

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Loretel Systems, Inc.
2022 High-Cost Universal Service Support
Annual Report

Case No. PU-22-237

ORDER ON PROTECTION OF INFORMATION

February 22, 2023

Preliminary Statement

On July 27, 2022, Loretel Systems, Inc. filed an Application for Protection of Information to protect certain information in the captioned case.

On January 3, 2023, Staff reviewed the request of Loretel Systems, Inc. for protection of information.

Discussion

The information which the Company requests be considered trade secret/confidential is Exhibit A, which contains a description and the amount of high-cost universal service support received by the Company in 2021 and a description of how that support was used for the provision, maintenance, or upgrading of the Company's facilities and services, an estimate of the amount of federal high-cost universal service support the Company anticipates receiving in 2023 and a description of how that support is projected to be used for the provision, maintenance, or upgrading of the Company's facilities and services pursuant to Section 254 of the Telecommunications Act of 1996, detailed information regarding the Telecommunications Infrastructure projects completed during 2021 and those forecasted for 2023, and detailed information of each outage of over 30 minutes in duration experienced by the Company in its ETC-designated service area in 2020, including the geographic area, the start and end time, a description, the resolution, the services affected, the number of customers affected, and steps taken to prevent similar situations, filed with the North Dakota Public Service Commission ("Commission").

The information provided by the company is also provided to the Federal Communications Commission (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 that 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) state that financial information required by the FCC to be copied to the Commission, accompanied by the filing of a copy of the FCC'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 law, which allows the Commission to grant protection of information in this proceeding.

The Commission concludes Loretel Systems, Inc.'s application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

Order

The Commission orders the July 27, 2022, application of Loretel Systems, Inc., for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner