

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Dickey Rural Telephone Cooperative
2022 High-Cost Universal Services Support
Annual Report**

Case No. PU-22-35

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On June 3, 2022, Dickey Rural Telephone Cooperative (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 the Intrastate TRP report, which displays the proposed intrastate tariff at the rate element level, the post true-up Access Recovery Charge Output report, which has the residential ARC revenue and lines at the exchange level, as well as the post true-up ARC rates and revenue for SLB and MLB, the post true-up CAF ICC amount on the USAC report., 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 3rd day of January 2023.

A handwritten signature in black ink, appearing to read 'Brian Johnson', written over a horizontal line.

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