

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

**Qwest Corporation**  
**Fargo Rate Center**  
**Numbering Resources**

**Case No. PU-09-335**

**ORDER GRANTING TRADE SECRET PROTECTION**

**July 29, 2009**

On June 12, 2009, Qwest Corporation (Qwest) filed an application for a trade secret protective order under North Dakota Administrative Code (NDAC) 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 relating to a customer request to Qwest for 1,000 sequential telephone numbers, Qwest's application to NeuStar for numbering resources, which was denied, and the required supporting documentation.

Qwest states the information contains specific details about Qwest's operations and resources in the Fargo, ND area. The information includes details on Qwest's numbering resources in Fargo where Qwest does not have the numberings resources to meet the needs of this specific customer. The documentation also includes Qwest's projections of its future numbering resource utilization – information it is required by the Federal Communications Commission (FCC) rules and numbering guidelines to submit to NeuStar with its application for additional numbering resources.

Qwest states the information is proprietary to Qwest and its customer, and that competitors or potential competitors of Qwest would obtain economic value from disclosure or use of the information. 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 states that they have maintained the confidentiality of the information, and the information is available from Qwest only to those employees and representatives of Qwest who have a need to know the information to perform their duties and responsibilities. Qwest does not disclose this information outside the company, except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information. Both NANPA and the Pooling Administrator, NeuStar affiliates, treat such information as confidential.

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.

North Dakota Administrative Code Section 69-02-04 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 (NDCC) Section 47-25.1-01.” On July 6, 2009, Annette Bendish, Commission’s Staff Counsel (Staff), filed a response to Qwest’s request for trade secret protection.

Staff believes that Qwest’s application satisfies the requirements of NDCC Section 47-25.1-01, which allows the Commission to grant trade secret protection in this proceeding, and recommends that the Commission grant Qwest’s Application Requesting Trade Secret Protection in this case.

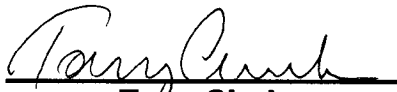
The Commission’s process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.

**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.

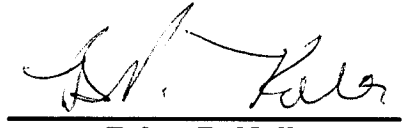
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