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**RECEIVED**

JUL 11 2012

July 10, 2012

**PUBLIC SERVICE COMMISSION**

Mr. Darrell Nitschke, Executive Secretary  
Mr. Patrick Fahn, Director, Compliance and Competitive Markets  
North Dakota Public Service Commission  
State Capitol  
600 East Boulevard Avenue, Twelfth Floor  
Bismarck, ND 58505-0480

Re: In the Matter of Nemont Telephone Cooperative, Inc. Request for Confidential Treatment of the Materials to be filed in Support of 2012 Annual Access Tariff Filings, WCB/Pricing File No. 12.-08, Order DA 12-575-

Dear Gentlemen:

John Staurulakis, Inc. (JSI) is filing an original and one (1) copy of the attached Application for Trade Secret Protection (Application). This filing is enclosed with this transmittal letter. This filing is being filed today on behalf of Nemont Telephone Cooperative, Inc. and Missouri Valley Communications, Inc (Companies).

This information is being filed in order to comply with the rules and regulations of the FCC with respect to annual access charge filings together with compliance with new rules adopted by the Commission in its USF/ICC Transformation Order requiring ILECs to adjust, over a period of years, their switched access charges effective on July 1 of each of those years together with introduction of an Access Recovery Charge (ARC). See Connect America Fund et al., WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, FCC-11-161 (Rel. November 18, 2011), (USF/ICC Transformation Order), Petitions for Review pending, Direct Commc'ns Cedar Valley, LLC v FCC, No. 11-9581 (10th Cir. Filed Dec. 18, 2011) (and consolidated cases).

Pursuant to Sections 54.304(d)(1) and 51.917(d)(vii) of the FCC's Rules, the Companies are required to file this information with the FCC, as well as with the Administrator and the relevant State Commission. On June 18, 2012, this information was filed with the FCC by NECA on behalf of the Companies in conjunction with a Motion for Protective Order, so that this information will be treated as confidential by the FCC. This

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**Application for trade secret protection**

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9430 Research Boulevard, Austin, TX 78759  
phone: 512-338-0473, fax: 512-346-0822

Eagandale Corporate Center, Suite 310  
1380 Corporate Center Curve, Eagan, MN 55121  
phone: 651-452-2660, fax: 651-452-1909

6849 Pe  
Building  
phone: 7

Nemont Telephone Cooperative, Inc.

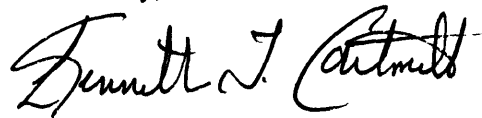
**Mr. Darrell Nitschke**  
**Executive Secretary**  
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information is now being filed with the NDPSC as Attachment 1 to the Motion for Trade Secret Protection, in compliance with the aforementioned rules.

As noted above, JSI is mailing a hard copy of the tariff filing to the Commission today, via overnight mail, for filing with the Commission on Wednesday, July 11, 2012. With that mailing, you will find enclosed a copy of this transmittal letter marked "File Stamp Copy" to be stamped and returned to JSI as confirmation that these hard copies of the filing have been received by the Commission. Please return the stamped copy of this transmittal letter in the envelope provided for this purpose.

If there are any questions regarding this filing, please feel free to contact me at (301) 459-7590 or at [kcartmell@jsitel.com](mailto:kcartmell@jsitel.com).

Sincerely,



Kenneth T. Cartmell  
Manager-JSI Regulatory Affairs

on behalf of Nemont Telephone  
Cooperative, Inc. and Missouri  
Valley Communications, Inc.

KTC/tms  
Attachments

cc: Remi Sun, Nemont Telephone Cooperative, Inc.

**STATE OF NORTH DAKOTA  
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of	)	
Nemont Telephone Cooperative, Inc.	)	
Missouri Valley Communications, Inc.	)	
Request for Confidential Treatment	)	Case No. PU-12-
of the Materials to be filed in Support	)	
of 2012 Annual Access Tariff Filings,	)	
WCB/Pricing File No. 12.-08,	)	
Order DA 12-575-	)	

\* \* \* \*

**APPLICATION FOR TRADE SECRET PROTECTION**

COMES NOW, Nemont Telephone Cooperative, Inc. (“Companies”) and Missouri Valley Communications, Inc. (“Companies”) and respectfully moves the North Dakota Public Service Commission (“NDPSC”) for entry of a trade secret protective order under § 69-02-09-01 of the North Dakota Administrative Code. The purpose of the requested protective order is to protect against public disclosure of trade secret information as defined by NDCC § 47-25.1-01(4).

