

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation
Bismarck Rate Center
Number Resources**

Case No. PU-08-941

ORDER GRANTING TRADE SECRET PROTECTION

January 14, 2009

On December 16, 2008, Qwest Corporation (Qwest) filed an application for a trade secret protective order under North Dakota Administrative Code Chapter 69-02-09-01 for protection against public disclosure of trade secret information as defined by North Dakota Century Code (NDCC) Section 47-25.1-01(4). Qwest provided the following general description of the nature of the information sought to be protected:

Information contained in Qwest's request for a numbering resources safety valve waiver. This information includes a customer request to Qwest for 600 sequential telephone numbers out of the 701-557-4 block, Qwest's application to NeuStar for numbering resources that was denied, and the required supporting documentation.

Qwest states that the documents for which they request a trade secret protective order contain specific information about Qwest's operations and resources in the Bismarck, North Dakota area. The information includes details on Qwest's numbering resources in Bismarck where Qwest does not have the numbering resources to meet the needs of a specific customer. Qwest also states that the documentation includes Qwest's projections of its future numbering resource utilization, information it is required by Federal Communications Commission (FCC) rules and numbering guidelines to submit to NeuStar with its application for additional numbering resources. NeuStar treats such information as confidential. Qwest states that the type of information is highly sensitive and its public disclosure would place Qwest at a competitive disadvantage in a competitive market.

Qwest states that the confidentiality of the information sought to be protected has been maintained by Qwest. Qwest states that the information is not disclosed outside the company, except under the terms of strict agreements to maintain the confidentiality of the information. Qwest states that the information is only available to those employees and representatives of Qwest who have a need to know the information to perform their duties and responsibilities.

Qwest states that the information could have economic value to competitors or potential competitors of Qwest that provide local exchange service and other telecommunications service. The information for which trade secret protection is

requested could be used against Qwest by vendors, contractors, and suppliers in the course of submitting proposals for similar projects. Competitors and potential competitors of Qwest in North Dakota include AT&T, Verizon, McLeod, Sprint, and any other provider of telecommunications services in North Dakota. Qwest did not provide any description of known competitors' goods and services that are pertinent to the filing.

Under North Dakota Century Code (NDCC) Section 47-25.1-01(4) :

"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.

Under NDCC Section 44-04-18.4(2)(d), which is almost identical to NDCC Section 47-25.1-01(4):

"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.

Commission staff (Staff) filed a response to Qwest's request for trade secret protection. Staff believes that Qwest's application satisfies the requirements of NDCC Chapter 47-25.1-01, which allows the Commission to grant trade secret protection in this proceeding, and that the information Qwest seeks to protect qualifies as "trade secret" as that term is defined in NDCC Section 47-25.1-04 and NDCC Section 44-04-18.4(2)(d).

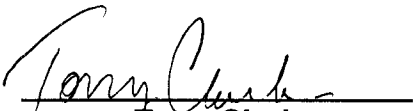
The Commission's process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.

Order

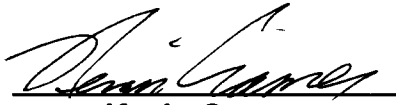
The Commission Orders:

1. Qwest Corporation'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



Kevin Cramer
President



Brian P. Kalk
Commissioner