel's Service Improvement Plan for the State of North Dakota and an Excel Spreadsheet.

Confidential Exhibit C is a summary of 2006 Universal Service Support and Expenditures in North Dakota.

Confidential Exhibit C, attachment 1 is an Excel Spreadsheet of the 2006 Universal Service Support and Expenditures in North Dakota.

Confidential Exhibit C, attachment 2 is a Description of Improvements or Upgrades.

Confidential Exhibit D is the Outage Report for the State of North Dakota.

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

Alltel states that the information is in the nature of trade secrets and exempt from public disclosure under Chapter 69-02-09 of the North Dakota Administrative Code. Alltel states that it would cause economic hardship to Alltel if the information is disclosed to Alltel's competitors and would adversely affect the use of universal service funds.

Alltel states that the two-year service plan detail and corresponding attachments contain proprietary business and technical information that are entitled to protection as trade secrets because the information satisfies the requirements of the Administrative Rule.

Alltel states that the information derives independent economic value from its secrecy or a competitive advantage is derived from its secrecy. Alltel states that maintaining the information as secret is necessary for Alltel to maintain the competitive advantage of its competitors not knowing Alltel's current network capabilities and/or network improvement work. Alltel states that without this information, its competitors would not have access to any perceived vulnerabilities in Alltel's network.

**3. An Explanation of Why the Information is Not Readily Ascertainable by Proper Means by Other Persons.**

Alltel states that these reports are not readily ascertainable by proper means, Alltel states that the information is not available in any public sources, and cannot be legally obtained from Alltel without an adequate showing<sup>2</sup> of a legal mandate or need for appropriate use in Alltel's business.

**4. A General Description of the Persons or Entities that would Obtain Economic Value from Disclosure or Use of the Network.**

The only description provided by Alltel is its “competitors”.

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

Alltel did not identify any competitors.

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

Alltel states that it maintains the information as secret by refusing to disclose the information outside the Company or to those employees who do not need to have access to the information. Alltel states that within the Company, those who have been trained to use the proprietary software that enables Alltel to compete the analysis are held to the highest ethical standards. See also the response to section 3 above.

**Staff Recommendation**

Staff has reviewed Alltel’s request for trade secret protection. N.D.C.C. §47-25.1-01 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.”

It should be noted that the definition of “trade secret” under N.D.C.C. §44-04-18.4, which is almost identical to N.D.C.C. §47-25.1-01, reads as follows:

“Trade secret’ means information, including a formula, pattern, compilation, program, device, method, technique, *technical know how*, or process, that:

- c. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons *that* can obtain economic value from its disclosure or use; and
- d. Is the subject of efforts that are reasonable under the circumstances to maintain *the secrecy of the information.*" (Differences italicized).

N.D. Admin. Code §69-02-09-04 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."

The information is relevant because, under N.D. Admin. Code §§69-09-05-12.1(1) and 69-09-05-12.1(2) designated eligible telecommunications carriers must provide the information in Confidential Exhibits A, C and attachments 1 and 2, and D to the Commission in an annual report to show that the company is in compliance with its obligations as an eligible telecommunications carrier.

The information Alltel seeks to protect in Confidential Exhibits A, C and attachments 1 and 2 – an explanation of Alltel's Service Improvement Plan for North Dakota, the summary of 2006 Universal Service Support and Expenditures in North Dakota, and a Description of Improvements or Upgrades – is not the type of information that is ordinarily eligible for trade secret protection. This is information the users of telecommunications services have a right to know because it is those users of telecommunications service who pay the universal fund charges that fund the payments that are provided to these companies. The information that is required under N.D. Admin. Code §69-09-05-12.1(1) is not general financial information about the company.

It is information specific to the high-cost universal support that a company receives and information regarding the use of those funds.

Alltel states that the information derives independent economic value from its secrecy or a competitive advantage is derived from its secrecy. Alltel states that maintaining the information as secret is necessary for Alltel to maintain the competitive advantage of its competitors not knowing Alltel's current network capabilities and/or network improvement work, and that without this information, its competitors would not have access to any perceived vulnerabilities in Alltel's network.

Alltel's reasoning does not support granting of trade secret protection for this information. All eligible telecommunications carriers are treated the same and all of them are required to provide the same information. Therefore, all eligible telecommunications carriers will have the exact same information about each other and there will be no competitive advantage to anyone. The North Dakota Attorney General has determined that there is no competitive disadvantage from disclosure of commercial information if all competitors are required to provide the information. 1998 N.D. Op. Att'y Gen. L-77.

Even if the Commission were to determine that the information is trade secret, the Commission still could not protect it. The North Dakota Supreme Court ruled in Northern States Power Company v. North Dakota Public Service Commission, 502 N.W.2d 240, 243 (N.D. 1993) that finding information a trade secret for purposes of the Uniform Trade Secrets Act does not automatically except that information from North Dakota's open-records law. The Court stated that "for an exception to the open-records law to exist under our constitutional and statutory provisions, it must be specific, i.e., the

Legislature must directly address the status of the record in question, for a specific exception, by the plain terms of those provisions, may not be implied.” Id. There is no specific legislated exemption under N.D.C.C. §44-04-18.4 to protect information contained in ETC annual reports required by law or rules to be filed with the Commission. Therefore, even if the information may constitute a trade secret under N.D.C.C. §47-25.1-01(4), it does not fall within any specific exemption to the open records law. Id. at 242. A finding that the information is a trade secret does not automatically provide an exception to the open records requirement. If there is no legislative exception, and if there is no protection available through the Rules of Evidence, such trade secret information is still subject to the open records requirement. Id. Protection under Rule 507 of the North Dakota Rules of Evidence is only available in an adjudicative proceeding under N.D.C.C. Chapter 28-32, the Administrative Agencies Practice Act. Id. at 244-245. Filing of a report that is required under the Commission’s rules does initiate an adversarial proceeding. Id.

Staff agrees that the information in Confidential Exhibit D is trade secret information that should be protected, but not for the reasons set forth in Alltel’s application. Staff recommends that the information in Confidential Exhibit D be given trade secret protection because the information is considered confidential by the Federal Communications Commission (“FCC”) for national security reasons.

The information required in the Commission’s ETC Outage Report is similar to the information which the FCC requires wireless carriers to file in Part 4 Outage Reports as contained in 47 C.F.R. §4.1 *et seq.*, especially §4.9. The FCC has determined that

the information required in Part 4 Outage Reports is highly sensitive and protected from public dissemination under the Freedom from Information Act. The FCC states:

The overwhelming majority of the commenting parties, including the Department of Homeland Security (“DHS”), have demonstrated that the outage reports will contain sensitive data, which requires confidential treatment under the Freedom of Information Act (“FOIA”). This data, though useful for the analysis of past and current outages in order to increase the reliability and security of telecommunications networks in the future, could be used by hostile parties to attack those networks, which are part of our Nation’s critical information infrastructure. The disclosure of outage reporting information to the public could present an unacceptable risk of more effective terrorist activity. We therefore will treat the information that will be provided as confidential. This information will be withheld from disclosure to the public in accordance with the Freedom of Information Act.<sup>1</sup>

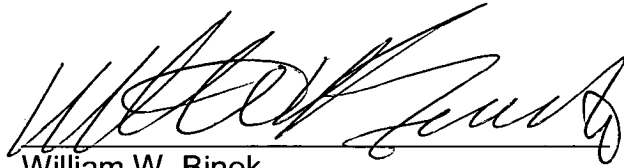
N.D.C.C. §44-04-18(1), as interpreted by the North Dakota Attorney General, allows a state agency to provide confidentiality protection of information if the information is specifically protected under federal regulation. The outage information is protected under federal regulation. N.D. Admin. Code §69-09-05-12.1(2) provides that “[e]ligible telecommunications carriers may file a copy of federal communications commission outage reports that include the information required by this subsection to satisfy this requirement.”

