



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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Executive Secretary  
Darrell Nitschke

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13 September, 2012

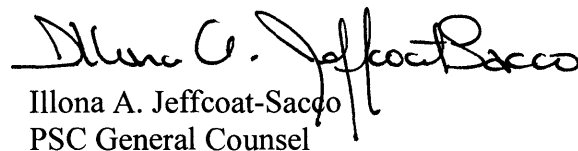
Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Blvd. Ave. Dept. 408  
Bismarck, ND 58505-0480

Re: RC Communications, Inc. & Roberts County Telephone Cooperative  
2008, 2009, 2010, & 2011 High-Cost Universal Support Annual Reports

Dear Mr. Nitschke:

Enclosed is a Staff Response to Applications for Trade Secret Protection in the captioned cases along with an Affidavit of Service.

Best regards,

  
Illona A. Jeffcoat-Sacco  
PSC General Counsel

- |   |   |                  |          |  |
|---|---|------------------|----------|--|
| 4 | PU-11-598   | Filed 09/13/2012 | Pages: 6 |  |
|   | Staff response to applications for trade secret protection<br>Public Service Commission |                  |          |  |
| 4 | PU-11-597   | Filed 09/13/2012 | Pages: 6 |  |
|   | Staff response to applications for trade secret protection<br>Public Service Commission |                  |          |  |
| 4 | PU-10-468   | Filed 09/13/2012 | Pages: 6 |  |
|   | Staff response to applications for trade secret protection<br>Public Service Commission |                  |          |  |
| 4 | PU-09-625   | Filed 09/13/2012 | Pages: 6 |  |
|   | Staff response to applications for trade secret protection<br>Public Service Commission |                  |          |  |
| 4 | PU-09-613   | Filed 09/13/2012 | Pages: 6 |  |
|   | Staff response to applications for trade secret protection<br>Public Service Commission |                  |          |  |
| 3 | PU-08-780   | Filed 09/13/2012 | Pages: 6 |  |
|   | Staff response to applications for trade secret protection<br>Public Service Commission |                  |          |  |
| 3 | PU-08-644   | Filed 09/13/2012 | Pages: 6 |  |
|   | Staff response to applications for trade secret protection<br>Public Service Commission |                  |          |  |

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

**RC Communications, Inc.** Case No. **PU-08-644**  
**2008 High-Cost Universal Service Support**  
**Annual Report**

**Roberts County Telephone Cooperative** Case No. **PU-08-780**  
**2008 High-Cost Universal Service Support**  
**Annual Report**

**RC Communications, Inc.** Case No. **PU-09-613**  
**2009 High-Cost Universal Service Support**  
**Annual Report**

**Roberts County Telephone Cooperative** Case No. **PU-09-625**  
**2009 High-Cost Universal Service Support**  
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**Roberts County Telephone Cooperative** Case No. **PU-10-468**  
**2010 High-Cost Universal Service Support**  
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**RC Communications, Inc.** Case No. **PU-11-597**  
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**2011 High-Cost Universal Service Support**  
**Annual Report**

**STAFF RESPONSE TO APPLICATIONS FOR TRADE SECRET  
PROTECTION**

On 4 August 2008, the CEO/General Manager of Roberts County Telephone Cooperative Association and RC Communications, Inc. filed applications for trade secret protection in the two captioned 2008 cases asking the Commission to protect against public disclosure certain information filed by the two companies in compliance

with the Commission's requirements regarding each company's annual Eligible Telecommunications Company report filing. On 31 July 2009, 14 July 2010, and 1 August 2011, the CEO/General Manager of the two companies filed similar applications in the relevant captioned cases for 2009, 2010 and 2011, respectively.

North Dakota Administrative Code § 69-02-09-04 requires that the Commission staff examine the information and applications and make a recommendation to the Commission. Staff has reviewed the requests of the companies for protection of information.

The companies ask the Commission to protect from disclosure financial information, including financial data and strategy of each company for each respective year. The companies state that the companies take measures to protect their financial information from disclosure. The companies further state that release of the information would provide a competitive advantage to competitors of the companies, particularly competitive local exchange carriers.

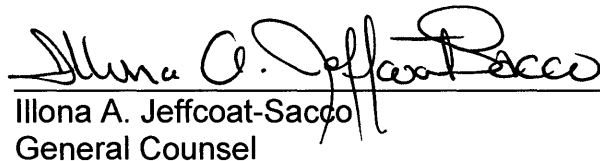
North Dakota Century Code § 44-04-18.4(2) authorizes protection for commercial, financial, proprietary, and trade secret information if privileged and if the information has not been previously publically disclosed. N.D.C.C. § 44-04-18.4(1). Commercial and financial information can be protected from disclosure if the information has not been previously disclosed and disclosure would impair the Commission's ability to obtain similar information in the future or would cause competitive injury to the person providing the information. N.D.C.C. §§ 44-04-18.4(2)(a) and 44-04-18.4(2)(b). Proprietary and trade secret information can be protected when the information derives independent economic value from not being generally known to or readily ascertainable

by other persons, and is the subject of reasonable efforts to maintain its secrecy.  
N.D.C.C. §§ 44-04-18.4(2)(c) and 44-04-18.4(2)(d).

Staff believes that the applications satisfy the requirements of the North Dakota Century Code for protection of the information which is the subject of this request. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

For reasons set forth above, Staff recommends that the Commission grant the 2008, 2009, 2010 and 2011 applications of RC Communications, Inc. and Roberts County Telecommunications Cooperative to protect certain filed information in these cases.

Dated this 13<sup>th</sup> day of September 2012.

  
Illona A. Jeffcoat-Sacco  
General Counsel

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**RC Communications, Inc. Case No. PU-08-644  
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**AFFIDAVIT OF SERVICE BY REGULAR MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**John Hamre** deposes and says that:

he is over the age of 18 years and not a party to this action and, on the **13<sup>th</sup> day of September, 2012**, he deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes, securely sealed and containing a photocopy of:

**Staff Response to Applications for Trade Secret Protection**


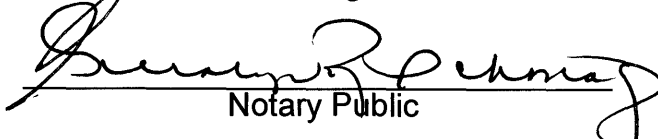
The envelopes were addressed as follows:

Pamela Harrington  
RC Family of Companies  
PO Box 197  
New Effington, SD 57255-0197

Scott Bostrom  
RC Family of Companies  
PO Box 197  
New Effington, SD 57255-0197

The addresses shown are the respective addressee's last reasonably ascertainable post office addresses.

Subscribed and sworn to before me  
this 13<sup>th</sup> day of **September, 2012**.

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

SEAL

