

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Red River Rural Telephone Association
2014 High-Cost Universal Service Support
Annual Report**

Case No. PU-14-076

**Griggs County Telephone Co.
2014 High-Cost Universal Services Support
Annual Report**

Case No. PU-14-399

**Absaraka Cooperative Telephone Company, Inc.
2014 High-Cost Universal Services Support
Annual Report**

Case No. PU-14-406

**Midstate Communications Inc.
2014 High-Cost Universal Services Support
Annual Report**

Case No. PU-14-407

**Halstad Telephone Company
2014 High-Cost Universal Service Support
Annual Report**

Case No. PU-14-408

**Midstate Telephone Company
2014 High-Cost Universal Services Support
Annual Report**

Case No. PU-14-409

**Moore and Liberty Telephone Company
2014 High-Cost Universal Services Support
Annual Report**

Case No. PU-14-533

ORDER GRANTING PROTECTION OF INFORMATION

August 20, 2014

On July 1, 2014, Red River Rural Telephone Association (Red River), Griggs County Telephone Co. (Griggs), Absaraka Cooperative Telephone Company (Absaraka), Midstate Communications Inc. (Midstate Comm.), Midstate Telephone Company (Midstate Tel.), and Moore and Liberty Telephone Company (Moore), each filed an application in each company's respective case, to protect certain information contained in each respective company's Form 481, High Cost and Low-Income Annual Report.

On July 11, 2014, Midstate Comm. and Midstate Tel. each filed an application to protect the information contained in Exhibit A, Items 1 and 2 attached to each

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13 **PU-14-76** Filed: 8/20/2014 Pages: 3
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12 **PU-14-407** Filed: 8/20/2014 Pages: 3
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12 **PU-14-399** Filed: 8/20/2014 Pages: 3
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10 **PU-14-408** Filed: 8/20/2014 Pages: 3
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company's Annual Report to the North Dakota Public Service Commission, Essential Telecomm. Carrier Certification (Annual Report).

On July 30, 2014, Red River, Griggs, Halstad Telephone Company (Halstad), and Moore each filed similar applications.

On July 31, 2014, Absaraka filed a similar application.

On August 14, 2014 Staff filed Staff Response to the Requests for Trade Secret Protection.

Each company asserts this information is exempt from North Dakota Century Code § 44-04-18, and used the same justification for protecting their Forms 481 and Annual Report. Firstly, the information is treated as confidential by the regulations and orders of the Federal Communications Commission (FCC) under 47 CFR §§ 0.457 and 0.459 and FCC orders. Secondly, the information in Form 481 falls within the statutorily-defined exception to North Dakota's Open Records Requirements. North Dakota Century Code § 44-04-18.4(1) provides three elements for the exception to apply: (1) Trade secret, propriety, commercial, and financial information is confidential if it is (2) of a privileged nature and (3) it has not been previously.

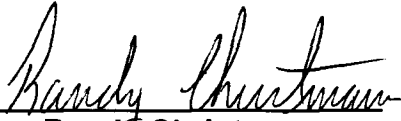
The companies assert that the information they provided falls within the definition of trade secret and competitors could obtain economic value from the disclosure of this information. Each company further asserts this information is "of a privileged nature" because disclosing the information is likely to cause substantial harm to the competitive position of the company. Finally, they assert the information has not previously been disclosed. Because of these reasons, the companies believe that the information in FCC Form 481 should be protected.

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

Order

The Commission orders the applications of Red River Rural Telephone Association, Griggs County Telephone Co., Absaraka Cooperative Telephone Company, Inc, Midstate Communications Inc., Halstad Telephone Company, Midstate Telephone Company, and Moore and Liberty Telephone Company for protection of information GRANTED.

PUBLIC SERVICE COMMISSION



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