

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Dickey Rural Telephone Cooperative
Designated Eligible Carrier
Application**

Case No. PU-12-73

**Dickey Rural Telephone Cooperative
Local Exchange
Public Convenience & Necessity**

Case No. PU-12-74

ORDER GRANTING TRADE SECRET PROTECTION

March 21, 2012

On February 10, 2012, Dickey Rural Telephone Cooperative, Dickey Rural Access, Inc., and Dickey Rural Communications, Inc. (collectively the Dickey Rural Companies or the Companies) filed an application for trade secret protection in each captioned case, under North Dakota Administrative Code Chapter 69-02-09, asking the Commission to protect against public disclosure certain information filed in support of Dickey Rural Telephone Cooperative's applications for certificates of public convenience and necessity (Case No. PU-12-74) and for designation as an eligible carrier (Case No. PU-12-73).

On March 2, 2012, Staff filed Staff Response to Request for Trade Secret Protection.

The Dickey Rural Companies ask the Commission to protect the following information from disclosure (for each company):

1. A description of Service Improvement Plans;
2. A summary of expenditures of each company in the prior year;
3. An estimate of the Universal Service Support to be received in the upcoming calendar year and the planned capital expenditures of each company;
4. A description of improvements and upgrades;
5. An outage report;
6. Consolidated financial reports for the years 2008, 2009 and 2010.

The Companies stated that the information they seek to protect derives independent economic value from not being generally known to other persons and the level of detail involved, if known, would allow competitors to determine the level of support to and the cost of service for study areas and exchanges in each service area.

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Further, the Companies assert that the information is not readily ascertainable by other means.

The Dickey Rural Companies assert that there are competitors, or potential competitors, that could obtain economic value from disclosure of the information sought to be protected. These include wireless providers, cable television providers, competitive local exchange providers, internet providers, dish networks, and others.

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).

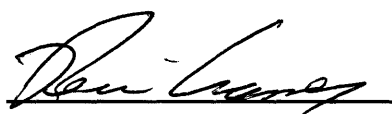
Staff stated in its March 2, 2012 response, that the information sought to be protected in Dickey Rural Companies' applications satisfies the requirements of the North Dakota Century Code for protection of the information which was the subject of the March 2, 2012 response. Staff noted that the Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

Order

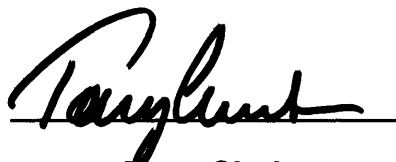
The Commission Orders:

Dickey Rural Companies' applications for trade secret protection are GRANTED.

PUBLIC SERVICE COMMISSION



Kevin Cramer
Commissioner



Tony Clark
Chairman



Brian P. Kalk
Commissioner