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Re Trade Secret Protected Information of David Schlissel
filed May 31, 2007

Sent by email to bgerhardson@otertail.com,
dan.kuntz@mduresources.com

Dan and Bruce,

We have all received Attorney Binek's recommendation re my Motion to keep the confidential information filed by David Schlissel as non public information to protect the requests Of OTP and MDU as to information they wish to be held as nonpublic information.

At present this testimony is filed in a sealed envelope and labeled as Confidential Information and is under lock and key as held by the PSC. I inspected it to determine it was sealed and confidential.

Mr. Binek opines trade secret does not apply to narrative testimony as claimed by David Schlissel, but rather to a formula, pattern, compilation, program devices method, technique or process

NDCC 69-02-09-01 sections 2-6 request information if other requirements of the statute are met of which I have no information. Nor do I have access to said information.

I prefer to protect all and any information OTP and MDU seek to protect, but the statute may not allow it.

My suggestion is that OTP and MDU be given an opportunity to present testimony or memorandum as to why the testimony that David Schlissel has marked as confidential or trade secret before the NDPSC be protected. Intervenor's claim for confidential treatment is to protect said information for MDU and OTP and to allow MDU and OTP further opportunity to appear and requests it remain as protected information.

Please contact me as to a time for a conference call between Dan Kuntz, Bruce Gerhardson, and myself.

Very truly yours,

Jack Breen
cc William Binek NDPSC wbinek@nd.gov