



# Public Service Commission

## State of North Dakota

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28 March 2014


Darrell Nitschke  
Executive Secretary  
600 East Boulevard, Dept 408  
Bismarck, ND 58505-0480

Re: Nexus Communications, Inc.  
Designated Eligible Carrier  
Application  
Case No. PU-13-98

Dear Mr. Nitschke:

Enclosed for filing is the Staff Response to Request for Trade Secret Protection in the captioned case along with a Certificate of Service and 5 copies.

Best regards,



Ryan Norrell  
Legal Counsel

enclosures  
c/w enclosures: Danielle Frappier

**37** **PU-13-98** Filed: 3/28/2014 Pages: 4  
**Staff response to request for Trade Secret  
Protection**

Public Service Commission

Ryan Norrell

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

**Nexus Communications, Inc.**  
**Designated Eligible Carrier**  
**Application**

**Case No. PU-13-98**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **STAFF RESPONSE TO REQUEST FOR TRADE SECRET PROTECTION** was, on the 28<sup>th</sup> day of March 2014, served on the following by regular mail:

Danielle Frappier  
David Wright Tremaine, LLP  
1919 Pennsylvania Ave NW  
Suite 800  
Washington, D.D. 20006-3401

Dated this 28<sup>th</sup> day of March 2014.



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Ryan Norrell  
Legal Counsel  
North Dakota Public Service Commission

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

**Nexus Communications, Inc.**  
**Designated Eligible Carrier**  
**Application**

**Case No. PU-13-98**

**STAFF RESPONSE TO REQUEST FOR TRADE SECRET PROTECTION**

On 15 August 2013, and 27 September 2013, Nexus Communications, Inc. (Nexus) filed applications for trade secret protection in the captioned case, under North Dakota Administrative Code Chapter 69-02-09, asking the Commission to protect against public disclosure certain information filed in support of Nexus' application for designation as an eligible telecommunications carrier.

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

Nexus asked that the Commission protect from disclosure a proprietary process by which Nexus identifies duplicate Lifeline accounts in an effort to minimize waste, fraud and abuse.

North Dakota Century Code § 47-25.1-01 authorizes protection for trade secret information if the information includes a formula, pattern, compilation, program, device, method, technique or process that derives independent economic value 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 is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. N.D.C.C. §47-25.1-01(4).

Staff believes that the application of Nexus satisfies the requirements of the North Dakota Century Code for protection of the information which is the subject of this request. Specifically, it is Staff's opinion that the protected information derives independent economic value from not being generally known and that other persons could obtain economic value from its disclosure. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

For reasons set forth above, Staff recommends that the Commission grant the applications of Nexus Communications, Inc. to protect certain filed information in this case.

Dated this 28<sup>th</sup> day of March 2014.



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Ryan Norrell  
Legal Counsel  
North Dakota Public Service Commission