

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

**Midcontinent Communications  
Designated Eligible Carrier  
Application**

**Case No. PU-16-48**

**STAFF RESPONSE TO THE REQUEST OF MIDCONTINENT COMMUNICATIONS  
FOR PROTECTION OF INFORMATION**

On April 20, 2016, Midcontinent Communications (Midcontinent) filed an application for a trade secret protective order under North Dakota Administrative Code Chapter 69-02-09 for protecting against public disclosure trade secret information as defined by North Dakota Century Code Section 47.25.1-01(4).

The information for which the Company seeks protection is their proprietary training processes and procedures in place to prevent waste, fraud and abuse in the Lifeline program.

The Company states that this information is confidential information because "Competitors or potential competitors of Midcontinent would obtain economic value from disclosure or use of the information." The confidential information is considered trade secret because "in a competitive telecommunications marketplace, this type of information is highly sensitive and its public disclosure would place the Company at a competitive disadvantage."

The information at issue "is available only to those employees and representatives of Midcontinent who have a need to know the information to perform their duties and responsibilities. Midcontinent does not disclose this information outside the company except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information".

North Dakota Administrative Code § 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission. Staff has reviewed the request of Midcontinent for protection of information and believes that Midcontinent's application satisfies the requirements of the North Dakota Century Code for protection of information. 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 Midcontinent Communications to protect certain filed information in this case.

Dated this 13<sup>th</sup> day of May 2016



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John M. Schuh  
Staff Attorney  
North Dakota Public Service Commission