

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Missouri Valley Communications, Inc.
Williston Rate Center
Numbering Resources

Case No. PU-12-685

**STAFF RESPONSE TO THE REQUEST OF MISSOURI VALLEY
COMMUNICATIONS, INC. APPLICATION FOR TRADE SECRET PROTECTION**

On October 4, 2012 Missouri Valley Communications, Inc. (MVCI 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.

The information sought to be protected includes a confidential request to MVCI for 1000 sequential telephone numbers, MVCI's application to NeuStar for numbering resources which was denied, and the required supporting documentation.

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

The documents contain specific information about MVCI's operations and resources in the Williston, ND area. The information includes details on MVCI's numbering resources in Williston where MVCI does not have the numbering resources to meet the needs of the specific customer. The documentation also includes MVCI's projections of its future numbering resource utilization — information it is required by FCC rules and numbering guidelines to submit to NeuStar with its application for

additional numbering resources. NeuStar treats such information as confidential. In a competitive telecommunications marketplace, this type of information is highly sensitive and its public disclosure would place MVCI at a competitive disadvantage.

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

The information at issue is proprietary to MVCI and its customer. It is available from MVCI only to those employees and representatives of MVCI who need to know the information to perform their duties and responsibilities. MVCI does not disclose this information outside the company except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information. Both NANPA and the Pooling Administrator, NeuStar affiliates treat such information as confidential.

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

Competitors and potential competitors of MVCI in North Dakota include Midcontinent, Verizon, and any other provider of telecommunications services in North Dakota.

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

Please see paragraph 4 above.

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

Please see paragraph 3 above.

Staff has reviewed Applicants' 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.”

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 Applicants’ request for trade secret protection.

Dated this 10th day of October, 2012.



Mark Gruman
Legal Counsel
North Dakota Public Service Commission