

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Qwest Corporation
Switched Access
Price Schedule

Case No. PU-14-252

ORDER ON PROTECTION OF INFORMATION

October 24, 2018

Preliminary Statement

On May 23, 2014, Qwest Corporation dba CenturyLink QC (Qwest) filed an application for a protective order to protect against public disclosure information Qwest filed with the Commission, qualifying as an exemption to North Dakota Century Code section 44-04-18.

On July 23, 2018, Commission Staff (Staff) filed its recommendation on the application.

Discussion

Qwest requests the North Dakota Public Service Commission, pursuant to Chapter 69-02-09 of the North Dakota Administrative Code, issue a protective order limiting the disclosure of the trade secret information included in Qwest's Tariff Filing to Implement the FCC 's Ordered 1 July 2014 Transition of Intrastate Access Charges, filed by Qwest in this case

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, which is competitively sensitive.
- All of the confidential information submitted is highly proprietary by Qwest and closely guarded to maintain its confidentiality. Information is available only to those employees and representatives who have a need to know the information to perform their duties and responsibilities.
- If Qwest's confidential information became available to its competitors, they could use such data to target certain areas of Qwest's services and customers to their unfair competitive advantage.

- This information derives independent economic value, actual or potential, 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. Competitors or potential competitors of Qwest that provide local exchange service and other telecommunications service would obtain economic value from disclosure or use of the information.
- 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 Qwest.
- That competitors and potential competitors of Qwest 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 Century Code Section 44-04-18.4(2) allows the Commission to grant protection for commercial, financial, proprietary, and trade secret information if privileged and if the information has not been previously publically disclosed.

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 points out that there are some columns of the filed document that Staff believes should not be granted protection – specifically the interstate rates and proposed interstate rates that are filed with the FCC and the Commission. However, Staff believes that the remaining information in Qwest's application satisfies the requirements of the North Dakota Century Code for protection of the information due to the demand and revenue information contained within the filing. Consequently, Staff recommends that the Commission grant the application of Qwest to protect only the demand and revenue information contained within the filing.

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

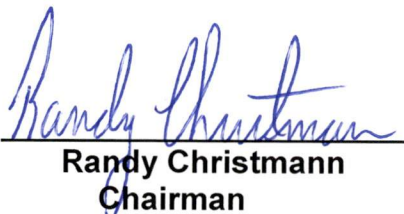
The Commission orders:

1. The May 23, 2014 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 May 23, 2014 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