

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
Natural Gas Rate Increase
Application**

Case No. PU-399-02-183

**STAFF RESPONSE TO MONTANA-DAKOTA'S APPLICATION REQUESTING
TRADE SECRET PROTECTION FOR RESPONSES TO DATA REQUESTS**

On October 2, 2000, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota) filed an application for a protective order limiting the disclosure of trade secret information included in responses to the Commission Staff's first set of data requests that are served on the Commission staff in this proceeding. Montana-Dakota provides the general description of the nature of the information sought to be protected, as follows:

General Description of the Nature of the Information Sought to be Protected.

1. **REQUEST NO. 2.** The request refers to statements A-F, G-L, N-O and requests in hard copy and electronic format all workpapers underlying the company's filing. Page 67 of the workpapers supporting the statements is a page from an actuarial report by Towers Perrin on the performance of the health and welfare benefit plans for both bargaining unit and non-bargaining unit employees. The report is prepared by Towers Perrin for a number of MDU Resources Group, Inc. (MDU Resources) companies and not just Montana-Dakota.
2. **REQUEST NO. 3.** The request refers to statements A-F, G-L, N-O and specifically Statement A, asking for the amount of short-term borrowings by Montana-Dakota and MDU Resources respectively at the end of each month in 2000 and 2001 along with the weighted average cost of Montana-Dakota's short-term borrowings.

Montana-Dakota requests trade secret protection for MDU Resources information including the Towers Perrin report insofar as it relates to MDU Resources

subsidiaries. Montana-Dakota states that such information is not publicly available, and is not only treated as confidential business information, but information which cannot be selectively disclosed without violating the public reporting requirements of the Securities and Exchange Commission. Montana-Dakota believes that disclosure of the MDU Resources information would be of independent economic value to competitors and would create a competitive disadvantage for MDU Resources if publicly disclosed to others because of the competitive nature of the businesses conducted by the various subsidiaries.

Staff has reviewed the information for which Montana Dakota requests trade secret protection. Staff believes that the information qualifies as trade secret and that Montana-Dakota's application satisfies the requirements of the law, which allows the Commission to grant trade secret protection in this proceeding. The Commission's process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.

For reasons set forth above, staff recommends that the Commission grant Montana-Dakota's Application For Trade Secret Protection in this case.

Dated August 14, 2002.

William W. Binek
Chief Counsel

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
Natural Gas Rate Increase
Application**

Case No. PU-399-02-183

AFFIDAVIT OF SERVICE BY ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sandra L. Scott deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **14th day of August, 2002**, she deposited in the United States Mail, Bismarck, North Dakota, **four** envelopes with first class postage, fully prepaid, securely sealed and each containing a photocopy of:

**Staff Response to Montana-Dakota's Application Requesting
Trade Secret Protection For Data Requests**

The envelope was addressed as follows:

Don Ball
Montana-Dakota Utilities Co.
400 N 4th St
Bismarck ND 58501

Douglas W Schulz
Senior Attorney
MDU Resources Group Inc.
P O Box 5650
Bismarck ND 58506-5650

William P Pearce
Attorney at Law
Pearce & Durick
P O Box 400
Bismarck ND 58502-0400

Charles W King
Snavey King Majoros O'Connor & Lee Inc
1220 L Street NW, Suite 410
Washington DC 20005

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

Subscribed and sworn to before me
this **14th day of August, 2002**.

SEAL

Notary Public

August 14, 2002

Mr. Jon H. Mielke
Public Service Commission
600 E Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

RE: **Montana-Dakota Utilities Co.**
Natural Gas Rate Increase Application
Case No. PU-399-02-183

Dear Jon:

Enclosed for filing in the above referenced case is the original and seven copies of the **Staff Response to Montana-Dakota's Application Requesting Trade Secret Protection for Responses to Data Requests.**

Thank you.

Sincerely,

William W. Binek
Chief Counsel

WWBsIs
Enclosure

C: William P. Pearce, Attorney
Douglas W Schulz, Attorney
Don R. Ball