For reasons set forth above, staff recommends that the Commission deny Alltel’s Application Requesting Trade Secret Protection for Confidential Exhibits A, C and attachments 1 and 2. Staff recommends that trade secret protection be granted for Confidential Exhibit D.

---

<sup>1</sup> *In the matter of New Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 04-188, 19 FCC Rcd. 16830 (rel. Aug. 19, 2004), ¶ 3 (“Outage Order”).

Dated August 29, 2007.

A handwritten signature in black ink, appearing to read "William W. Binek", written over a horizontal line.

William W. Binek  
Chief Counsel



# Kelsch Kelsch Ruff & Kranda

C.F. Kelsch  
1890-1987

Attorneys at Law  
Mandan, North Dakota

William C. Kelsch  
Retired

THOMAS F. KELSCH  
ARLEN M. RUFF, P.C.  
THOMAS D. KELSCH, P.C.  
TODD D. KRANDA, P.C.\*  
WILLIAM J. DELMORE  
DANIEL NAGLE

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1-888-663-9818  
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Website [www.kelschlaw.com](http://www.kelschlaw.com)

\*Also Licensed in Minnesota

August 3, 2007

MS ILLONA A JEFFCOAT-SACCO  
EXECUTIVE SECRETARY  
PUBLIC SERVICE COMMISSION  
600 EAST BOULEVARD, DEPT 408  
BISMARCK ND 58505-0480

HAND DELIVERED AND EMAILED



PATRICK FAHN  
PUBLIC SERVICE COMMISSION  
600 EAST BOULEVARD, DEPT 408  
BISMARCK ND 58505-0480

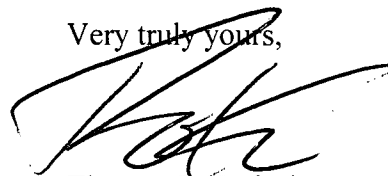
Re: Alltel Communications, Inc.  
Annual Eligible Telecommunication Carriers  
Use of Federal Universal Service Support Certification]

Dear Ms. Jeffcoat-Sacco and Mr. Fahn:

Enclosed for filing is an Application for Trade Secret Protection by Alltel Communications, Inc.

Thank you for your consideration of this matter.

Very truly yours,

  
Thomas D. Kelsch

TDK:ls

Encs

c: Alltel Communications, Inc.



2

PU-07-595

Pages: 3

Application for Trade Secret

by Kelsch Kelsch Ruff & Kranda

08/02/2007

CC: Comm Legal Illona Pat

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

General Investigation Regarding Certification of Federal Universal Service Funding For Eligible Telecommunications Carriers in North Dakota      Re: Filing required pursuant to § 69-09-05-12(3)

**APPLICATION FOR TRADE SECRET PROTECTION  
BY ALLTEL COMMUNICATIONS, INC. (ALLTEL)**

Pursuant to ND Rules 69 -02-09 Trade Secret Procedures, NDCC § 44-04-18.4, Alltel Communications, Inc. (Alltel) applies for trade secret protection for the following documents filed as part of Alltel Communications Annual Eligible Telecommunication Carriers Use of Federal Universal Support Certification.

Alltel requests confidential treatment for the following information, which is filed in a separate, sealed envelope.

- Confidential Exhibit A (Service Improvement Plan Excel Spreadsheet);
- Confidential Exhibit C (Summary of 2006 Universal Service Support and Expenditures in North Dakota
- Confidential Exhibit C, attachment 1, (2006 Universal Service Support and Expenditures in North Dakota (Excel Spreadsheet);
- Confidential Exhibit C, attachment 2, (Description of Improvements or Upgrades)
- Confidential Exhibit D (Outage Report).

Alltel believes that the aforesaid information is in the nature of trade secrets and exempt from public disclosure under the provisions of North Dakota Administrative Rule 69-02-09. This information, known only to Alltel, would cause economic hardship to Alltel if disclosed to the Company's competitors and would adversely affect the use of universal service funds.

Specifically, the two-year service plan detail and the corresponding attachments, contain proprietary business and technical information that are entitled to protection as trade secrets because the information satisfies the requirements of the Administrative Rule. The information is subject to efforts reasonable under the circumstances to maintain its secrecy. Alltel maintains this information as secret by refusing to disclose the information outside the Company or to those employees who do not need to have access to the information. Even within the Company, those who have been trained to use the proprietary software that enables the Company to complete the analysis and are held to the highest ethical standards.

These reports are not readily ascertainable by proper means. This information is not available in any public sources, and cannot be legally obtained from Alltel without an adequate showing of a legal mandate or need for appropriate use in Alltel's business.

Furthermore, the information derives independent economic value from its secrecy or a competitive advantage is derived from its secrecy. Maintaining this information as secret is necessary for Alltel to maintain the competitive advantage of its competitors not knowing its current network capabilities and/or network improvement work. Without this information, competitors would not have access to any perceived vulnerabilities in the Company's network.

For the reasons cited above, Alltel respectfully requests confidential treatment of these documents. Confidential treatment does not prohibit disclosure, but simply assures that parties of record have signed non-disclosure agreements.

Sincerely,

Thomas D. Kelsch  
Counsel for Alltel Communications, Inc.

# Kelsch Kelsch Ruff & Kranda

C.F. Kelsch  
1890-1987

Attorneys at Law  
Mandan, North Dakota

William C. Kelsch  
Retired

THOMAS F. KELSCH  
ARLEN M. RUFF, P.C.  
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1-888-663-9818  
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Website [www.kelschlaw.com](http://www.kelschlaw.com)

August 1, 2007

MS ILLONA A JEFFCOAT-SACCO  
EXECUTIVE SECRETARY  
PUBLIC SERVICE COMMISSION  
600 EAST BOULEVARD, DEPT 408  
BISMARCK ND 58505-0480

HAND DELIVERED AND EMAILED

Re: Alltel Communications  
Annual Eligible Telecommunication Carriers  
Use of Federal Universal Service Support Certification  
Case No: PU-06-421



Dear Ms. Jeffcoat-Sacco:

On behalf of Alltel Communications, I am filing the following **Non-Confidential Documents** pursuant to NDAC §69-09-05-12 et. seq.

1. Eligible Telecommunications Carriers Annual Report on behalf of WWC Holding Co., Inc., a wholly-owned subsidiary of Alltel Communications, Inc., certified by Gene DeJordy.  
Exhibits:
  - B. Alltel Description of Rate Plans (not confidential)

If you have any questions concerning this Annual Report for ETC Use of Federal Universal Service Support, please contact Rae Ann Kelsch at the following:

Alltel Regional Manager, Upper Midwest Region  
1110 College Dr - Ste 107  
Bismarck ND 58501  
701-220-0003 (cell)  
701-22-2984 (fax)  
[raeann.kelsch@alltel.com](mailto:raeann.kelsch@alltel.com)

Or, you can contact me and I will get the answer for you.



1 PU-07-595

Pages: 36

2007 High-Cost Universal Service Support  
Annual Report  
by ALLTEL Communications, Inc.

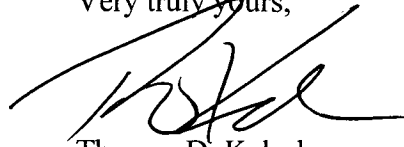
08/01/2007

CC: Comm Legal Illona Pat .

August 1, 2007  
Page 2

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'TKelsch', written over the closing text.

