

BEFORE THE NORTH DAKOTA PUBLIC SERVICE COMMISSION

In re Application of West River )  
Telecommunications Cooperative Requesting ) Application No. \_\_\_\_\_  
Trade Secret Protection Pursuant to North Dakota )  
Administrative Code 69-02-09-01 for Confidential )  
Financial Information )

**Application for Trade Secret Protection for Confidential Financial Information**

West River Telecommunications Cooperative (“West River”) hereby files this Application requesting Trade Secret Protection for the submission of required Confidential Financial Information with the North Dakota Public Service Commission (“Commission”) and in support thereof, states as follows:

1. To comply with the Federal Communication Commission’s (“FCC”) annual reporting requirements in 47 C.F.R. §54.313(f)(2), West River is required to provide to the FCC, the Universal Service Administrative Company (“USAC”), the relevant state commission and any Tribal government, if applicable, a copy of the company’s FCC Form 481, including a full and complete annual report of West River’s financial condition and operations as of the end of the preceding fiscal year. West River requests the Commission grant trade secret protection to the financial information submitted to the Commission within the company’s FCC Form 481. West River’s financial information contains highly confidential and competitively sensitive business information that is not otherwise available from public sources.

2. The FCC has acknowledged that the reporting requirements contained in 47 C.F.R. §54.313(f)(2) require the companies to provide information of a sensitive and confidential nature and have adopted procedures to provide limited access to such information. The FCC released a Protective Order<sup>1</sup> in the relevant dockets, which allows a company to stamp its financial information as confidential and file it subject to the Protective Order so that such information is not made publicly available or subjected to review by competitors.

<sup>1</sup> *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing a Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund, Protective Order, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, released November 16, 2012.*



3. West River has properly stamped all documentation as confidential and filed all confidential financial information pursuant to the Protective Order with the FCC.

4. The financial information submitted to the FCC contains highly confidential and competitively sensitive business information that is not otherwise available from public sources. Disclosure of this information to competitors or other parties with whom West River does business may allow those parties to gain a significant advantage in the marketplace or may adversely impact West River in the course of business negotiations. The financial information is not readily ascertainable by proper means by other persons because it prepared and maintained in a confidential nature and disclosure of this information could harm the commercial and business interests of West River.

5. 69-02-09-01(5) is not germane to West River's Application.

6. West River employs measures both internally and externally to keep all financial information confidential. Only authorized employees, board members and other authorized third parties, such as the auditor have the authority to view the financials in their entirety as provided with Form 481.

WHEREFORE, for the foregoing reasons, West River Telecommunications Cooperative requests that the Commission approve the request for trade secret protection for the included financial information stamped confidential.

Dated: October 14, 2013

Respectfully submitted,  
West River Telecommunications Cooperative

By: Bonnie Krause  
Bonnie Krause  
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West River Telecommunications Cooperative