



# Public Service Commission State of North Dakota

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COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Sheri Haugen-Hoffart

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-18-56  
Red River Rural Telephone Association  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "Brian Johnson".

Brian Johnson  
Legal Counsel

Enclosure

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

**Red River Rural Telephone Association  
2018 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-18-56**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On August 1, 2018, Red River Rural Telephone Association (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential are Item 1 Trade Secret Exhibit A contains a description and the amount of high-cost universal service support received by the Company in 2017 and a description, with project specific information, of how that support was used for the provision, maintenance, or upgrading of the Company's facilities and services, Item 2 Trade Exhibit A includes an estimate of the amount of federal high-cost universal service support the Company anticipates receiving in 2019 and a description, with project specific information, of how that support is projected to be used for the provision, maintenance, or upgrading of the Company's facilities and services pursuant to Section 254 of the Telecommunications Act of 1996, Item 3 Trade Secret Exhibit A includes detailed information regarding the Telecommunications infrastructure projects that the Company completed in 2017 and those forecasted for 2019, Item 4 to Trade Secret Exhibit A contains detailed information of each outage of over 30 minutes in duration experienced by the Company in its ETC-designated service area in 2017, including the geographic

area, the start and end time, a description, the resolution, the services affected, the number of customers affected, and steps taken to prevent similar situations, filed with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>st</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407



# Public Service Commission State of North Dakota

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-18-55  
Midcontinent Communications  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "Brian Johnson".

Brian Johnson  
Legal Counsel

Enclosure

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

**Midcontinent Communications**  
**2018 High-Cost Universal Service Support**  
**Annual Report**

**Case No. PU-18-55**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On July 13, 2018, Midcontinent Communications (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential are Exhibit A Plant Specific Operations Expenses Exhibit B Plant Specific Capital Expenditures, and Exhibit C Outages and Customer Complaints, filed with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-

13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>st</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397

North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407



# Public Service Commission State of North Dakota

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-18-52  
North Dakota 5 – Kidder Limited Partnership  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "Brian Johnson".

Brian Johnson  
Legal Counsel

Enclosure

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

**North Dakota 5 – Kidder Limited Partnership  
2018 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-18-52**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On July 30, 2018, North Dakota 5 – Kidder Limited Partnership (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential are Confidential Exhibits A-1, A-2, and A-3 to the Company's "USE Report"; a few narrative passages describing the contents of Confidential Exhibits A-1, A-2, and A-3; and Confidential Exhibit B, the Company's "ETC Outage Report" with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under

federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>st</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407



Public Service Commission  
State of North Dakota

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-18-51  
Badlands Cellular of North Dakota Limited Partnership  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "B. Johnson".

Brian Johnson  
Legal Counsel

Enclosure

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

**Badlands Cellular of North Dakota Limited Partner  
2018 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-18-51**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On July 30, 2018, Badlands Cellular of North Dakota Limited Partner (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential are Confidential Exhibits A-1, A-2, and A-3 to the Company's "USE Report"; a few narrative passages describing the contents of Confidential Exhibits A-1, A-2, and A-3; and Confidential Exhibit B, the Company's "ETC Outage Report" with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under

federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>st</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407



# Public Service Commission State of North Dakota

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COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-18-50  
North Dakota RSA No. 3 Limited Partnership  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to be "B. Johnson".

Brian Johnson  
Legal Counsel

Enclosure

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

**North Dakota RSA No. 3 Limited Partnership  
2018 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-18-50**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On July 30, 2018, North Dakota RSA No. 3 Limited Partnership (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential are Confidential Exhibits A-1, A-2, and A-3 to the Company's "USE Report"; a few narrative passages describing the contents of Confidential Exhibits A-1, A-2, and A-3; and Confidential Exhibit B, the Company's "ETC Outage Report" with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under

federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>st</sup> day of March 2022.



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Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407



# Public Service Commission State of North Dakota

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-18-49  
Northwest Dakota Cellular of North Dakota Limited Partnership  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to be "B. Johnson".

Brian Johnson  
Legal Counsel

Enclosure

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

**Northwest Dakota Cellular of North Dakota Limited  
2018 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-18-49**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On July 30, 2018, Northwest Dakota Cellular of North Dakota Limited (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential are Confidential Exhibits A-1, A-2, and A-3 to the Company's "USE Report"; a few narrative passages describing the contents of Confidential Exhibits A-1, A-2, and A-3; and Confidential Exhibit B, the Company's "ETC Outage Report" with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under

federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>ST</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407



# Public Service Commission State of North Dakota

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## COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Sheri Haugen-Hoffart

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-18-48  
North Central RSA 2 of North Dakota Limited Partnership  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "Brian Johnson".