Thomas D. Kelsch

TDK:ls

Encs

c: Alltel Communications

**BEFORE THE NORTH DAKOTA PUBLIC SERVICE COMMISSION**

In the Matter of Annual Eligible  
Telecommunications Carriers (ETCs) Use of  
Federal Universal Service Support

**ELIGIBLE TELECOMMUNICATIONS CARRIER  
ANNUAL REPORT ON BEHALF OF  
WWC HOLDING CO., INC., A WHOLLY-OWNED SUBSIDIARY OF ALLTEL  
COMMUNICATIONS, INC.**

July 31, 2007

Gene DeJordy  
Senior Vice President, Regulatory Affairs

WWC Holding Co., Inc., a wholly-owned  
subsidiary of Alltel Communications, Inc.

## **I. INTRODUCTION**

WWC Holding Co. Inc., a wholly-owned subsidiary of Alltel Communications, Inc. (“WWC Holding Co., Inc.” the “Company” or Alltel”) submits this Annual Report, based on the Commission’s Order designating Alltel as an ETC, as well as recently Commission-adopted rules regarding the annual ETC certification and reporting process – NDAC §§ 69-09-05-12 et seq.<sup>1</sup> Alltel respectfully requests the Commission to certify its eligibility for high-cost support from the federal universal service fund for calendar year 2008.

## **II. BACKGROUND**

Alltel is licensed by the FCC to provide commercial mobile radio services (“CMRS”) throughout certain rural and non-rural telephone company areas in North Dakota. Alltel is licensed to provide CMRS in the following areas: North Dakota Rural Service Area (“RSA”) Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 as well as the Bismarck, ND, Fargo-Moorehead, ND-MN, and Grand Forks, ND-MN MSAs and the BTAs of Minot, ND , and Williston ND . The Commission has designated Alltel as a competitive ETC in certain non-rural wire centers served by Qwest Corporation,<sup>2</sup> and the full study areas of several rural telephone companies.<sup>3</sup> As an ETC, Alltel provides the nine supported services, including:

- Voice grade access to the Public Switched Telephone Network;
- Local Usage;
- Dual tone multi-frequency signaling or its functional equivalent;
- Single party service or its functional equivalent;

---

<sup>1</sup> *Ibid.*, p. 5.

<sup>2</sup> *Western Wireless Corporation Designated Eligible Telecommunications Application*, Case No. PU-1564-98-428, p. 24 (December 15, 1999) (“Non-Rural Order”)

<sup>3</sup> *Western Wireless Corporation Designated Carrier Application*, Case No. PU-1564-98-428, Order on Remand, p. 27 (October 3, 2001) (“Rural Order”); *WWC Holding Co., Inc. Designated Eligible Telecommunications Carrier Application*, Case No. PU-2077-03-636, p. 8, (February 12, 2004) (“Additional Rural Areas Order”)

- Access to 911 or E911;
- Access to operator services;
- Access to interexchange services;
- Access to directory assistance; and
- Toll limitation for qualifying low-income customers.

**III. ALLTEL SATISFIES EACH OF THE COMMISSION'S ETC APPLICATION REQUIREMENTS**

Pursuant to NDAC § 69-09-05-12(3), any common carrier that has been designated an eligible telecommunications carrier before the effective date of the new rules must submit information required by paragraph (3) of the above-referenced section no later than August 1, 2007, as part of its annual reporting requirements. Alltel respectfully submits the following information in satisfaction of NDAC § 69-09-05-12(3), for its ETC Designated Area.

**A. Alltel Commits To Provide Service Throughout Its Designated Areas To All Customers Making A Reasonable Request For Service**

Alltel commits to provide service throughout its Designated Area to all customers making a reasonable request for service in compliance with the Commission's standards pursuant to NDAC § 69-09-05-12(3)(a). For purposes of evaluating the provision of service upon request from a potential customer within its Designated Areas, Alltel hereby certifies that it does and will continue to do the following:

1. Provide service on a timely basis to requesting customers within its Designated Areas where its network already serves the potential customer's premises; and
2. Provide service within a reasonable period of time, if the potential customer's premises are located within Alltel's Designated Areas, but outside its existing network coverage, if service can be provided at reasonable cost by:
  - (a) Modifying or replacing the requesting customer's equipment;
  - (b) Deploying a roof-mounted antenna or other equipment;
  - (c) Adjusting the nearest cell tower;
  - (d) Adjusting network or customer facilities;
  - (e) Reselling services from another carrier's facilities to provide service; or

- (f) Employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.

If service cannot be offered at reasonable cost using one of these options, Alltel will report the unfulfilled service request to the Commission and describe how it attempted to provide service consistent with the Commission's requirement.

**B. Alltel's Service Improvement Plan**

Alltel has developed an appropriate Service Improvement Plan that describes with specificity how it will use the support received for the provision, maintenance or upgrading of its facilities pursuant to section 254 of the Telecommunications Act of 1996. Alltel's Service Improvement Plan is attached as **Confidential Exhibit A**. The Service Improvement Plan includes all information required by NDAC § 69-09-05-12(3)(b) for calendar year 2007 as well as the annual reporting information required by NDAC § 69-09-05-12.1(1) for calendar years 2006 and 2008. Any projected expenditures under the Service Improvement Plan are based on estimates of federal high-cost universal service support to be received in 2007 and 2008.<sup>4</sup> Alltel emphasizes that the projected expenditures in the Service Improvement Plan are estimates over the two-year period and that these estimates may change based upon a variety of factors. Furthermore, any projected expenditures can be affected by the amount of federal universal service support received by Alltel. Federal universal service support received is dependent upon a number of factors, including but not limited to: ILEC receipts, federal policy changes, and annual true-ups, all of which are not within Alltel's control. To the extent that actual receipts vary from anticipated projections, or market conditions justify, Alltel reserves the right to modify its service improvement plan.

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<sup>4</sup> This figure is based on projections from the Universal Service Administrative Company's website found at [www.universalservice.org](http://www.universalservice.org). Actual support amounts received may vary from this projection.

Alltel's Service Improvement Plan demonstrates how signal quality, coverage or capacity will continue to improve due to the Company's receipt of federal high-cost universal service support; the projected start date and completion date for each improvement; the estimated amount of investment for each project that is funded by high-cost support; the specific geographic areas where the improvements are expected to be made; and the estimated population that will be served as a result of the improvements. As reflected in **Confidential Exhibit A**, Alltel is projecting certain enhancements and upgrades to its switching facilities which will provide an improvement to all areas served in the Designated Areas. The projected capital expenditures and other operating expenses reflected in the Plan exceed the projected amount of universal service support Alltel will receive. In those portions of the Designated Area for which a specific capital project is not identified in the Service Improvement Plan, Alltel will continue to incur operating costs associated with servicing universal service customers, to continue to support the provision of service.

C. **Alltel Has Adequately Prepared For and Able to Function in Emergency Situations.**

Alltel has taken the necessary actions to remain functional in emergency situations pursuant to NDAC § 69-09-05-12(3)(c). The Company's network is designed and deployed with reasonable amounts of back-up power to provide functionality without an external power source. Industry practices are implemented to reroute traffic around damaged facilities and manage traffic spikes resulting from emergency situations.

Alltel deployed fixed and portable back-up power generators at various locations throughout its network that can be deployed in emergency situations. These back-up power generators are capable of keeping a cell site up and running until power is restored to the cell site, a portable generator is moved to the site, system changes are made to reroute traffic or a cell

on wheels (“COW”) is deployed. Alltel tests its back-up power generators regularly to ensure functionality. Alltel is also capable of rerouting traffic around damaged or out-of-service facilities by changing call routing translations as needed. Alltel is also able to deploy COWs as temporary cell sites when existing facilities are damaged or out-of-service for longer periods of time. Further, by changing call routing translations or deploying COWs, Alltel is able to manage traffic spikes throughout its network. As a longer-term solution for managing increased traffic levels and traffic spikes, Alltel can increase capacity at its cell sites, switches and transport facilities.

