

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 August 22, 2002, 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 second follow-up 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 is a follow-up request to Request No. 18 and requests documentation to support the statement that the senior notes, commercial paper, revolving line of credit and term agreements are related to the subsidiaries only, not to Montana-Dakota along with identifying the specific subsidiary to which the issue of senior notes, commercial paper, revolving line of credit or term credit is related.
2. **REQUEST NO. 3.** The request is a follow-up to Request No. 19 and requests a breakdown of the year 2001, 2002 and 2003 "Subsidiary Portion of Balance" by specific subsidiary.
3. **REQUEST NO. 4.** The request is a follow-up to Request No. 39 and requests data, workpapers, and allocation ratios by which the policies and procedures outlined in Response No. 39, Attachment A are implemented.

Montana-Dakota requests trade secret protection for MDU Resources subsidiary information. 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 23, 2002.

William W. Binek
Chief Counsel

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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 **23rd 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
Snavelly 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 **23rd day of August 2002**.

SEAL

Notary Public

August 23, 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