

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
Annual Report

Roberts County Telephone Cooperative **Case No. PU-10-468**
2010 High-Cost Universal Service Support
Annual Report

RC Communications, Inc. **Case No. PU-11-597**
2011 High-Cost Universal Service Support
Annual Report

Roberts County Telephone Cooperative **Case No. PU-11-598**
2011 High-Cost Universal Service Support
Annual Report

ORDER GRANTING TRADE SECRET PROTECTION

September 27, 2012

On August 4, 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 July 31, 2009, July 14, 2010, and August 1, 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 had reviewed the requests of the companies for protection of information.

On September 13, 2012, North Dakota Public Service Commission Staff filed and served its response to the requests, recommending the Commission approve the requests.

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).

Order

The Commission orders:

1. The 2008, 2009, 2010, and 2011 applications of RC Communications, Inc. for protection of information is GRANTED;
2. The 2008, 2009, 2010, and 2011 applications of Roberts County Telecommunications Cooperative for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION



Kevin Cramer
Commissioner



Brian P. Kalk
Chairman



Bonny M. Fetch
Commissioner