



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Brian P. Kalk  
Randy Christmann  
Julie Fedorchak

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 March 2014

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

Re: Tempo Telecom, LLC  
Designated Eligible Carrier  
Application  
Case No. PU-14-34

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: Stephanie Dassinger

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**Staff response to Application for Trade Secret Protection**

Public Service Commission  
Ryan Norrell, Legal Counsel

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

**Tempo Telecom, LLC  
Designated Eligible Carrier  
Application**

**Case No. PU-14-34**

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

On 25 February 2014, Tempo Telecom, LLC (Tempo) filed an application 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 Tempo's application for designation as an eligible telecommunications carrier for Lifeline support only, to provide prepaid wireless services to qualifying North Dakota consumers.

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

Tempo asked that the Commission protect from disclosure a proprietary process by which Tempo 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 Tempo satisfies the requirements of the North Dakota Century Code for protection of the information which is the subject of this request. 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 application of Tempo Telecom, LLC to protect certain filed information in this case.

Dated this 24<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**

**Tempo Telecom, LLC  
Designated Eligible Carrier  
Application**

**Case No. PU-14-34**

**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 24<sup>th</sup> day of March 2014, served on the following by regular mail:

Stephanie Dassinger  
Crowley Fleck, PLLP  
PO Box 2798  
Bismarck, ND 58502-2798

Dated this 24<sup>th</sup> day of March 2014.

  
\_\_\_\_\_  
Ryan Norrell  
Legal Counsel  
North Dakota Public Service Commission