

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Integra Telecom of North Dakota, Inc.
Access Services

Case No. PU-12-264

**STAFF RESPONSE TO THE REQUEST OF INTEGRA'S ACCESS APPLICATION
FOR TRADE SECRET PROTECTION**

On June 6, 2012 Integra Telecom of North Dakota, Inc. (Integra or Applicant) 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). Applicants provided the following to support its application:

1. General Description of the Nature of the Information Sought to be Protected.

Integra's application includes material that contains detailed volume and demand data by individual component of access service, which are competitively sensitive. All of the confidential information being submitted is viewed as highly proprietary by Integra and is closely guarded to maintain its confidentiality. The traffic volume data at the level of detail being submitted by Integra is closely guarded by all carriers offering access services.

2. An Explanation of Why the Information Derives Independent Economic Value, Actual or Potential, From not Being Generally Known to Other Persons.

The information for which Integra seeks trade secret protection contains confidential and proprietary information regarding detailed volume and demand data by individual component of access service, which are competitively sensitive. This information 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. Release of this information to competitors would unfairly enable them to make strategic and tactical decisions that would be harmful to the success and profitability of Integra.

3. An Explanation of Why the Information is Not Readily Ascertainable by Proper Means by Other Persons.

The information at issue is proprietary to Integra and is available only to those employees and representatives who have a need to know the information to perform their duties and responsibilities.

4. A General Description of the Persons or Entities that would Obtain Economic Value from Disclosure or Use of the Information.

Competitors or potential competitors of Integra that provide local exchange service and other telecommunications service as well as interexchange carriers would obtain economic value from disclosure or use of the information.

5. A Specific Description of Known Competitors and Competitor's Goods and Services that are Pertinent to the Tariff or Rate Filing.

Competitors and potential competitors of Integra in North Dakota include AT&T Communications of the Midwest, Inc., McLeodUSA Telecommunications Services, Inc., MCImetro Access Transmission Services, LLC, Sprint Communications Company L.P., CenturyLink, and Midcontinent Communications and any other provider of

telecommunications services in North Dakota or any of the other states in which Integra operates.

6. A Description of the Efforts Used to Maintain the Secrecy of Information.

Please see paragraph 3 above.

Staff has reviewed Applicant's request for trade secret protection of the information. N.D.C.C. § 47-25.1-01(4) defines the term "trade secret" as follows:

"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."

N.D. Admin Code North Dakota Administrative Code section 69-02-09-04 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."


The information is relevant because it is necessary supporting information, as so outlined in the Commission's Letter Order of May 3, 2012, for the Tariff filing in question. Integra indicates that the information is highly confidential, and is not available through any source other than through them or their authorized agents. The information, therefore, is not readily ascertainable by proper means by other persons.

Staff believes that the application satisfies the requirements of the law which allows the Commission to grant trade secret protection in this proceeding. The

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

For reasons set forth above, staff recommends that the Commission grant the Applicant's request for trade secret protection.

Dated this 13th day of June, 2012.



Mark Gruman
Legal Counsel
North Dakota Public Service Commission