

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

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

**Case No. PU-10-490**

**ORDER GRANTING TRADE SECRET PROTECTION**

**December 8, 2010**

On July 21, 2010, Qwest Corporation (Qwest) filed an application for a trade secret protective order under North Dakota Administrative Code section 69-02-09-01 for protecting against public disclosure trade secret information as defined by North Dakota Century Code section 47-25.1-01(4).

Qwest seeks confidential treatment of the documents attached to the Fargo Numbering Waiver Request. This information includes a customer request to Qwest for 500 sequential telephone numbers, Qwest's application to NeuStar for numbering resources which was denied, and the required supporting documentation.

Qwest states the documents contain specific information about Qwest's operations and resources in the Fargo, North Dakota 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 numbering resource utilization-information it is required by FCC rules and numbering guidelines to submit to NeuStar with its application for additional numbering resources. NeuStar treats such information as confidential. In a competitive telecommunications marketplace, this type of information is highly sensitive and public disclosure would place Qwest at a competitive disadvantage.

Qwest states the information at issue is proprietary to Qwest and its customer. It 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 the North American Numbering Plan Administration and the Pooling Administrator (NeuStar) affiliates treat such information as confidential.

Competitors or potential competitors of Qwest would obtain economic value from disclosure or use of the information.

Under North Dakota Century Code 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 North Dakota Century Code section 44-04-18.4(2)(d), which is almost identical to North Dakota Century Code 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 section 47-25.1-01.” On July 29, 2010, 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 North Dakota Century Code 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.

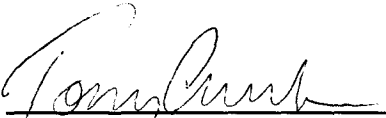
The Commission’s process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.

**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.

**PUBLIC SERVICE COMMISSION**

  
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**Tony Clark**  
Commissioner

  
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**Kevin Cramer**  
Chairman

  
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**Brian P. Kalk**  
Commissioner