

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
vs. Qwest Corporation
Show Cause

Case No. PU-20-442

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 **8th day of March 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:

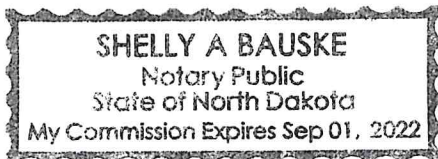
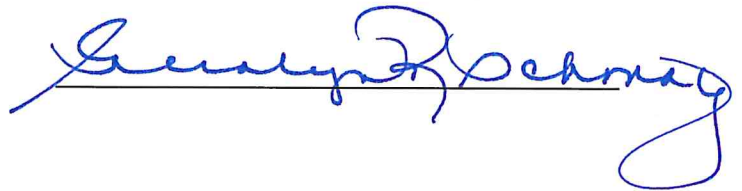
- **Staff Response to Application for Protection of Information**

The envelope was addressed as follows:

Andrew Schriener
Qwest Corporation dba CenturyLink QC
State Legislative Affairs Director
200 South 5th Street
Minneapolis, MN 55402

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

Subscribed and sworn to before me
this **8th day of March 2022**.



Notary Public

SEAL

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
vs. Qwest Corporation
Show Cause**

Case No. PU-20-442

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On December 29, 2021, Quest Corporation (Qwest) filed an Application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure of protected information as defined by North Dakota Century Code (N.D.C.C.) section 44-04-18.4.

The information that Qwest seeks to protect contains personal information regarding providing service to the Gordon and Sharon Gerbig residence, the Mile's Gerbig residence and the Dorm Henders' residence.

Qwest states that pursuant to 47 U.S.C. § 222(c)(1) the disclosure of this information would violate the confidentiality of its customers without their permission which is prohibited by 47 U.S.C. § 222(c)(1) which states:

Except as required by law or with the approval of the customer, a telecommunications carrier that receives or obtains customer proprietary network information by virtue of its provision of a telecommunication service shall only use, disclose, or permit access to individually identifiable customer proprietary network information in its provision of (A) the telecommunications service from which such information is derived, or (B) services necessary to, or used in the provision of such telecommunications service, including the publishing of directories.

Qwest also claims economic value to the information but does not elaborate on how the information would cause a competitive disadvantage if it was released.

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.

The confidentiality of this information has been maintained by Qwest. 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 Qwest's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request. The claim of economic value and competitive disadvantage does not need to be proven to grant protection of the information.

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

Dated this 8th 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