



August 11, 2010

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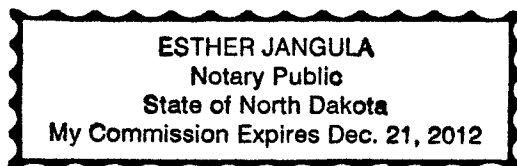
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To the best of affiant's knowledge each address shown is the respective addressee's last reasonably ascertainable post office address and each email address is the respective addressee's last reasonably ascertainable electronic mailing address.

  
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Subscribed and sworn to before me  
this 11<sup>th</sup> day of August, 2010

  
\_\_\_\_\_  
Notary Public



**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**North Dakota Oilseed Mills, LLC  
Grain Warehouse – Northwood, ND  
License Application**

**Case No. GE-10-325**

**ORDER GRANTING TRADE SECRET PROTECTION**

**August 4, 2010**

On July 19, 2010, North Dakota Oilseed Mills, LLC (Oilseed Mills) filed an application for a trade secret protective order under North Dakota Administrative Code section 69-02-09-01 for protecting against public disclosure trade secret information as defined by North Dakota Century Code section 47-25.1-01(4). Oilseed Mills seeks protection for information in response to inquiries given by the Public Service Commission in conjunction with their Grain Warehouse License Application. Oilseed Mills filed the following description of the nature of the information sought to be protected with the July 19, 2010 application:

1. In general, the information consists of:
  - a. The Full Business Plan including identification of potential customers, suppliers, and an analysis of competitive advantages and positions.
  - b. The full Financial Projections, including all assumptions and supporting data used to prepare this analysis.
  - c. The Credit and Security Agreement between NDOM and Sodrugestvo B.V. in its entirety.
2. The information bears the trade secret designation for a variety of reasons. The information is derived from past operational data for the facility that would be not readily available to competitors in the general domain.
3. The information would give competitors a significant financial advantage in knowing and understanding our overhead cost structure, fixed costs, liquidity terms, and other financial information.
4. The information could also give competitors a significant marketing advantage in knowing and understanding our sourcing, pricing and other marketing structures.
5. A general description of persons or entities that could obtain economic value from the disclosure or use of the information includes other crushing facilities in the states of North Dakota, Minnesota or South Dakota or the Provinces of Manitoba, Alberta, or Saskatchewan. Elevators and others competing for

canola sources may find the information useful in their marketing strategies against NDOM.

Under North Dakota Century Code section 47-25.1-01(4):

“Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

- a. 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
- b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Under North Dakota Century Code section 44-04-18.4(2)(d), which is almost identical to North Dakota Century Code section 47-25.1-01(4):

“Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, technical know-how, or process that:

1. Derives 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
2. Is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

North Dakota Administrative Code section 69-02-09-03 requires that the “commission staff shall examine the information and application and make a prima facie recommendation of whether the information is relevant and a trade secret under the definition of trade secret in North Dakota Century Code section 47-25.1-01.” On July 27, 2010, Annette Bendish, Commission’s Staff Counsel (Staff), filed a response to Oilseed Mills’ request for trade secret protection.

Staff believes that Oilseed Mills’ application satisfies the requirements of North Dakota Century Code section 47-25.1-01, which allows the Commission to grant trade secret protection in this proceeding, and recommends that the Commission grant Oilseed Mills’ Application Requesting Trade Secret Protection in this case.



The Commission’s process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.

## Order

The Commission Orders:

1. Oilseed Mills' application for trade secret protection is GRANTED.
2. This Order does not constitute precedent for subsequent trade secret decisions by the Commission.

### PUBLIC SERVICE COMMISSION



**Tony Clark**  
Commissioner

**Kevin Cramer**  
Chairman



**Brian P. Kalk**  
Commissioner

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**North Dakota Oilseed Mills, LLC  
Grain Warehouse - Northwood, ND  
License Application**

**Case No. GE-10-325**

**ORDER CANCELLING HEARING AND  
GRANTING LICENSE APPLICATION**

**August 4, 2010**

North Dakota Oilseed Mills, LLC, Northwood, North Dakota filed an application for a public grain warehouse license, as provided for in North Dakota Century Code Section 60-02-07 to operate a 50,000-bushel grain warehouse at Northwood, North Dakota. North Dakota Oilseed Mills, LLC submitted a letter with the application, asking the Commission to determine the bond amount they will be required to file.

In the interim, the Commission asked North Dakota Oilseed Mills, LLC for more information which the company filed. The information was reviewed and analyzed by Commission staff. The Commission also received comments and letters from interested parties regarding the license application.

North Dakota Oilseed Mills, LLC, via e-mail, committed to filing a \$100,000 bond, and indicated their willingness to file a bond in an amount double the minimum required and do business on an immediate cash only basis.

Based up the information received the Commission believes the hearing should be cancelled and a license should be issued immediately conditioned on their compliance with law and e-mail commitments.

**Therefore, the formal hearing scheduled to begin August 31, 2010 at 1:00 p.m. in the Commission Room, Grand Forks Office Building, 151 South 4<sup>th</sup> Street – 6<sup>th</sup> floor, Grand Forks, North Dakota is CANCELLED.**

**Order**

The Commission orders:

1. The hearing scheduled for August 31, 2010, is cancelled.

2. A license shall be issued upon North Dakota Oilseed Mills, LLC's compliance with the following conditions precedent:
  - a. Satisfactory showing of statutory compliance;
  - b. Submission of a \$100,000 bond; and
  - c. Written assurance that all scale tickets issued for grain received will be immediately converted into cash.

**PUBLIC SERVICE COMMISSION**

  
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**Tony Clark**  
Commissioner

  
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**Kevin Cramer**  
Chairman

  
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**Brian P. Kalk**  
Commissioner

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**North Dakota Oilseed Mills, LLC  
Grain Warehouse – Northwood, ND  
License Application**

**Case No. GE-10-325**

**NOTICE OF HEARING CANCELLATION**

**August 11, 2010**

By Order dated August 4, 2010, the formal hearing scheduled to begin August 31, 2010 at 1:00 p.m. in the Commission Room, Grand Forks Office Building, 151 South 4<sup>th</sup> Street – 6<sup>th</sup> floor, Grand Forks, North Dakota is CANCELLED.

**PUBLIC SERVICE COMMISSION**



Darrell Nitschke  
Executive Secretary