**1. A general description of the nature of the information sought to be protected.**

The information for which the Companies are seeking confidential treatment is the “Data Provided to USAC/FCC For CAF ICC Purposes-Provided Concurrent with the NECA 2012 Annual Tariff Filing” This information was submitted to the Federal Communications Commission (“FCC” or “Commission”) pursuant to Sections 54.304(d)(1) of the FCC's Rules, which requires the Companies to file this information with the FCC, as well as with the Administrator and the relevant State Commission in conjunction with the above referenced reporting requirement. This information was

## **Application for Trade Secret Protection**

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provided to the FCC and Universal Service Administrative Company (“USAC”) by the National Exchange Carrier Association (“NECA”) on behalf of the Companies.

This information is now required to be filed with the FCC as a result of the establishment of the Access Recovery Charge (“ARC”). The financial and rate information that is being submitted with this filing reflects detailed financial, demand, revenue, and rate design information that is only known to the Companies, and their authorized agents. This information submitted with this Application as Attachment 1, is highly confidential, in that it is only maintained by the Companies and not available through any source other than the Company or its authorized agents. Furthermore, this information could have economic value to potential competitors, and in a competitive telecommunications marketplace, this type of information is highly sensitive and its public disclosure would place the Companies at a competitive disadvantage.

#### **2. Explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.**

The information could have economic value to potential competitors who may desire to supply components of services being offered by the Companies. Additionally, competitors may wish to “cherry pick” and based on this information, decide to target certain parts of the Companies service territories where the revenue potential is the greatest. Competitors, could use such information against the Companies interests in the course of submitting proposals as well as in developing their own business plans.

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### **3. An explanation of why the information is not readily ascertainable by proper means by other persons.**

This information is being filed in order to comply with the rules and regulations of the FCC with respect to annual access charge filings together with compliance with new rules adopted by the Commission in its USF/ICC Transformation Order requiring ILECs to adjust, over a period of years, their switched access charges effective on July 1 of each of those years together with introduction of an Access Recovery Charge. See *Connect America Fund et al., WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, FCC-11-161 (Rel. November 18, 2011), (USF/ICC Transformation Order), Petitions for Review pending, Direct Comm'ns Cedar Valley, LLC v FCC, No. 11-9581 (10th Cir. Filed Dec. 18, 2011) (and consolidated cases).*

Pursuant to Sections 54.304(d)(1) of the FCC's Rules, the Companies are required to file this information with the FCC, as well as with the Administrator and the relevant State Commission. On June 18, 2012, this information was filed with the FCC by NECA in conjunction with a Request for Confidential Treatment, so that this information will be treated as confidential by the FCC. This information is now being filed with the NDPSC in conjunction with this Motion for Trade Secret Protection pursuant to the aforementioned rules in order to retain the confidentiality of this information.

The confidentiality of this information has been maintained by the Companies. The information is not disclosed to the public or to persons other than employees or authorized agents of the Companies who need to know the information to fulfill their

## **Application for Trade Secret Protection**

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responsibilities in connection with the project or to third persons pursuant to an agreement to maintain the confidentiality of the information.

**4. A general description of the persons or entities that would obtain economic value from disclosure or use of the information.**

Competitive Local Exchange Carriers, potential equipment and material vendors, contractors, and other suppliers of telecommunications services would obtain economic value from disclosure of the costs, demand, and other confidential information.

**5. A specific description of known competitors and competitors' goods and services that is pertinent to the tariff or rate filing.**

Competitive Local Exchange Carriers, potential equipment and material vendors, contractors, and other suppliers of telecommunications services would obtain economic value from disclosure of the costs, demand, and other confidential information.

**6. A description of the efforts used to maintain the secrecy of the information.**

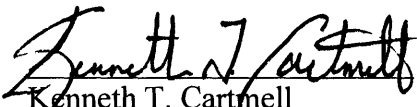
The confidentiality of the information has been maintained by the Companies. The information is not disclosed to the public or to persons other than employees or authorized agents of the Companies who need to know the information to fulfill their responsibilities in connection with the project or to third persons pursuant to an agreement to maintain the confidentiality of the information.

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In accordance with § 69-02-09-02 of the North Dakota Administrative Code, one copy of the trade secret material is provided in the enclosed sealed envelope which is labeled: ATTACHMENT-1-TRADE SECRET — PRIVATE.

Respectfully submitted on July 11, 2012.

JOHN STAURULAKIS, INC.

By:   
Kenneth T. Cartmell  
Manager-Regulatory Affairs

On behalf of

Nemont Telephone Cooperative, Inc.  
Missouri Valley Communications, Inc.

Nemont Telephone Cooperative, Inc.  
61 Highway 13 S  
Scobey, Montana 59263