

**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.



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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