

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Qwest Corporation
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Case No. PU-13-270

ORDER ON PROTECTION OF INFORMATION

October 24, 2018

Preliminary Statement

On June 3, 2013, Qwest Corporation dba CenturyLink QC (Qwest) filed an application for protection of information pursuant to North Dakota Administrative Code Section 69-02-09-01 requesting a protective order limiting disclosure of trade secret information as defined by North Dakota Century Code section 47-25.1-01(4).

On July 24, 2018, Commission Staff (Staff) filed its recommendation on the application.

Discussion

Qwest asserts:

- That its filing contains an ICC Model, comprising of knowledge, data and facts collected and recorded by Qwest to satisfy mandatory regulatory reporting requirements.
- All of the confidential information is described as high proprietary information and is closely guarded to maintain its confidentiality. The information is closely guarded by all carriers offering access services and if the confidential information became available to competitors, they could use such data to target certain areas of Qwest's services and customers to unfair competitive advantage.
- Release of the information to competitors would unfairly enable them to make strategic and tactical decisions that would be harmful to the success and profitability of Qwest.
- The information at issue is proprietary to Qwest and is available only to those employees and representatives who have a need to know the information to perform their duties and responsibilities. Qwest also has agreements in place protecting the confidentiality of this information.

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

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

Staff believes that a portion of the document referenced in Qwest'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 Qwest's application satisfies the requirements of the North Dakota Century Code for protection of information. Consequently, Staff recommends that the Commission grant protection of only the information contained within the documents related to demand and revenue.

In accordance with North Dakota Administrative Code Section 69-02-09-02, the protected material had been provided to the Commission in a sealed envelope labeled PROTECTED INFORMATION – PRIVATE. The Commission's process provides a means for interested parties to review the protected documents upon signing a nondisclosure agreement.

Having reviewed the application and Staff's recommendation, the Commission determines that some of the information satisfies the requirements of North Dakota Century Code for protection of information. Only the information related to demand and revenue contained within the documents should be protected. Qwest must refile the information so that only the information protected by this Order is filed under seal. Qwest must separately refile the unprotected information for docketing in the public file.

ORDER

The Commission orders:

1. The June 3, 2013 application of Qwest for protection of information is GRANTED only to the extent of the demand and revenue information contained in the filing.

2. The June 3, 2013 application of Qwest for protection of information is DENIED for all information in the filing other than the demand and revenue information.

3. Within 30 days of the date of this Order, Qwest shall refile the information consistent with this Order, separating the information protected by this Order from the information for which protection is denied.

PUBLIC SERVICE COMMISSION



**Brian Kroshus
Commissioner**



**Randy Christmann
Chairman**



**Julie Fedorchak
Commissioner**