Brian Johnson  
Legal Counsel

Enclosure

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

**North Central RSA 2 of North Dakota Limited Partn  
2018 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-18-48**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On July 30, 2018, North Central RSA 2 of North Dakota Limited Partnership (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential are Confidential Exhibits A-1, A-2, and A-3 to the Company's "USE Report"; a few narrative passages describing the contents of Confidential Exhibits A-1, A-2, and A-3; and Confidential Exhibit B, the Company's "ETC Outage Report" with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under

federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>st</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
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# Public Service Commission State of North Dakota

Julie Fedorchak  
Randy Christmann  
Sheri Haugen-Hoffart

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

*via Hand Delivery*

RE: Case No. PU-18-39  
West River Telecommunications Cooperative  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to be "BJ", written over a horizontal line.

Brian Johnson  
Legal Counsel

Enclosure

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

**West River Telecommunications Cooperative  
2018 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-18-39**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On June 15, 2018, West River Telecommunications Cooperative (West River) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information for which the Company seeks protection includes Confidential CAP ICC Replacement Mechanism and Detail Access Line Information, the Universal Service Administrative Company ("USAC") and the relevant state commission and Tribal Government, a copy of the company's NECA Local Rate Floor Data Collection, including access lines by type, exchange and rate. with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by West River is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to

protection of information if the information is specifically protected under federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>st</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407



# Public Service Commission State of North Dakota

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

*via Hand Delivery*

Re: Case No. PU-22-62  
Otter Tail Power Company  
Cogeneration – Small Power Production  
Rates

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to be "Brian Johnson".

Brian Johnson  
Legal Counsel

Enclosure

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

**Otter Tail Power Company**  
**Cogeneration - Small Power Production**  
**Rates**

**Case No. PU-22-062**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On January 31, 2022, Otter Tail Power Company (Otter Tail or Company) filed an Application for Protection of Information to protect certain information in the captioned case. The purpose of the requested protective order is to protect against public disclosure of trade secret or proprietary information, as defined by North Dakota Century Code §§ 47-25.1-01(4) and 44-04-18.4.

The specific information for which Otter Tail seeks trade secret protection is a portion of Attachment 3 that sets forth specific 2021 wind and solar renewable energy credits pricing and sales. This information is used to determine a weighted average price per MWh, which itself is not protected information. Also, Otter Tail seeks protection for Attachment 4 that contains a proprietary third-party intellectual property. This information is used to compute Annual Customer related marginal costs.

Vendor and competitors would have an opportunity to obtain economic value from disclosure or use of the information which could be a detriment to Otter Tail and the Customers they serve. The information could be used by vendors and competitors in competing for project procurement opportunities and to leverage rate positions in the marketplace.

The confidentiality of this information has been maintained by Otter Tail. The information is not disclosed to the public or to persons other than employees or authorized

agents who need to know the information to fulfill their responsibilities in connection with the subject matter of the information.

Staff believes that Otter Tail's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

For reasons set forth above, Staff recommends that the Commission grant the application of Otter Tail to protect certain information filed in the captioned case.

Dated this 31<sup>st</sup> day of March, 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
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# Public Service Commission State of North Dakota

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-19-70  
Dickey Rural Telephone Cooperative  
2019 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "Brian Johnson".

Brian Johnson  
Legal Counsel

Enclosure

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

**Dickey Rural Telephone Cooperative  
2019 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-19-70**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On September 18, 2019, Dickey Rural Telephone Cooperative (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential is the Intrastate TRP report, which displays the proposed July 1, 2019 intrastate tariff at the rate element level, the post true-up Access Recovery Charge Output report, which has the residential ARC revenue and lines at the exchange level, as well as the post true-up ARC rates and revenue for SLB and MLB, the post true-up CAF ICC amount on the USAC report., filed with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C.

§44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>st</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407



# Public Service Commission State of North Dakota

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-19-62  
Red River Rural Telephone Association  
2019 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "BJ", written over a white background.

Brian Johnson  
Legal Counsel

Enclosure

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

**Red River Rural Telephone Association  
2019 High-Cost Universal Service Support  
Annual Report**

**Case No. PU-19-62**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On September 6, 2019, Red River Rural Telephone Company (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential is a description and the amount of high-cost universal service support received by the company in 2018 and how that support is projected to be used, an estimate of the amount of federal high-cost universal support the company anticipates receiving in 2020 and how that support is projected to be used, detailed information regarding telecommunications infrastructure projects completed in 2018 and those forecasted in 2020, and detailed outage information for outages over 30 mins in 2018, filed with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that

case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as “trade secret” as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>ST</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
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# Public Service Commission State of North Dakota

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-19-49  
Halstad Telephone Company  
2019 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "BJ", written over a horizontal line.

