

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Telephone Company 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-349
Dakota Central Telecommunications Cooperative 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-374
Polar Communications Mutual Aid Corporation 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-401
West River Telecommunications Cooperative 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-421
Midstate Communications Inc. 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-480
Midstate Telephone Company 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-481
Griggs County Telephone Co. 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-482
Moore and Liberty Telephone Company 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-483
United Telephone Mutual Aid Corporation 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-487
Turtle Mountain Communications, Inc. 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-488

BEK Communications Cooperative 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-489
Inter-Community Telephone Company, L.L.C. 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-491
Dickey Rural Telephone Cooperative 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-493
Northwest Communications Cooperative 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-496
Consolidated Telcom 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-498
Reservation Telephone Cooperative 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-502
Wolverton Telephone Company 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-503
Polar Telcom, Inc. 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-505
Sagebrush Cellular, Inc. 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-511
Nemont Telephone Cooperative, Inc. 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-512
Missouri Valley Communications, Inc. 2012 High-Cost Universal Service Support Annual Report	Case No. PU-12-513

**Dakota Central Telecom 1, Inc.
2012 High-Cost Universal Service Support
Annual Report**

Case No. PU-12-652

**Halstad Telephone Company
2012 High-Cost Universal Service Support
Annual Report**

Case No. PU-12-654

ORDER GRANTING TRADE SECRET PROTECTION

October 24, 2012

On July 30, 2012, the attorney for the Rural Telephone Company Group filed applications for trade secret protection in the captioned 2012 cases on behalf of the named companies who make up the Rural Telephone Company Group (RTCG), under North Dakota Administrative Code Ch. 69-02-09, asking the Commission to protect against public disclosure certain information filed in compliance with the Commission's requirements in North Dakota Administrative Code §§ 69-09-05-12 and 69-09-05-12.1 regarding each company's filing its annual Eligible Telecommunications Company report.

On October 18, 2012, North Dakota Public Service Commission Staff filed and served its responses to the requests, recommending the Commission approve the requests.

North Dakota Administrative Code § 69-02-09-04 requires that the Commission staff examine the information and application and make a recommendation to the Commission. Staff has reviewed the requests of the RTCG for protection of information.

The RTCG asked the Commission to protect the following information from disclosure:

1. A description of each company's Service Improvement Plan;
2. A summary of each company's expenditures in the prior calendar year;
3. An estimate of each company's 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;

The RTCG stated that the information sought to be protected 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 company's

service area. Further, the RTCG asserts that the information is not readily ascertainable by other means.

RTCG asserts 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.

RTCG further asserts that each company makes an effort to maintain the secrecy of the information RTCG seeks to protect including restricting access to the information to employees and management level persons who have a need to know, and not disclosing the information to persons outside the company except under strict circumstances.

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).

Order

The Commission orders:

1. The 2012 applications of each company identified in the respective captioned cases and included in the Rural Telephone Company Group for protection of information is GRANTED;

PUBLIC SERVICE COMMISSION



**Kevin Cramer
Commissioner**



**Brian P. Kalk
Chairman**



**Bonny M. Fetch
Commissioner**