

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Midcontinent Communications
Designated Eligible Carrier
Application

Case No. PU-16-48

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **13th day of May 2016**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed and containing a photocopy of:

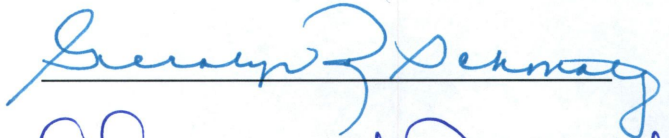
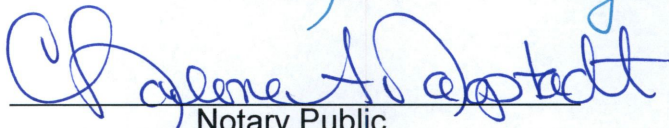
- **Staff Response to the Request of Midcontinent Communications for Protection of Information**

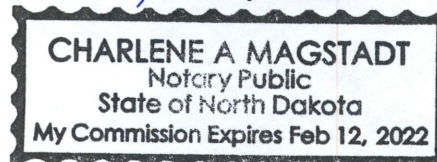
The envelope was addressed as follows:

Zachary Pehlman
Pearce Durick PLLC
PO Box 400
Bismarck, ND 58502-0400

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **13th day of May, 2016**.



Notary Public



SEAL

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Midcontinent Communications
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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 13th day of May 2016



John M. Schuh
Staff Attorney
North Dakota Public Service Commission