

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Midcontinent Communications  
2019 High-Cost Universal Service Support  
Annual Report

Case No. PU-19-86

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **5th day of April 2022**, she deposited in the United States Mail at Bismarck, North Dakota, **one** envelope by first class mail, fully prepaid, securely sealed each containing a photocopy of:

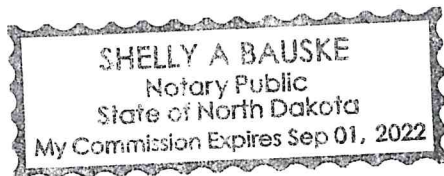
- **Staff Response to Application for Protection of Information**

The envelope was addressed as follows:

Zachary Pelham  
Counsel to Midcontinent Communications  
Pearce & Durick  
PO Box 400  
Bismarck, ND 58502

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **5th day of April 2022**.



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

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

Notary Public

SEAL

**STATE OF NORTH DAKOTA**  
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**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On June 27, 2019, 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 is budget and revenue costs, 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  
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North Dakota Public Service Commission  
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