

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**New Cingular Wireless PCS, LLC
Designated Eligible Carrier
Application**

Case No. PU-11-86

ORDER GRANTING TRADE SECRET PROTECTION

June 20, 2012

Preliminary Statement

1. New Cingular Wireless PCS, LLC (New Cingular) applied for trade secret protection on March 23, 2011, pursuant to N.D. Admin. Code § 69-02-09-01, requesting a protective order in accordance with the provisions of the N.D. Admin. Code.
2. The information identified by their application includes granular detailed information about network improvements planned for the last half of 2011 and the first half of 2012, as well as associated expenses. This information is known only to New Cingular and for which trade secret protection is sought.
3. Commission staff as required by N.D. Admin. Code § 69-02-09-03 have on April 20, 2012 made a prima facie recommendation that the information is relevant for the hearing of this case and is a trade secret as defined by N.D.C.C. § 47-25.1-01(4).
4. The information for which trade secret protection is sought is highly confidential and of a propriety and financial nature and as provided in N.D.C.C. § 44-04-18.4, has been kept confidential by New Cingular and would be of advantage to competitors if not protected.
5. If competitors had access to such confidential information, it could adversely affect prices all to the ultimate disadvantage of consumers and customers of New Cingular.
6. The Commission, in consideration of Staff's prima facie recommendation, determines both that the information is relevant for the hearing of this case and that the

information is a trade secret as defined by N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09;

IT IS, THEREFORE,

ORDERED the New Cingular is hereby granted trade secret protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09 for the information identified by the application; and it is further

ORDERED that this order shall not constitute precedent for a determination of entitlement to trade secret protection for any information upon any subsequent application.

PUBLIC SERVICE COMMISSION



Kevin Cramer
Commissioner



Brian P. Kalk
Chairman

Vacant