**D. Alltel Will Satisfy Applicable Consumer Protection And Service Quality Standards Within Its Designated Areas, Including Compliance With The CTIA Consumer Code**

Pursuant to NDAC § 69-09-05-12(3)(d), Alltel certifies that it has and will continue to satisfy applicable consumer protection and service quality standards within its Designated Areas. For purposes of this requirement, the applicable consumer protection and service quality standards established by the Commission is adherence to the CTIA – The Wireless Association’s Consumer Code for Wireless Service (“Consumer Code”). Set forth below is a demonstration of Alltel’s ability to comply with the applicable standard.

As set forth in NDAC § 69-09-05-12(3)(d), a commitment by a wireless carrier to comply with the Consumer Code satisfies this requirement. Alltel became a voluntary signatory to the Consumer Code in September 2003. Since adopting the Consumer Code, Alltel has implemented the policies and practices required of signatories throughout its Designated Area, including disclosures of rates, terms of service and maps of service areas, a trial period for new service, ready access to customer service, policies for customer privacy and prompt responses to consumer inquiries and complaints from government agencies. Furthermore, Alltel provides periodic training materials to customer service representatives and internally monitors and

updates its intranet site toward maintaining compliance with the Consumer Code. Finally, Alltel provides subscribers with benefits that are not mandated by the Consumer Code or other regulation in that it monitors its network for dropped calls and issues customers a one-minute credit for each dropped call. The credit automatically appears on the customer's bill.

**E. Alltel Offers A Local Usage Plan Comparable To The Service Offerings Of The Incumbent LECs Serving Alltel's Designated Areas**

Alltel offers a local usage plan comparable to the service offerings of the incumbent LECs serving its Designated Area pursuant to NDAC § 69-09-05-12(3)(e). The requirement to offer at least one service offering that contains an amount of local usage comparable to the local usage offered by the incumbent LEC does not mandate unlimited local calling. Alltel's local calling plans, while providing fewer minutes of use than the local exchange carriers, provides a much larger local calling area.<sup>5</sup>

A listing of Alltel's rate plans currently available in the Designated Area is attached as **Exhibit B**. Alltel provides rate plans that include substantial local calling areas with varying levels of local usage, and plans with unlimited local usage that provide an outstanding consumer value. Alltel includes local usage in each rate plan and offers local calling areas that are substantially larger than those offered by the incumbent LECs. Customers therefore have the opportunity to select a rate plan that best meets their needs. Consistent with NDAC § 69-09-05-12(3)(e), Alltel's rate plans are comparable to that offered by the incumbent LECs in the Designated Area.

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<sup>5</sup> *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 05-46, ¶ 33 (rel. March 17, 2005) ("*March 17 Order*").

**F. Alltel Acknowledges The FCC May Require It To Provide Equal Access In A Designated Area In The Event That No Other ETC In the Service Area Is Providing Equal Access**

Pursuant to NDAC § 69-09-05-12(3)(f), Alltel hereby acknowledges and certifies that the Commission may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within one of its Designated Area.

**IV. ALLTEL'S ANNUAL REPORT**

In the recently amended rules, the Commission also adopted NDAC § 69-09-05-12.1 requiring a common carrier previously designated by the Commission as an ETC to annually report certain additional information no later than August 1 of each calendar year (beginning in calendar year 2007).<sup>6</sup> Alltel respectfully submits the remaining following information in satisfaction of the Commission's annual reporting requirement.

**A. Progress Report on its Service Improvement Plan**

As provided above, NDAC § 69-09-05-12.1(1) requires an ETC to file a progress report on its Service Improvement Plan. As a result, Alltel has incorporated its Service Improvement Plan into the attached **Confidential Exhibit A** and provides a comprehensive progress report.

The Service Improvement Plan covers the calendar years 2007 through 2008 and also provides the Commission with a reconciliation of expenditures in the prior year (2006).

**B. Network Outages In North Dakota Designated Areas**

NDAC § 69-09-05-12.1(2) requires an ETC to annually report network outages within its Designated Area.

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<sup>6</sup> Amended Rules, p. 7.

The requisite information, for the time period January 1, 2006 through December 31, 2006,<sup>7</sup> is contained within **Confidential Exhibit D**. Alltel has compiled and reported information for all outages, as defined in NDAC § 69-09-05-12.1(2), of at least 30 minutes in duration occurring within its North Dakota Designated Areas. Such information includes, but is not limited to, any outage that may potentially affect at least ten percent (10%) of its customers served in a service area. Similarly, the information relating to the number of customers affected by an outage is estimated based on the number of customers with a billing address in the wire center as of December 31, 2006. Facility-related outages (microwave, etc.) were prospectively monitored in order to prevent the likelihood of future outages caused by similar circumstances. Outages that were the result of natural forces were not within the Company's control; therefore, the remedial actions are fairly limited. Furthermore, the actual number of customers affected, if any, would be dependent upon the number of call attempts during the service disruption, which is not capable of being ascertained.

**C. Unfulfilled Requests For Service**

NDAC § 69-09-05-12.1(3), requires an ETC to annually report the number of requests for service from potential customers within the ETC's designated service area that were unfulfilled during the past year. The filing must also detail how the ETC attempted to provide service to those potential customers as set forth in NDAC § 69-09-05-12(3)(a)(2). The required

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<sup>7</sup> Neither NDAC § 69-09-05-12.1(2) nor FCC Rule 54.209(a)(2) establishes the time period to be covered by an outage report filing. Alltel has adopted January 1 through December 31 as an appropriate time period for the report. Prior to the Commission's establishment of the ETC outage reporting requirement, Alltel did track and report outages based on the FCC's Part 4 regulations. However, FCC Rule 54.209(a)(2) established different reporting thresholds and substantive content requirements as compared to the Part 4 rules.

information concerning Alltel's unfulfilled requests for service within its Designated Area from January 1 through December 31, 2006<sup>8</sup> is contained in **Exhibit F**.

**D. Complaints Per 1,000 Handsets Or Lines**

NDAC § 69-09-05-12.1(4), requires an ETC to annually report the number of complaints per 1,000 handsets or lines. The number of complaints per 1,000 handsets for its Designated Area that Alltel has received from the Commission, FCC, North Dakota Attorney General, the Better Business Bureau or similar third party consumer agency between January 1 and December 31, 2006 is provided in **Exhibit E**. The percentage of complaints is calculated based on the number of subscribers in the Designated Area as of December 31, 2006.

**E. Certification Regarding Applicable Service Quality Standards And Consumer Protection Rules**

NDAC § 69-09-05-12.1(5) requires an ETC to certify that it is complying with applicable service quality standards and consumer protection rules. Alltel's compliance with the CTIA Consumer Code satisfies this requirement. *See supra* Section III(D). Accordingly, Alltel certifies that it is in compliance with applicable consumer protection and service quality standards.

**F. Certification Regarding Its Provision Of A Comparable Local Usage Plan**

NDAC § 69-09-05-12.1(7) requires an ETC to certify that it is offering a local usage plan comparable to the incumbent LEC in the relevant service areas. Alltel certifies that it is offering comparable local usage plans as required by NDAC § 69-09-05-12.1(7) .