Brian Johnson  
Legal Counsel

Enclosure

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

**Halstad Telephone Company**  
**2019 High-Cost Universal Service Support**  
**Annual Report**

**Case No. PU-19-49**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On September 6, 2019, Halstad Telephone Company (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential is Exhibit A, Items 1 through 4, attached to the Company's Annual Report to the North Dakota Public Service Commission, filed with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-

13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>st</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
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# Public Service Commission State of North Dakota

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-18-327  
RC Technologies Corporation  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "BJ", with a long horizontal flourish extending to the right.

Brian Johnson  
Legal Counsel

Enclosure

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

**RC Technologies Corporation**  
**2018 High-Cost Universal Service Support**  
**Annual Report**

**Case No. PU-18-327**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On August 31, 2018, RC Technologies Corporation (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential is financial information, including financial data and strategy of the Company, with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-13(5) states that financial information required by the federal communications

commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>st</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407



# Public Service Commission State of North Dakota

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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-18-301  
Loretel Systems, Inc.  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "BJ", with a long horizontal flourish extending to the right.

Brian Johnson  
Legal Counsel

Enclosure

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

**Loretel Systems, Inc.**  
**2018 High-Cost Universal Service Support**  
**Annual Report**

**Case No. PU-18-301**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On August 1, 2018, Loretel Systems, Inc. (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential are Item 1 to Trade Secret Exhibit A contains a description and the amount of high-cost universal service support received by the Company in 2017 and a description, with project specific information, of how that support was used for the provision, maintenance, or upgrading of the Company's facilities and services, item 2 to Trade Exhibit A includes an estimate of the amount of federal high-cost universal service support the Company anticipates receiving in 2019 and a description, with project specific information, of how that support is projected to be used for the provision, maintenance, or upgrading of the Company's facilities and services pursuant to Section 254 of the Telecommunications Act of 1996, item 3 to Trade Secret Exhibit A includes detailed information regarding the Telecommunications infrastructure projects that the Company completed in 2017 and those forecasted for 2019, and item 4 to Trade Secret Exhibit A contains detailed information of each outage of over 30 minutes in duration experienced by the Company in its ETC-designated service area in 2017, including the geographic

area, the start and end time, a description, the resolution, the services affected, the number of customers affected, and steps taken to prevent similar situations, with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>ST</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
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# Public Service Commission State of North Dakota

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## COMMISSIONERS

Julie Fedorchak  
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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-18-276  
Griggs County Telephone Co.  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "Brian Johnson".

Brian Johnson  
Legal Counsel

Enclosure

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

**Griggs County Telephone Co.**  
**2018 High-Cost Universal Service Support**  
**Annual Report**

**Case No. PU-18-276**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On August 1, 2018, Griggs County Telephone Co. (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential is Exhibit A, Items 1 through 4, attached to the Company's Annual Report to the North Dakota Public Service Commission, filed with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-

13(5) states that financial information required by the federal communications commission to be copied to the commission, accompanied by the filing of a copy of the federal communications commission's protective order for that information.

Additionally under N.D.C.C. 44-04-18.4(2)(d) the information which the company is requesting protection for qualifies as "trade secret" as it is information that is compiled that would derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information, and that the information requested to be protected 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 or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

For reasons set forth above, Staff recommends that the Commission grant the application of the Company to protect certain information filed in this case.

Dated this 31<sup>ST</sup> day of March 2022.



---

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407



# Public Service Commission State of North Dakota

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## COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
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March 31, 2022

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

***via Hand Delivery***

RE: Case No. PU-18-275  
Halstad Telephone Company  
2018 High-Cost Universal Service Support  
Annual Report

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to be "BJ", written over a white background.

Brian Johnson  
Legal Counsel

Enclosure

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

**Halstad Telephone Company**  
**2018 High-Cost Universal Service Support**  
**Annual Report**

**Case No. PU-18-275**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On August 1, 2018, Halstad Telephone Company, (the company) filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information which the Company requests be considered trade secret/confidential is Exhibit A, Items 1 through 4, attached to the Company's Annual Report to the North Dakota Public Service Commission, filed with the North Dakota Public Service Commission ("Commission") North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

The information provided by the company is also provided to the FCC and is treated as confidential by the FCC. The Commission has previously treated information that is provided to the FCC and treated by the FCC as confidential information as protected information and cites to PU-07-595. Staff recommended information in that case acknowledged that the North Dakota Attorney General has interpreted N.D.C.C. §44-04-18(1) regarding protected information allows a state agency to provide confidentiality to protection of information if the information is specifically protected under federal regulation. Additionally, North Dakota Administrative Rules (N.D.A.R.) 69-02-09-