

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

ORDER GRANTING TRADE SECRET PROTECTION

BEK Communications Cooperative – Case No. PU-12-160
Switched Access
Price Schedule

Consolidated Telecom – Case No. PU-12-199
Switched Access
Price Schedule

Dakota Central Telecommunications Cooperative – Case No. PU-12-200
Switched Access
Price Schedule

Dakota Central Telecom I, Inc. – Case No. PU-12-201
Switched Access
Price Schedule

Dickey Rural Telephone Cooperative – Case No. PU-12-202
Switched Access
Price Schedule

Dickey Rural Communications, Inc. – Case No. PU-12-203
Switched Access
Price Schedule

Griggs County Telephone Co. – Case No. PU-12-204
Switched Access
Price Schedule

Inter-Community Telephone Company, L.L.C. – Case No. PU-12-205
Switched Access
Price Schedule

Missouri Valley Communications – Case No. PU-12-206
Switched Access
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Moore and Liberty Telephone Company – Case No. PU-12-207
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Nemont Telephone Cooperative – Case No. PU-12-208
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North Dakota Telephone Company – Case No. PU-12-209
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Northwest Communications Cooperative, a Cooperative Association – Case No. PU-12-210
Switched Access
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Polar Communications Mutual Aid Corporation – Case No. PU-12-211
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Red River Rural Telephone Association – Case No. PU-12-212
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Reservation Telephone Cooperative – Case No. PU-12-213
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Turtle Mountain Communications, Inc. – Case No. PU-12-214
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United Telephone Mutual Aid Corporation – Case No. PU-12-215
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West River Telecommunications Cooperative – Case No. PU-12-216
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Wolverton Telephone Company – Case No. PU-12-217
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Dickey Rural Access, Inc. – Case No. PU-12-233
Switched Access
Price Schedule

1. The North Dakota Intrastate Access Coalition ("NDIAC" or the "Companies") applied for trade secret protection on May 15, 2012, pursuant to N.D. Admin. Code § 69-02-09-01 and requested a protective order in accordance with the provisions of the N.D. Admin. Code.

2. The information identified by their application which may be offered as evidence for the hearing of the consolidated captioned cases now before the commission includes detailed, financial, minutes of use, demand, revenue, and rate design information that is known only to the individual companies and for which trade secret protection is sought.

3. Commission staff as required by N.D. Admin. Code § 69-02-09-03 have on June 8, 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 proprietary and financial nature and as provided in N.D.C.C. § 44-04-18.4, has been kept confidential by each Issuing Carrier/Company and would be of advantage to competitors if not protected.

5. If competitors or potential competitors, equipment and material vendors, contractors, or suppliers had access to such confidential information, it could adversely affect prices all to the ultimate disadvantage of consumers and customers of Carriers or Companies.

6. The Hearing Officer has fully reviewed and considered the application and the recommendations of commission staff, and 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. § 47-25.1-01(4) and entitled to 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;

IT IS, THEREFORE,

ORDERED the Companies/Carriers are 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.

Dated: June 8, 2012

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

By. 

Patrick J. Ward
Administrative Law Judge