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<sup>8</sup> Neither NDAC § 69-09-05-12.1(3) nor FCC Rule 54.209(a)(3) establishes the time period to be covered by a report of unfulfilled requests for service. Alltel has adopted January 1 through December 31 as the time period for the report.

**G. Certification Regarding The FCC's Ability To Provide Equal Access**

Alltel certifies that the Commission may require it to provide equal access to long distance carriers within its Designated Area in the event that no other ETC is providing equal access as described in NDAC § 69-09-05-12.1(8).

**H. Certification Regarding Emergency Functionality**

Alltel certifies to the Commission that it is able to function in emergency situations pursuant to NDAC § 69-09-05-12.1(6).

**V. CONCLUSION**

Based on the foregoing information, Alltel Communications, Inc. respectfully requests the Commission to certify to the FCC and USAC its eligibility to receive federal universal service support for calendar year 2008 in accordance with 47 C.F.R. §§ 54.313 and 54.414.

WWC Holding Co., Inc., a wholly-owned subsidiary of Alltel Communications, Inc.

July 31, 2007

By \_\_\_\_\_  
Gene DeJordy  
Senior Vice President, Alltel Communications,  
Inc.

Telephone No. (501) 905.0787

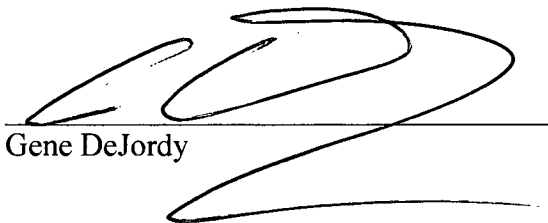
**BEFORE THE NORTH DAKOTA PUBLIC UTILITIES COMMISSION**

In the Matter of Annual Eligible  
Telecommunications Carriers (ETCs) Use of  
Federal Universal Service Support

**CERTIFICATION**

The undersigned, Gene DeJordy, does hereby certify as follows:

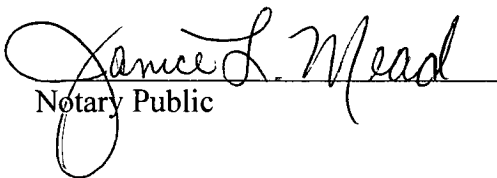
1. I serve as Senior Vice-President of Regulatory Affairs for Alltel Communications, Inc. and each of its affiliates and subsidiaries, including WWC Holding, Co., Inc. The Company's study area code in North Dakota is 389001.
2. Pursuant to NDAC § 69-09-05-12 et seq., this Annual Report is submitted in support of Alltel's Annual ETC Certification Request.
3. As a duly appointed and authorized officer of Alltel Communication, Inc., I hereby commit, on behalf of Alltel Communications, Inc., to the individual certifications identified in the Annual Report.



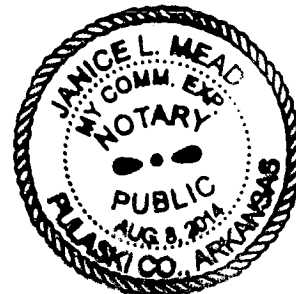
Gene DeJordy

(NOTARY SEAL)

Subscribed and sworn to before me  
this 31 day of July 2007.



Janice L. Mead  
Notary Public



## **SUMMARY OF EXHIBITS**

**Confidential Exhibit A** –Alltel Service Improvement Plan (2007-2008) in North Dakota (detail)

Exhibit B –Alltel Service Plans in North Dakota

**Confidential Exhibit C (summary)** – 2006 Universal Service Support and Expenditures in North Dakota

**Confidential Exhibit C, attachment 1** – 2006 Universal Service Support and Expenditures in North Dakota (detail)

**Confidential Exhibit C, attachment 2 – Summary**

**Confidential Exhibit D** –Outage Report

Exhibit E –Complaints per 1,000 handsets

Exhibit F – Unfulfilled Service Report

**CONFIDENTIAL EXHIBIT A (narrative)**

**SERVICE IMPROVEMENT PLAN  
FOR THE  
STATE OF NORTH DAKOTA**

## **EXHIBIT B**

### **ALLTEL SERVICE PLANS IN NORTH DAKOTA ELIGIBLE FOR UNIVERSAL SERVICE SUPPORT**

A description of the available rate plans eligible for universal service funding is attached to this **Exhibit B**. In addition to the attached service plans, Alltel provides service offerings to customers under grandfathered or legacy service plans that are no longer available to new subscribers. Each service plan includes the supported services required by FCC Rule 54.101(a)(1)-(9). Alltel's additional service plans are subject to change.

**CONFIDENTIAL EXHIBIT C, SUMMARY**

**2006 UNIVERSAL SERVICE SUPPORT AND EXPENDITURES**

Federal Universal Service Support Received January 1, 2006 – December 31, 2006:

\$ 17,065,246

Operating Expenditures, January 1, 2006 –December 31, 2006:

**[TRADE SECRET DATA BEGINS [REDACTED] TRADE SECRET DATA ENDS]**

Capital Improvements, January 1, 2006 – December 31, 2006:

**[TRADE SECRET DATA BEGINS [REDACTED] TRADE SECRET DATA ENDS]**

Total Operating and Capital Expenditures, January 1, 2006 – December 31, 2006:

**[TRADE SECRET DATA BEGINS [REDACTED] TRADE SECRET DATA ENDS]**

**CONFIDENTIAL EXHIBIT C, ATTACHMENT 2**

**DESCRIPTION OF 2006 IMPROVEMENTS OR UPGRADES**

In 2006, Alltel received a total of \$17,065,246 million in federal high-cost universal support for its North Dakota Designated Area. All of this support was used for the provision, maintenance and upgrading of facilities and services for which the support is intended consistent with 47 U.S.C. § 254(e) and 47 C.F.R. §§ 54.7, 54.313 and 54.314. A brief description of specific network improvements and upgrades that were made between January 1, 2006 and December 31, 2006 in the North Dakota Designated Area include the following wire centers:

1. Expanded or enhanced coverage in the following areas:

**[TRADE SECRET DATA BEGINS]**

**[TRADE SECRET DATA ENDS]**

**CONFIDENTIAL EXHIBIT C, ATTACHMENT 2**

**DESCRIPTION OF 2006 IMPROVEMENTS OR UPGRADES**

2. Expanded or enhanced capacity in the following areas:

**[TRADE SECRET DATA BEGINS]**

**[TRADE SECRET DATA ENDS]**

**CONFIDENTIAL EXHIBIT D**

**OUTAGE REPORT FOR THE STATE OF NORTH DAKOTA**

**JANUARY 1, 2006 THROUGH DECEMBER 31, 2006**

EXHIBIT E

**COMPLAINTS PER 1,000 HANDSETS STATE OF NORTH DAKOTA**

**JANUARY 1, 2006 THROUGH DECEMBER 31, 2006**

THE NUMBER OF COMPLAINTS PER 1,000 HANDSETS IS 0.594189453

EXHIBIT F

UNFULFILLED SERVICE REQUESTS

**Number of Unfulfilled Requests  
For Service Within Designated Areas**

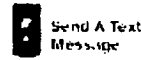
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**Description of How Service  
Was Attempted**

N/A



PERSONAL



Shop Online | Personal | Buy  
Customer Service | Store

Home | Personal | Wireless | Plans | Individual Plans

<< BACK TO PLANS

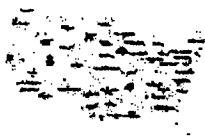
3 WAYS TO BUY



Individual Plans

National Freedom | Greater Freedom | North American Freedom | Smart Choice Packs

National Freedom from Alltel offers extensive coverage at great rates. With this flexible plan, you're free to make calls to major U.S. surrounding metropolitan areas in the Alltel national network — all without additional roaming or long-distance fees.



