

Seth A. Thompson

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July 28, 2017

Darrel Nitschke
Executive Secretary
Public Service Commission
State Capitol
600 East Boulevard Avenue, Twelfth Floor
Bismarck, ND 58505

VIA HAND DELIVERY



Re: Annual ETC Report for Calendar Year 2016 of New Wireless PCS, LLC

Dear Mr. Nitschke:

Under separate cover, an original and eight copies of New Cingular Wireless PCS, LLC's Annual ETC Report for Calendar Year 2016 was filed with this office.

Enclosed for filing in the above-referenced matter please find one original of the following:

- New Cingular Wireless PCS, LLC's Application for Trade Secret Protection
- Confidential Exhibits A-1 and C (separately bound and placed in a sealed envelope labeled "PROTECTED INFORMATION – PRIVATE")

Please file stamp one copy of the above-referenced filings and return to my office in the enclosed self-addressed envelope.

If you have any questions or concerns regarding this filing please contact my office at any time. Thank you for your consideration and attention to this matter.

Sincerely,

Seth A. Thompson

SAT/aar

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Application for Protection of Information

New Cingular Wireless PCS, LLC

Seth Thompson, Vogel Law Firm

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

New Cingular Wireless PCS, LLC
Eligible Telecommunications Carrier (“ETC”)
Annual Report

Re: Filing required pursuant to
NDAC §69-09-05-12.1

**APPLICATION FOR TRADE SECRET PROTECTION
BY NEW CINGULAR WIRELESS PCS, LLC**

Pursuant to NDAC Ch. 69-02-09, Trade Secret Procedures, and NDCC § 44-04-18.4, New Cingular Wireless PCS, LLC (“New Cingular”) applies for trade secret protection for the following documents filed as part of New Cingular’s Annual Eligible Telecommunications Carrier (“ETC”) Use of Federal Universal Support Certification. New Cingular requests confidential treatment for the following information, which is filed in a separate, sealed envelope:

Confidential Exhibit A-1: This exhibit is New Cingular’s progress report on the previously filed Service Improvement Plan for New Cingular for calendar year 2016, along with a slightly revised Service Improvement Plan for calendar year 2017 and a new Service Improvement Plan for calendar year 2018 based on New Cingular’s projected federal ETC support.

Confidential Exhibit C: This exhibit provides the numbers of outages along with detailed information for each outage.

The above information constitutes trade secrets and is exempt from public disclosure under Chapter 69-02-09 of the North Dakota Admin. Code. Pursuant to NDAC § 69-02-09-

03, the commission will examine whether the information meets the definition of trade secret in NDCC § 47-25.1-01. North Dakota Cent. Code § 47-25.1-01(4) defines trade secret as:

[I]nformation, including a formula, pattern, compilation, program, device, method, technique, or process, that:

- a. 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 and use; and
- b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

New Cingular is required to disclose to the Commission the information in the above referenced exhibits as part of its annual ETC recertification filing. All of these documents contain valuable proprietary information regarding New Cingular's telecommunications network in North Dakota, the public disclosure of which would cause serious competitive harm to the company. Disclosure of these materials would reveal confidential details pertaining to New Cingular's network infrastructure, customer base, and the company's competitive position in the North Dakota telecommunications marketplace. Because this information goes to the heart of the company's business planning and competitive strategy, its public disclosure would be both economically damaging to New Cingular and economically advantageous to its competitors. The company does not generally disclose this type of information and takes reasonable steps to maintain its secrecy. In response to similar requests in conjunction with New Cingular's 2011 and 2012 Annual ETC Reports and Certifications, the Commission found that the same type of information contained in Confidential Exhibit A-1 and C was trade secret information that should be protected. See Order dated October 24, 2012, PU-11-533 and PU-12-504.

New Cingular respectfully requests that its application requesting trade secret protection for Confidential Exhibits A-1 and C be granted.

Dated: 7-28-17

New Cingular Wireless PCS, LLC



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