

**PUBLIC SERVICE COMMISSION**

**STATE OF NORTH DAKOTA**

**APPLICATION FOR PROTECTIVE ORDER  
AND TRADE SECRET PROTECTION OF:  
DICKEY RURAL TELEPHONE COOPERATIVE  
DICKEY RURAL ACCESS, INCORPORATED, AND  
DICKEY RURAL COMMUNICATIONS, INCORPORATED**

The companies named above hereby move the North Dakota Public Service Commission (the "Commission") for an Order under Chapter 69-02-09 and Section 69-02-09-04 of the North Dakota Administrative Code granting Trade Secret Protection to certain of the materials filed by each individual company, which documents and information are being filed in support of Dickey Rural Telephone Cooperative's Application for Certificates of Public Convenience and Necessity and in support of Dickey Rural Telephone Cooperative's Application for Expansion of Eligible Telecommunication Carrier Designated Geographical Service Area, which are being filed at the same time with the Public Service Commission.

1. Description. The information which each individual entity named above wishes to have designated as Confidential is stamped/marked as "TRADE SECRET – PRIVATE".

In general, the information so designated for each company consists of:

- a. A description of Service Improvement Plans,
- b. A summary of the expenditures of each company in the prior year,
- c. An estimate of the Universal Service Support to be received in the upcoming calendar year and the planned capital expenditures of each company,

- d. A description of improvements and upgrades,
- e. An outage report, and
- f. Consolidated financial reports for the years 2008, 2009 and 2010.

2. The information so designated by each applicant company derives independent economic value, actual or potential, from not being generally known to other persons because the information is maintained as proprietary information and is not shared with the public or competitors except in a more general sense. The level of detail involved would easily allow competitors to determine the level of support and the cost of service to study areas and exchanges in each company's service areas. Furthermore, the consolidated financials contain confidential information in addition to the sorts of information described above.

3. The information is not readily ascertainable by proper means by other persons because it contains a description of matters which is only reviewed and known by the highest management level personnel and includes descriptions of capital spending plans and improvements in detail not available to those outside the management group.

4. A general description of those persons or entities that could obtain economic value from the disclosure or use of the information are competitor or potential competitors which include wireless providers, cable television providers, competitive local exchange carriers, internet providers, dish networks and other local exchange carriers.

5. A specific description of the known competitors and competitors' goods and services that are pertinent to this filing are:

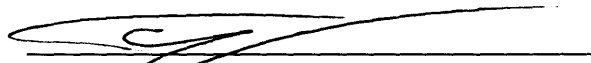
- a. AT&T/Alltel and Verizon: cellular, CMRS and data plans
- b. Midcontinent Communications: video, internet and telecommunications
- c. Qwest/CenturyLink: voice, data and video services

In addition to these providers, there is a host of competing technologies and providers on a national scale and a local scale, such as Vonage, Happy Jack and other providers of internet and voice over the internet providers ("VOIP") services.

6. A description of the efforts used to maintain the secrecy of the information includes assuring that access to the information is restricted to the employees and management-level persons who have a need to know the information and it is not disclosed to persons outside the company except under strict circumstances.

Dated this 8<sup>th</sup> day of February, 2012.

JONES AND KELLY, ATTORNEYS AT LAW, P.C.



By: Fallon M. Kelly, N.D. Bar ID #05966  
P O Box 391  
Lisbon, ND 58054-0391  
Telephone: 701-683-4123  
Fax: 701-683-4124  
[fkelly@drtel.net](mailto:fkelly@drtel.net)