VIEW LARGER

Sign up today and receive

- Extensive coverage including major U.S. cities
- Free nationwide long distance

Plan features include:

- Basic Voice Mail
- Caller ID
- 3-Way Calling
- No Answer Transfer
- Call Forwarding
- Call Waiting
- Pay-Per-Use Text Messaging (15¢ Outgoing or Incoming)

Plans	Included Anytime Minutes	Night and Weekend Minutes	Mobile-to-Mobile Minutes	Add'l Minute Rate	my circle included
<del>\$39.99</del>	500	unlimited	unlimited	40¢	
<del>\$49.99</del>	1000	unlimited	unlimited	40¢	
<del>\$59.99</del>	900	unlimited	unlimited	40¢	✓
<del>\$79.99</del>	1400	unlimited	unlimited	35¢	✓
<del>\$99.99</del>	2100	unlimited	unlimited	25¢	✓
<del>\$149.99</del>	4000	unlimited	unlimited	25¢	✓
<del>\$199.99</del>	6000	unlimited	unlimited	25¢	✓

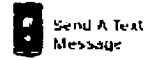
Coverage may not be available in all areas. > MORE

Wireless Plans Terms & Conditions

Explanation of Fees & Services

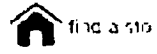
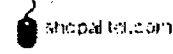


**PERSONAL**



Shop Online | Personal | Buy  
Customer Service | Store

Home | Personal | Wireless | Plans | Individual Plans



<< BACK TO PLANS

**Individual Plans**

[National Freedom](#) | [Greater Freedom](#) | [North American Freedom](#) | [Smart Choice Packs](#)

The **Greater Freedom** wireless plan from Alltel is the best value for those who keep calls local. You'll receive great coverage in your area and when you need to call outside your network, extended coverage is at your fingertips.

VIEW YOUR COVERAGE  
Enter ZIP Code > GO

**Sign up today and receive**

- Large local coverage area
- Best value for local callers
- Free nationwide long distance

**Plan features include:**

- Basic Voice Mail
- Caller ID
- 3-Way Calling
- No Answer Transfer
- Call Forwarding
- Call Waiting
- Pay-Per-Use Text Messaging (15c Outgoing or Incoming)

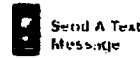
Plans	Included Anytime Minutes	Night and Weekend Minutes	Mobile-to-Mobile Minutes	Add'l Minute Rate	my circle included
<b>\$39.99</b>	700	unlimited	unlimited	40¢	
<b>\$49.99</b>	1500	—	—	40¢	
<b>\$59.99</b>	1200	unlimited	unlimited	40¢	✓
<b>\$79.99</b>	1600	unlimited	unlimited	35¢	✓
<b>\$99.99</b>	2200	unlimited	unlimited	25¢	✓
<b>\$149.99</b>	4500	unlimited	unlimited	25¢	✓
<b>\$199.99</b>	6500	unlimited	unlimited	25¢	✓

[Wireless Plans Terms & Conditions](#)

[Explanation of Fees & Services](#)

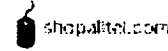


PERSONAL



Shop Online | Personal | Buy  
Customer Service | Store

Home | Personal | Wireless | Plans | Individual Plans



<< BACK TO PLANS

Individual Plans

National Freedom | Greater Freedom | **North American Freedom** | Smart Choice Packs

North American Freedom<sup>SM</sup> provides additional value for traveling to or calling other countries within North America. In addition to N coverage at home, the plans also include no roaming for package and off-peak minutes in Canada, Mexico, Puerto Rico, and the U. Islands. You can also call from the U.S. to those countries toll-free! You also get unlimited Mobile-to-Mobile and My Circle calling fr coverage area.



VIEW LARGER

Included Features\*:

- Caller ID
- Pay-Per-Use Messaging
- Basic Voice Mail
- Three-Way Calling
- No Answer Transfer
- Call Forwarding
- Call Waiting

Most Popular Features:

- Toll-free calling from the U.S. coverage area to the United S Canada, Mexico, Puerto Rico and the U.S. Virgin Islands\*\*
- Toll-free calling from any covered area (including green area the map) back to the United States
- Off-peak minutes apply throughout the entire North America Freedom Coverage Area (including green and dark blue are

Plans**	Included Anytime Minutes	Add'l Minute Rate	Night and Weekend Minutes	Mobile-to-Mobile Minutes
\$59.99	450	45¢	1,000 North American	Unlimited U.S. Only (NF)
\$79.99	900	40¢	1,000 North American	Unlimited U.S. Only (NF)
\$99.99	1350	35¢	1,000 North American	Unlimited U.S. Only (NF)
\$149.99	2500	25¢	1,000 North American	Unlimited U.S. Only (NF)

\*All features may not be available in all areas.

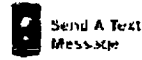
\*\*North American Freedom plans are network-based in the U.S. and not geography-based. You will need to watch your phone's roa while in the U.S. to determine whether or not the minutes you are using are included in the plan. Click here for more information on indicators. Coverage may not be available in all areas. Customers should dial \*228 prior to leaving the country to ensure that the ph most current software in order to maximize coverage. Coverage in Mexico may be more thorough than it appears. For additional inf alltel.com/MXcitylist for a list of over 800 Mexican cities where coverage is available. Extended Night Minutes (\$7 for 7PM) is not av American Freedom. BlackBerry and PDA/Smartphones are currently not eligible for North American Freedom plans.

North America Freedom Terms & Conditions

Explanation of Fees & Services

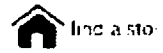


PERSONAL



Shop Online | Personal | Buy  
Customer Service | Store

Home | Personal | Wireless | Plans | Individual Plans

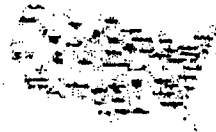


<< BACK TO PLANS

Individual Plans

National Freedom | Greater Freedom | North American Freedom | **Smart Choice Packs**

Keep your smart device working harder with voice and data solutions. Get national voice minutes with an unlimited data plan and you get more features - all for one low monthly price.



VIEW LARGER

Unlimited Data Choices:

- BlackBerry® Internet or Enterprise Service
- Office Sync
- Access Broadband/MobileLink

Most Popular Features:

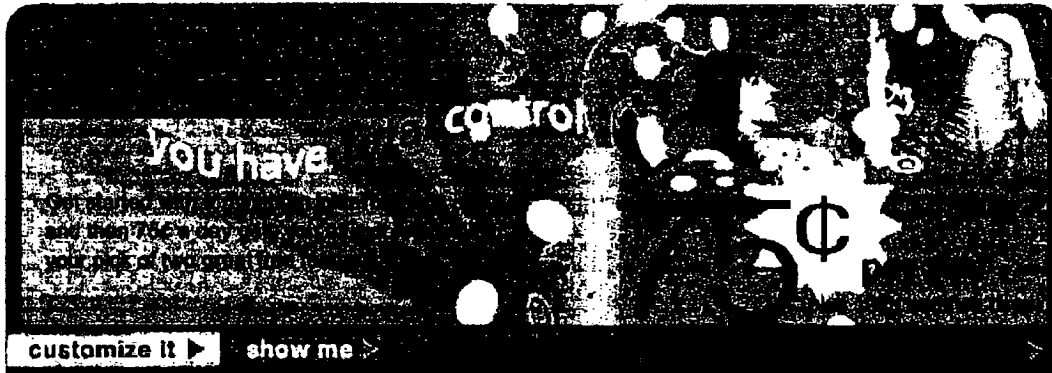
- My Circle
- Unlimited Text Messaging
- Unlimited Mobile-to-Mobile
- Unlimited Night and Weekend Minutes starting at 7 p.m.
- Basic voice mail

Plans	Included Anytime Minutes	Night and Weekend Minutes	Mobile-to-Mobile Minutes	Add'l Minute Rate	my Circle included
\$69.99*	500	unlimited	unlimited	40¢	
\$89.99	500	unlimited	unlimited	40¢	✓
\$109.99	1200	unlimited	unlimited	35¢	✓
\$139.99	2000	unlimited	unlimited	25¢	✓
\$189.99	5500	unlimited	unlimited	25¢	✓

\*Plan does not include My Circle, Unlimited Messaging and Nights starting at 7 p.m.

