

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Telrite Corporation
Designated Eligible Carrier
Application

Case No. PU-13-51

ORDER ON PROTECTION OF INFORMATION

MAY 29, 2018

On July 16, 2013, Telrite Corporation (Telrite or the Company) filed an application for protection of information pursuant to North Dakota Administrative Code Section 69-02-09-01 and pursuant to North Dakota Century Code sections 44-04-18.4 and 44-04-19.1, requesting a protective order limiting disclosure of "Trade Secret" information.

On March 9, 2018, Commission Staff filed a response to the application recommending that the application be granted.

Telrite asserts that the information is Commercial Information and active investigatory work product. The information relates to audits and investigations detailing various aspects of how Telrite has in the past and will in the future provide its products and services including in-depth data validations (IDV), payment quality assurance (PQA) reviews conducted by the Universal Service Administrative Company, and information regarding federal investigations. To the best of Telrite's knowledge, the information has not been previously publicly disclosed and Telrite asserts that disclosure of this information would impair the Commission's future ability to obtain necessary information. Telrite also asserts that the information is treated as confidential by federal agencies.

Information that is exempt from disclosure may be protected by the Commission. Although the application fails to address the North Dakota definition of "public entity" describing those entitled to assert the active investigatory work product exemption, and fails to explain why the information derives independent economic value from being generally known to other persons, or a general description of other entities that would obtain independent economic value from disclosure or use of the information (See N.D. Admin. Code § 69-02-09-01), Staff stated that Telrite's information is the type of information which has previously been granted protection, and may be protected by the Commission. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission. Commission Staff has reviewed the request and recommended approval.

Having reviewed the Company's application and Commission Staff's response, the Commission has determined that the information sufficiently satisfies the requirements for protection.

ORDER

The Commission Orders the July 16, 2013 application of Telrite Corporation for Protection of Information GRANTED.

PUBLIC SERVICE COMMISSION



Brian Kroshus
Commissioner



Randy Christmann
Chairman



Julie Fedorchak
Commissioner