

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-20-442

ORDER ON PROTECTION OF INFORMATION

March 30, 2022

On December 29, 2021, Qwest Corporation (Qwest) filed an application for a protective order to protect against public disclosure of information for Case No. PU-20-442 pursuant to 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 Miles 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. 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 reviewed the request of Qwest for protection of information. Staff believes that the application satisfies the requirements of the law, which allows the Commission to limit access to and release of the information.

Having reviewed the application and staff response, the Commission concludes that it is in the public interest to limit access to the information according to staff's recommendations.

Order

The Commission orders:

1. The specified information be withheld from public disclosure and the Public Service Commission website.
2. That availability to the specified information be limited to the administrative law judge, the Commission, counsel, and staff assigned to the captioned case.

PUBLIC SERVICE COMMISSION



Randy Christmann Julie Fedorchak Sheri Haugen-Hoffart
Commissioner Chair Commissioner