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VIA OVERNIGHT MAIL

October 13, 2016

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Avenue, Twelfth Floor  
Bismarck, ND 58505-0480

RE: FCC Form 481 ETC 2016 Annual Reports  
FCC 47 CFR Section 54.313 & 54.422 Local Rate Floor Data & Collection filing  
Application for Trade Secret Protection

Enclosed for filing on behalf of the North Dakota Eligible Telecommunications Carriers (“ETCs”) shown below is an Application for Protection of Information of confidential and proprietary information filed June 30, 2016 with the Federal Communications Commission’s ETC Annual Report FCC Form 481.

North Dakota Telephone Company	Case No. PU-16-33
BEK Communications Cooperative	Case No. PU-16-39
Consolidated Telcom	Case No. PU-16-46
Dickey Rural Telephone Cooperative	Case No. PU-16-47
Wolverton Telephone Company	Case No. PU-16-50
Reservation Telephone Cooperative	Case No. PU-16-53
United Telephone Mutual Aid Corp.	Case No. PU-16-54
Northwest Communications Cooperative	Case No. PU-16-55
Dakota Central Telecommunications Cooperative	Case No. PU-16-342
Polar Communications Mutual Aid Corp.	Case No. PU-16-343
Dakota Central Telecom I, Inc.	Case No. PU-16-425
Turtle Mountain Communications, Inc.	Case No. PU-16-426

Please contact the undersigned if you have any questions.

Sincerely,

/s/ Marty Kluh

Marty Kluh  
Authorized Representative for  
North Dakota ETCs

Enclosure

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

In the Matter of	)	
Federal Communications Commission	)	
FCC Form 481 ETC 2016 Annual Reports	)	
North Dakota Telephone Company	)	Case No. PU-16-33
BEK Communications Cooperative	)	Case No. PU-16-39
Consolidated Telcom	)	Case No. PU-16-46
Dickey Rural Telephone Cooperative	)	Case No. PU-16-47
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Polar Communications Mutual Aid Corp.	)	Case No. PU-16-343
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Turtle Mountain Communications, Inc.	)	Case No. PU-16-426

\* \* \* \*

**APPLICATION FOR PROTECTION OF INFORMATION**

The above-referenced North Dakota Eligible Telecommunications Carriers (“North Dakota ETCs”) respectfully move the Commission for entry of a protective order under § 69-02-09-01 of the North Dakota Administrative Code. The purpose of the requested protective order is to protect against public disclosure of trade secret information as defined by NDCC § 47-25.1-01(4).

**1. A general description of the nature of the information sought to be protected.**

The purpose of this application is to protect against public disclosure of sensitive and proprietary financial and operational information that was filed June 30, 2016, in an attachment to the FCC Form 481 Eligible Telecommunications Carrier reporting filed with this Commission in the above-referenced dockets pursuant to 47 C.F.R Sections 54.313 and 54.422 of Federal Communications Commission (“FCC”) rules. Protection is

## **Application for Protection of Information**

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sought for the entirety of the financial statement attachment and the Progress Report on the Five Year Service Quality Improvement Plan.

#### **2. Explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.**

Financial information is highly confidential, in that it is only known to the North Dakota ETCs and their authorized agents and not available through any source other than the companies or their authorized agents. The FCC recognized in its Protective Order that the financial information required pursuant to section 54.313(f)(2) is especially competitively sensitive and, if released to competitors or those with whom the North Dakota ETCs do business, might allow those persons to gain a significant advantage in the marketplace or in negotiations.<sup>1</sup> The Line 112 Progress Report attachment contains competitively sensitive information related to proposed improvements or upgrades and maintenance the Company's network. The Progress Reports contain proprietary, competitively sensitive information related to the Company's existing network including the specific locations of customers as well as describe proposed improvements or upgrades and maintenance of its network throughout its service area.

#### **3. An explanation of why the information is not readily ascertainable by proper means by other persons.**

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<sup>1</sup> *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Protective Order, DA 12-1857 rel. Nov. 16, 2012 (Protective Order).

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The confidentiality of the information has been maintained by the North Dakota ETCs. The information is not disclosed to the public or to persons other than employees or authorized agents of the North Dakota ETCs who need to know the information to fulfill their responsibilities in connection with the project or to third persons pursuant to agreement to maintain the confidentiality of the information.

#### **4. A general description of the persons or entities that would obtain economic value from disclosure or use of the information.**

Competitive Local Exchange Carriers, potential equipment and material vendors, contractors, and other suppliers of telecommunications services would obtain economic value from disclosure of the financial and operational information.

#### **5. A specific description of known competitors and competitors' goods and services that is pertinent to the filing.**

Those persons or entities that could obtain economic value from the disclosure or use of the information are competitors or potential competitors which include wireless providers, cable television providers, competitive local exchange carriers, internet providers, and other local exchange carriers.

#### **6. A description of the efforts used to maintain the secrecy of the information.**

The confidentiality of the information has been maintained by the North Dakota ETCs. Access to the information is restricted to management-level employees and the

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employees who need to know the information to fulfill their responsibilities or to third persons pursuant to agreement to maintain the confidentiality of the information.

In accordance with § 69-02-09-02 of the North Dakota Administrative Code, one copy of the trade secret material was provided at the time of the June 30, 2016 filings in the above-referenced dockets sealed envelopes labeled: ATTACHMENT-1-TRADE SECRET — PRIVATE.

Respectfully submitted on October 13, 2016.

JOHN STAURULAKIS, INC.

By: /s/ Marty Kluh  
Marty Kluh  
Manager-Regulatory Affairs

On behalf of

North Dakota ETCs