Smart Choice Pack Terms & Conditions

Explanation of Fees & Services



**It's your day; make it work for you.**

**Pay-Per-Day already includes\*:**

- voice mail
- three-way calling
- caller ID
- nationwide long distance
- roaming 59¢/minute (outside of U prepaid wireless service area)

**Optional features:**

- Text messaging 10¢\* (unless chosen as one of your features)
- Access apps price varies

**Start customizing!**

▼ Include any two pay-per-day features for FREE. Add any additional options for just 25¢ each\*

Pick an option:

**Unlimited nights & weekends**

Free

25¢

What it gets me\*:

tons of FREE unlimited talk time. Keep your battery charged!

**Unlimited favorite number calling**

Free

25¢

pick any number and talk FREE all day every day

**Unlimited text messaging**

Free

25¢

if you could text any more for FREE, you'd need more thumbs

**Unlimited mobile-to-mobile**

Free

25¢

chatting it up all day, every day for FREE with any Alltel customer

Remaining

2

2

Your pay-per-day plan  
Additional unlimited options

\$ 75



LET YOUR  
THE TALK

a c



KEEP IN  
WITHOUT

a c

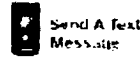
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\*Federal, state & local taxes, if applicable, will be added to the purchase amount.

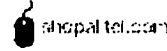


PERSONAL



Shop Online | Personal | Buy  
Customer Service | Store

Home | Personal | Wireless | Plans | Family Plans



<< BACK TO PLANS

Family Plans

National Freedom | Greater Freedom | Smart Choice Packs | **My Circle Family Choice Plans**

Get unlimited talk, free text messaging, and a second line of service FREE with the My Circle Family Choice Plan from Alltel Wireless choice. Each line gets a choice of one of the free bonus features!\*



VIEW LARGER

**Sign up today and receive**

- My Circle
- Free second line
- Choose from two bonus features!
  - 1000 Messages
  - Night & Weekend minutes starting at 7 p.m.
- National calling area

**Plan features include:**

- Basic Voice Mail
- Caller ID
- 3-Way Calling
- No Answer Transfer
- Call Forwarding
- Call Waiting
- Pay-Per-Use Text Messaging (15¢ Outgoing or

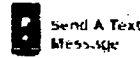
Plans**	Included Anytime Minutes	Night and Weekend Minutes	Mobile-to-Mobile Minutes	Add'l Minute Rate	my circle included
\$79.99	1000	unlimited	unlimited	40¢	✓
\$109.99	2000	unlimited	unlimited	25¢	✓

\*My Circle Family Choice Plans Terms & Conditions

\*\*Two lines of service are included. Additional lines are \$15/mo.

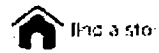
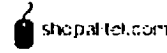


PERSONAL



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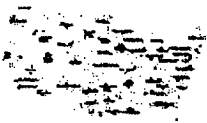


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Individual Plans

**National Freedom** | Greater Freedom | North American Freedom | Smart Choice Packs

National Freedom from Alltel offers extensive coverage at great rates. With this flexible plan, you're free to make calls to major U.S. surrounding metropolitan areas in the Alltel national network — all without additional roaming or long-distance fees.



VIEW LARGER

Sign up today and receive

- Extensive coverage including major U.S. cities
- Free nationwide long distance

Plan features include:

- Basic Voice Mail
- Caller ID
- 3-Way Calling
- No Answer Transfer
- Call Forwarding
- Call Waiting
- Pay-Per-Use Text Messaging (15¢ Outgoing or Incoming)

Plans	Included Anytime Minutes	Night and Weekend Minutes	Mobile-to-Mobile Minutes	Add'l Minute Rate	my circle included
\$39.99	500	unlimited	unlimited	40¢	
\$49.99	1000	unlimited	unlimited	40¢	
\$59.99	900	unlimited	unlimited	40¢	✓
\$79.99	1400	unlimited	unlimited	35¢	✓
\$99.99	2100	unlimited	unlimited	25¢	✓
\$149.99	4000	unlimited	unlimited	25¢	✓
\$199.99	6000	unlimited	unlimited	25¢	✓

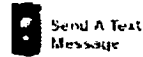
Coverage may not be available in all areas. > MORE

Wireless Plans Terms & Conditions

Explanation of Fees & Services

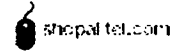


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Individual Plans

National Freedom | **Greater Freedom** | North American Freedom | Smart Choice Packs

The Greater Freedom wireless plan from Alltel is the best value for those who keep calls local. You'll receive great coverage in your area and when you need to call outside your network, extended coverage is at your fingertips.

VIEW YOUR COVERAGE  
Enter ZIP Code: > GO

- Sign up today and receive**
- Large local coverage area
  - Best value for local callers
  - Free nationwide long distance

- Plan features include:**
- Basic Voice Mail
  - Caller ID
  - 3-Way Calling
  - No Answer Transfer
  - Call Forwarding
  - Call Waiting
  - Pay-Per-Use Text Messaging (15c Outgoing or Incoming)

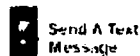
Plans	Included Anytime Minutes	Night and Weekend Minutes	Mobile-to-Mobile Minutes	Add'l Minute Rate	my circle included
\$39.99	700	unlimited	unlimited	40¢	
\$49.99	1500	—	—	40¢	
\$59.99	1200	unlimited	unlimited	40¢	✓
\$79.99	1600	unlimited	unlimited	35¢	✓
\$99.99	2200	unlimited	unlimited	25¢	✓
\$149.99	4500	unlimited	unlimited	25¢	✓
\$199.99	6500	unlimited	unlimited	25¢	✓

Wireless Plans Terms & Conditions

Explanation of Fees & Services



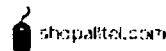
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Individual Plans

National Freedom | Greater Freedom | **North American Freedom** | Smart Choice Packs

North American Freedom<sup>SM</sup> provides additional value for traveling to or calling other countries within North America. In addition to N coverage at home, the plans also include no roaming for package and off-peak minutes in Canada, Mexico, Puerto Rico, and the U. Islands. You can also call from the U.S. to those countries toll-free! You also get unlimited Mobile-to-Mobile and My Circle calling fr coverage area.



VIEW LARGER

Included Features\*:

- Caller ID
- Pay-Per-Use Messaging
- Basic Voice Mail
- Three-Way Calling
- No Answer Transfer
- Call Forwarding
- Call Waiting

Most Popular Features:

- Toll-free calling from the U.S. coverage area to the United S Canada, Mexico, Puerto Rico and the U.S. Virgin Islands\*\*
- Toll-free calling from any covered area (including green area the map) back to the United States
- Off-peak minutes apply throughout the entire North America Freedom Coverage Area (including green and dark blue are

Plans**	Included Anytime Minutes	Add'l Minute Rate	Night and Weekend Minutes	Mobile-to-Mobile Minutes
\$59.99	450	45¢	1,000 North American	Unlimited U.S. Only (NF)
\$79.99	900	40¢	1,000 North American	Unlimited U.S. Only (NF)
\$99.99	1350	35¢	1,000 North American	Unlimited U.S. Only (NF)
\$149.99	2500	25¢	1,000 North American	Unlimited U.S. Only (NF)

\*All features may not be available in all areas.

