

**BEFORE THE NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

In the Matter of

Application of Inter-Community Telephone
Company to Protect CAF and ICC Data

Case No. _____

APPLICATION TO PROTECT INFORMATION REGARDING CAF AND ICC DATA

The undersigned, on behalf of Inter-Community Telephone Company, does hereby state and certify as follows:

1. Inter-Community Telephone Company, hereinafter "ICTC", requests proprietary and confidential designation of its Intrastate Revenues Report, Access Recovery Charges Report, Study Area USAC Reports, and Local Rate Floor Data Collection regarding its CAF and ICC Data.
2. Pursuant to the North Dakota Administrative Code, Section 69-02-09-01, NDAC, ICTC represents that:

- a) The information sought to be protected relates to ICTC's revenues from multiple sources. The amount and sources of ICTC's revenues for intrastate wireless access are the subject of on-going litigation between Tier I wireless carriers and incumbent local exchanges such as ICTC. The litigation is captioned: *MCI Communications Services, Inc. and Verizon Select Services, Inc. v. Inter-Community Telephone Company Cooperative, et al.*, U.S. District Court for the District of North Dakota Case No. 3:14-cv-00088-KKK, consolidated with U.S. District Court for the Northern Division of Texas, Civil Action No. 3:14-MD-2587-D (MDL No. 2587). See attached Exhibit A (Complaint naming ICTC as a Defendant). This case is currently on appeal to the U.S. Fifth Circuit Court of Appeals, Case No. 18-10768.

The captioned litigation may require ICTC to disclose revenue data for previous fiscal years and the current fiscal year. While the litigation is pending, ICTC believes the information should be disclosed only as required pursuant to the Federal Rules of Civil Procedure and the U.S. District Court's Orders regarding discovery in the captioned case.

- b) The requested protection is based on the work product doctrine in civil litigation. ICTC believes that certain information could be used by Tier I plaintiffs in the subject litigation to the disadvantage of ICTC.

- c) ICTC contends the information is trade secret, but ICTC has identified a separate, distinct basis for protecting the information and relies on protecting its rights within the above captioned litigation.
- d) ICTC has identified the basis of protection in (1) above.

Dated this 15th day of June, 2020.

Respectfully submitted,

Inter-Community Telephone Company

By: 
David Hogue
Pringle & Herigstad, P.C.
2525 Elk Drive
PO Box 1000
Minot, ND 58702
(701) 852-0381
dhogue@pringlend.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, in accordance with the sections 69-02-01-03 and 69-02-02-04(2) of North Dakota Administrative Code, the foregoing Application upon the North Dakota Public Service Commission via electronic mail at the following address:

Executive Secretary
North Dakota Public Service Commission
E-mail: ndpsc@nd.gov

Dated this 15th day of June, 2020.

By: 
David J. Hogue