

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**dishNet Wireline L.L.C.
Access Services
Price Schedule**

Case No. PU-12-298

ORDER GRANTING TRADE SECRET PROTECTION

July 11, 2012

Preliminary Statement

1. dishNET Wireline L.L.C. (dishNET) applied for trade secret protection on June 12, 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 includes confidential support documentation for its tariff filing. Specifically, dishNET is seeking protection “for [t]he Company’s intrastate access services demand (volume) provid[ing] competitors with detailed information regarding the Company’s scope of operations in North Dakota, and allows interpolation of the Company’s scope of operations in other states”.
3. Commission staff as required by N.D. Admin. Code § 69-02-09-03 have on June 27, 2012, made a prima facie recommendation that the information 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 dishNET 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 dishNET.
6. The Commission, in consideration of Staff’s prima facie recommendation, determines 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 dishNET 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**



**Bonny M. Fetch
Commissioner**