



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Randy Christmann  
Julie Fedorchak  
Brian Kroshus

Executive Secretary  
Darrell Nitschke

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

24 July 2018

Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Blvd. Ave. Dept. 408  
Bismarck, ND 58505-0480

*via hand delivery*

Re: Qwest Corporation  
Switched Access  
Price Schedule

PU-13-270

Dear Mr. Nitschke:

Enclosed is a Staff Response to the 3 June 2013 Application for Protection of Information in the captioned case.

Best regards,

John Schuh  
Legal Counsel

c:w/encl. via email only: Jason D. Topp ([Jason.Topp@centurylink.com](mailto:Jason.Topp@centurylink.com))

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION** was, on 24th day of July 2018, served on the following by electronic mail:

Jason D. Topp ([Jason.Topp@centurylink.com](mailto:Jason.Topp@centurylink.com))

Dated this 24th day of July 2018.



---

John Schuh  
Legal Counsel

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

**Qwest Corporation**  
**Switched Access**  
**Price Schedule**

**Case No. PU-13-270**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On 3 June 2013, Qwest Corporation dba CenturyLink QC (CenturyLink or the Company) filed an application for a protective order under North Dakota Administrative Code section 69-02-09-01 to protect against public disclosure of Trade Secret information as defined by North Dakota Century Code section 47-25.1-01(4). Applicant provided the following explanation to support its application:

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

CenturyLink's filing contains an ICC Model, comprising of knowledge, data and facts collected and recorded by CenturyLink to satisfy mandatory regulatory reporting requirement. All of the confidential information is described as high proprietary information and is closely guarded to maintain its confidentiality. The information provided by CenturyLink is closely guarded by all carriers offering access services and the Company asserts that if CenturyLink's confidential information became available to its competitors they could use such data to target certain areas of CenturyLink's services and customers to their unfair competitive advantage.

**1. An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.**

The information for which CenturyLink seeks trade secret protection contains competitively sensitive proprietary information regarding an ICC Model, comprising of knowledge, data and facts collected and recorded by CenturyLink to satisfy mandatory

regulatory reporting requirements. The Company asserts that release of this information to competitors would unfairly enable them to make strategic and tactical decisions that would be harmful to the success and profitability of CenturyLink.

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

The information at issue is proprietary to CenturyLink and is available only to those employees and representatives who have a need to know the information to perform their duties and responsibilities. CenturyLink also has agreements in place protecting the confidentiality of this information.

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

Competitors or potential competitors of CenturyLink that provide local exchange service and other telecommunications service would obtain economic value from disclosure or use of the information.

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

Competitors and potential competitors of CenturyLink in North Dakota include AT&T Communications of the Midwest, Inc., McLeodUSA Telecommunications Services, Inc., MCImetro Access Transmission Services, LLC, Sprint Communications Company L.P., and Midcontinent Communications and any other provider of telecommunications services in North Dakota or any of the other states in which CenturyLink operates.

Staff believes that a portion of the document referenced in CenturyLink's application satisfies the requirements of the North Dakota Century Code for protection of a portion of the information. There are columns of the document that Staff believes should

not be granted protection – specifically the intrastate rates and proposed intrastate rates that are filed with the FCC and the Commission. However, Staff believes that the demand and revenue information contained in CenturyLink’s application satisfies the requirements of the North Dakota Century Code for protection of information. 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 protection of the information related to demand and revenue contained within the documents.

Dated this 24<sup>th</sup> day of July 2018.



---

John Schuh  
Legal Counsel  
North Dakota Public Service Commission