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August 1, 2008

PUBLIC SERVICE COMMISSION

MS GLORIA GEIGER
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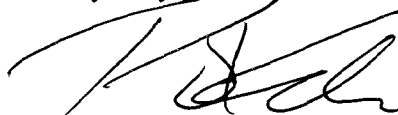
RE: Alltel Communications
Annual Eligible Telecommunication Carriers
Use of Federal Universal Service Support Certification

Dear Ms. Geiger and Mr. Fahn:

Enclosed for filing is an Application for Trade Secret Protection by WWC Holding Co., Inc., a wholly-owned subsidiary of Alltel Communications, Inc.

Thank you for your attention to this matter.

Very truly yours,



Thomas D. Kelsch

TDK:ms

Encs

c: Alltel Communications



2 **PU-08-646** Filed: 8/1/2008 Pages: 4
Application for Trade Secret Protection

WWC Holding Co., Inc.

KelschKelschRuff&Kranda

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

Alltel Communications, Inc. ETC Annual
Report

Re: Filing required pursuant to
§ 69-09-05-12(3)

**APPLICATION FOR TRADE SECRET PROTECTION
BY WWC HOLDINGS CO., INC.,
A WHOLLY OWNED SUBSIDIARY OF
ALLTEL COMMUNICATIONS (ALLTEL)**

Pursuant to ND Rules 69-02-09 Trade Secret Procedures, NDCC § 44-04-18.4, Alltel Communications applies for trade secret protection for the following documents filed as part of Alltel Communication 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 B-1: 2007 Disbursements and Progress Report (Receipts, Investments, and Expenditures Report)
- Confidential Exhibit B-2: Proposed Two-Year Service Improvement Plan
- Confidential Exhibit C: Network Outage Report
- Confidential Exhibit D: Unfulfilled Service Requests

The above 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.

Exhibit B-1 2007 Disbursements and Progress Report (Receipts, Investments, and Expenditures Report) and Exhibit B-2 the two-year service improvement 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.

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. Without this information, its competitors would not have access to any perceived vulnerabilities in Alltel's network.

These confidential reports are not readily ascertainable by proper means. The confidential 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 of Alltel's business.

Alltel 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. 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:

“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 circumstance 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 trade secret under the definition of trade secret in North Dakota Century Code section 47-25.1-01.”

The confidential 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 B-1, B-2, C, 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 B-1 and B-2 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 as 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, LCC 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) (“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, Confidential Exhibits C and D, 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:

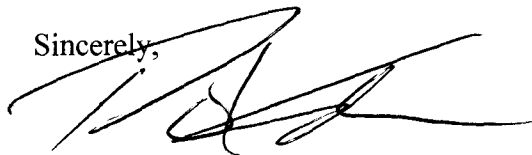
The overwhelming majority of the commenting parties, including the Department of Homeland Security (“DHS”), have demonstrated that the outage reports will contain sensitive data, which requires confidential treatment under the Freedom of Information Act (“FOIA”). This data, though useful for the analysis 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. This information will be withheld from disclosure to the public in accordance with the Freedom of Information Act.¹

In an Order dated March 12, 2008, the Commission found that the same type of information contained in Confidential Exhibits B-1, B-2, C, and D was trade secret information that should be protected in case PU-07-595. The information provided in Confidential Exhibits B-1 and B-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 B-1, B-2, C, and D is protected under federal regulation.

Alltel asks that its application requesting trade secret protection for Confidential Exhibits B-1, B-2, C, 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.

Sincerely,



Thomas D. Kelsch
Counsel for Alltel Communications

¹*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”).