\*\*North American Freedom plans are network-based in the U.S. and not geography-based. You will need to watch your phone's roa while in the U.S. to determine whether or not the minutes you are using are included in the plan. Click here for more information on indicators. Coverage may not be available in all areas. Customers should dial \*228 prior to leaving the country to ensure that the ph most current software in order to maximize coverage. Coverage in Mexico may be more thorough than it appears. For additional inf alltel.com/MXcitylist for a list of over 800 Mexican cities where coverage is available. Extended Night Minutes (\$7 for 7PM) is not av American Freedom. BlackBerry and PDA/Smartphones are currently not eligible for North American Freedom plans.

North America Freedom Terms & Conditions

Explanation of Fees & Services

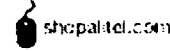


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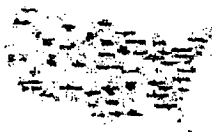


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Individual Plans

National Freedom | Greater Freedom | North American Freedom | **Smart Choice Packs**

Keep your smart device working harder with voice and data solutions. Get national voice minutes with an unlimited data plan and your features - all for one low monthly price.



VIEW LARGER

Unlimited Data Choices:

- BlackBerry® Internet or Enterprise Service
- Office Sync
- Access Broadband/MobileLink

Most Popular Features:

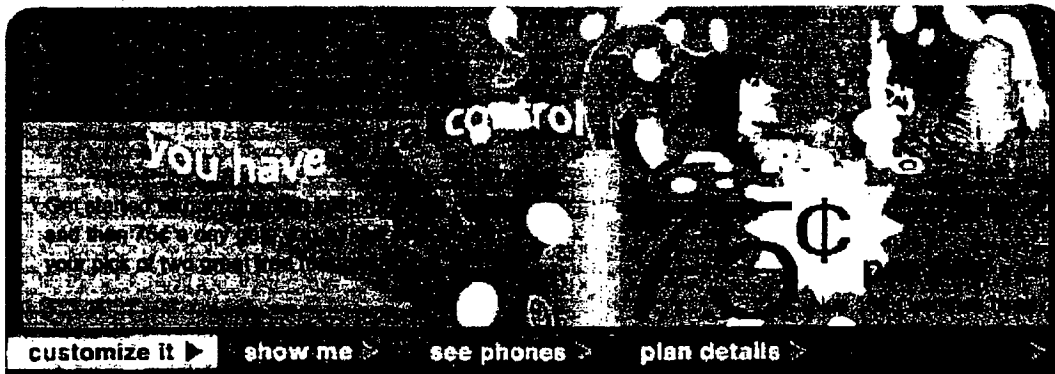
- My Circle
- Unlimited Text Messaging
- Unlimited Mobile-to-Mobile
- Unlimited Night and Weekend Minutes starting at 7 p.m.
- Basic voice mail

Plans	Included Anytime Minutes	Night and Weekend Minutes	Mobile-to-Mobile Minutes	Add'l Minute Rate	my Circle included
\$69.99*	500	unlimited	unlimited	40¢	
\$89.99	500	unlimited	unlimited	40¢	✓
\$109.99	1200	unlimited	unlimited	35¢	✓
\$139.99	2000	unlimited	unlimited	25¢	✓
\$189.99	5500	unlimited	unlimited	25¢	✓

\*Plan does not include My Circle, Unlimited Messaging and Nights starting at 7 p.m.

Smart Choice Pack Terms & Conditions

Explanation of Fees & Services



**It's your day; make it work for you.**

**Pay-Per-Day already includes\*:**

- voice mail
- three-way calling
- caller ID
- nationwide long distance
- roaming 59¢/minute (outside of U prepaid wireless service area)

**Optional features:**

- Text messaging 10¢\* (unless chosen as one of your features)
- Access apps price varies

**Start customizing!**

▼ Include any two pay-per-day features for FREE. Add any additional options for just 25¢ each\*

Pick an option: ▼ ▼

**Unlimited nights & weekends**

**Free 25¢**

**What it gets me\*:**

tons of FREE unlimited talk time keep your battery charged\*

**Unlimited favorite number calling**

**Free 25¢**

pick any number and talk FREE all day every day

**Unlimited text messaging**

**Free 25¢**

if you could text any more for FREE, you'd need more thumbs

**Unlimited mobile-to-mobile**

**Free 25¢**

chatting it up all day, every day for FREE with any Alltel customer

**Remaining 2 2**

Your pay-per-day plan \$ 75  
 Additional unlimited options



LET YOUR THE TALK  
a c



KEEP IN WITHOUT  
a c

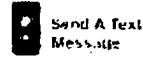
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\*Federal, state & local taxes. If applicable, will be added to the purchase amount.



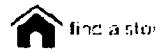
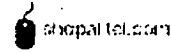
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## Family Plans

National Freedom | Greater Freedom | Smart Choice Packs | **My Circle Family Choice Plans**

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**Sign up today and receive**

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- Choose from two bonus features!
  - 1000 Messages
  - Night & Weekend minutes starting at 7 p.m.
- National calling area

**Plan features include:**

- Basic Voice Mail
- Caller ID
- 3-Way Calling
- No Answer Transfer
- Call Forwarding
- Call Waiting
- Pay-Per-Use Text Messaging (15¢ Outgoing or

Plans**	Included Anytime Minutes	Night and Weekend Minutes	Mobile-to-Mobile Minutes	Add'l Minute Rate	my circle included
\$79.99	1000	unlimited	unlimited	40¢	✓
\$109.99	2000	unlimited	unlimited	25¢	✓

\*My Circle Family Choice Plans Terms & Conditions

\*\*Two lines of service are included. Additional lines are \$15/mo.

07-295

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rae Ann Kelsch  
 Alltel  
 1110 College Dr #107  
 Bismarck ND 58501

A. Signature

X *Jeff Dis*

- Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7007 2560 0001 6057 8275

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

07-58-MANDAN

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas Kelsch  
 Kelsch Kelsch Ruff Kranda  
 PO Box 1266  
 Mandan ND 58554-1266

A. Signature

X *T. Kranda*

- Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7007 2560 0001 6057 8299

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

07-95

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mark Ayotte  
 Griggs & Morgan  
 2200 IDS Center  
 80 South 8th St  
 Minneapolis MN 55402-2157

A. Signature

X *Mark Ayotte*

- Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7007 2560 0001 6057 8282

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

07-575

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
 Print your name and address on the reverse so that we can return the card to you.  
 Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rae Ann Kelsch  
Alltel  
1110 College Dr #107  
Bismarck ND 58501

A. Signature  
X *Jeff D.*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7007 0710 0003 6055 1459

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**SENDER: COMPLETE THIS SECTION**

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
 Print your name and address on the reverse so that we can return the card to you.  
 Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas Kelsch  
Kelsch Kelsch Ruff & Kranda  
PO Box 1266  
Mandan ND 58554

07-595

A. Signature  
X *T. Kelsch*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*T. Kelsch* 12-21-07

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7007 0710 0003 6055 1466

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
 Print your name and address on the reverse so that we can return the card to you.  
 Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mark Ayotte  
Griggs & Morgan  
2200 IDS Center  
80 South 8th St  
Minneapolis MN 55402-2157

07-595

A. Signature  
X *Mark Ayotte*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Mark Ayotte*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

DEC 24 2007

2. Article Number (Transfer from service label) 7007 0710 0003 6055 1442

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540