



Public Service Commission State of North Dakota

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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: WWC Holding Co., Inc.
2008 & 2009 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,

A handwritten signature in black ink, appearing to read "Illona A. Jeffcoat-Sacco".

Illona A. Jeffcoat-Sacco
PSC General Counsel

- 4 PU-09-583 Filed 09/13/2012 Pages: 6
Staff response to applications for trade secret protection
Public Service Commission
- 4 PU-08-646 Filed 09/13/2012 Pages: 6
Staff response to applications for trade secret protection
Public Service Commission

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

WWC Holding Co., Inc.
2008 High-Cost Universal Service Support
Annual Report

Case No. PU-08-646

WWC Holding Co., Inc.
2009 High-Cost Universal Service Support
Annual Report

Case No. PU-09-583

STAFF RESPONSE TO APPLICATIONS FOR TRADE SECRET
PROTECTION

On 1 August 2008, Alltel Communications, Inc. (Alltel) filed an application for trade secret protection in the captioned 2008 case under North Dakota Administrative Code Ch. 69-02-09, asking the Commission to protect against public disclosure certain information filed by Alltel in compliance with the Commission's requirements regarding Alltel's annual Eligible Telecommunications Company report filing. On 31 July 2009, Alltel filed a similar application in the captioned 2009 case.

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

In its 2008 filing, Alltel asks the Commission to protect the following information from disclosure:

1. 2007 Disbursements and Progress Reports (Receipts, Investments, and Expenditures Report);
2. Proposed Two-year Service Improvement Plan
3. Network Outage Report;

4. Unfulfilled Service Requests

In its 2009 filing, Alltel asked the Commission to protect the following information from disclosure:

1. 2008 Receipts from the Federal universal Service Fund and 2008 Progress Report- Investments and Expenditures Report;
2. Updated Two-year Service Improvement Plan
3. Network Outage Report;
4. Unfulfilled Service Requests

In each application, Alltel stated that the information sought to be protected derives independent economic value from not being generally known to other persons, and maintaining its secrecy is necessary for Alltel to maintain its competitive advantage. Further, Alltel asserts that the information is not readily ascertainable by other means.

Alltel asserts that there are competitors, or potential competitors, that could obtain economic value from disclosure of the information sought to be protected. Alltel asserts that without access to the protected information, Alltel's competitors would not have access to any perceived vulnerabilities in Alltel's network.

Alltel asserts that it makes an effort to maintain the secrecy of the information it seeks to protect, including restricting access to the information to employees who have a need to know and not disclosing the information to persons outside the company. Finally, in the 2008 application, Alltel asserts that the information it seeks to protect is protected by the Federal Communications Commission (FCC) under federal rules.

North Dakota Century Code § 44-04-18.4(2) authorizes protection for commercial, financial, proprietary, and trade secret information if privileged and if the

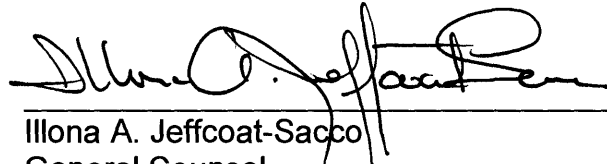
information has not been previously publically disclosed. N.D.C.C. § 44-04-18.4(1). Commercial and financial information can be protected from disclosure if the information has not been previously disclosed and disclosure would impair the Commission's ability to obtain similar information in the future 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).

Further, the financial information provided to the Commission is considered confidential by the FCC under 47 C.F.R. §§ 0.0457 and 0.0459. 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 outage information is protected under federal regulation.

Staff believes that Alltel's 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 applications of Alltel to protect certain filed information in these cases.

Dated this 13th day of September 2012.



Ilona A. Jeffcoat-Sacco
General Counsel

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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 13th day of September, 2012, he deposited in the United States Mail, Bismarck, North Dakota, one envelope, securely sealed and containing a photocopy of:


Staff Response to Applications for Trade Secret Protection

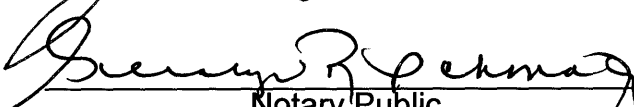
The envelope was addressed as follows:

Thomas D. Kelsch
Kelsch Kelsch Ruff & Kranda
PO Box 1266
Mandan, ND 58554-7266

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

Subscribed and sworn to before me
this 13th day of September, 2012.





Notary Public

SEAL

