



# Public Service Commission

## State of North Dakota

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Executive Secretary  
Darrell Nitschke

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(hand delivered)

27 September 2016

Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Blvd. Ave. Dept. 408  
Bismarck, ND 58505-0480

Re: Qwest Corporation  
Switched Access  
Price Schedule

PU-16-205

Dear Mr. Nitschke:

Enclosed is a Staff Response to the 23 May 2016 Application for Trade Secret Protection in the captioned case along with an Affidavit of Service.

Best regards,

//John Schuh//

John Schuh  
Legal Counsel

c:w/encl: Kent Blickensderfer

**AFFIDAVIT OF SERVICE BY REGULAR MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**John Hamre** deposes and says that:

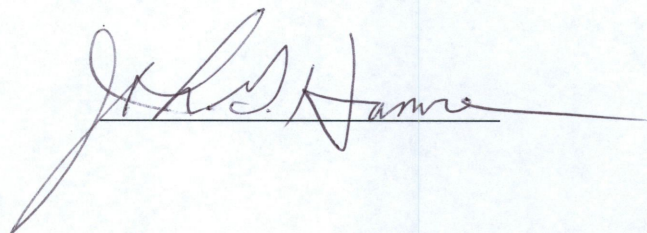
he is over the age of 18 years and not a party to this action and, on the **27** day of **September 2016**, he mailed 1 copy by way of US Mail:

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

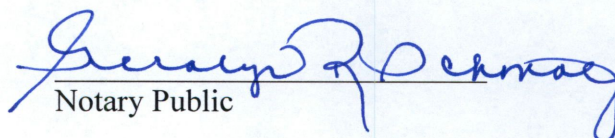
The envelope was addressed as follows:

Kent Blickensderfer  
Qwest Corporation  
220 N 5th Street  
Bismarck, North Dakota 58501

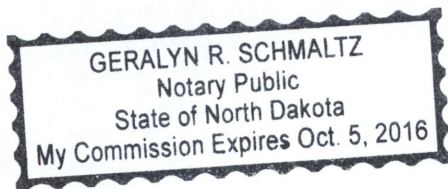
The address is the respective addressee's last reasonably ascertainable mailing address.



Subscribed and sworn to before me  
this **27** day of **September 2016**.

  
Notary Public

SEAL



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

**Qwest Corporation**  
**Switched Access**  
**Price Schedule**

**Case No. PU-16-205**

**STAFF RESPONSE TO THE REQUEST OF QWEST CORPORATION  
FOR PROTECTION OF INFORMATION**

On May 23, 2016, Qwest Corporation dba CenturyLink QC (CenturyLink or the Company) filed an Application Requesting Trade Secret Protection 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).

Applicant provided the following to support its application:

**1. General Description of the Nature of the Information Sought to be Protected.**

CenturyLink's filing contains an ICC Model, comprising of knowledge, data and facts collected and recorded by CenturyLink to satisfy mandatory regulatory reporting requirement, which is competitively sensitive. All of the confidential information being submitted is viewed as highly proprietary by CenturyLink and is closely guarded to maintain its confidentiality. The data at the level of detail being submitted by CenturyLink are closely guarded by all carriers offering access services, and if CenturyLink's confidential information became available to its competitors, they could use such data to target certain areas of CenturyLink's services and customers to their unfair competitive advantage.

**2. An Explanation of Why the Information Derives Independent Economic Value, Actual or Potential, From Not Being Generally Known to Other Persons.**

The information for which CenturyLink seeks trade secret protection contains confidential and proprietary information regarding an ICC Model, comprising of knowledge, data and facts collected and recorded by CenturyLink to satisfy mandatory regulatory reporting requirements, which is competitively sensitive. 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. 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 CenturyLink.

**3. An Explanation of Why the Information is Not Readily Ascertainable by Proper Means by Other Persons.**

The information at issue is proprietary to CenturyLink and is available only to those employees and representatives who have a need to know the information to perform their duties and responsibilities. CenturyLink also has agreements in place protecting the confidentiality of this information.

**4. A General Description of the Persons or Entities that would Obtain Economic Value from Disclosure or Use of the Information.**

Competitors or potential competitors of CenturyLink that provide local exchange service and other telecommunications service would obtain economic value from disclosure or use of the information.

**5. A Specific Description of Known Competitors and Competitor's Goods and Services that are Pertinent to the Tariff or Rate Filing.**

Competitors and potential competitors of CenturyLink 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 CenturyLink operates.

North Dakota Century Code Section 44-04-18.4(2) authorizes protection for commercial, financial, proprietary, and trade secret information if privileged and if the information has not been previously publically disclosed. North Dakota Century Code Section 44-04-18.4(1). Commercial and financial information can be protected from disclosure if the information has not been previously disclosed and disclosure would impair the Commission's ability to obtain similar information in the future or would cause competitive injury to the person providing the information. North Dakota Century Code Sections 44-04-18.4(2)(a) and 44-04-18.4(2)(b). Proprietary and trade secret information can be protected when the information derives independent economic value from not being generally known to or readily ascertainable by other persons, and is the subject of reasonable efforts to maintain its secrecy. North Dakota Century Code Sections 44-04-18.4(2)(c) and 44-04-18.4(2)(d).

Staff believes that CenturyLink's application 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. 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 CenturyLink for protection of information and believes that CenturyLink'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 CenturyLink to protect certain filed information in this case.

Dated this 27 day of September 2016

/s/ John M. Schuh

John M. Schuh

Staff Attorney

North Dakota Public Service Commission