

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

**North Dakota Oilseed Mills, LLC**  
**License Renewal Year 2011**  
**Annual Activity**

**Case No. GE-11-218**

**STAFF RESPONSE TO APPLICATION FOR PROTECTIVE ORDER**

On June 29, 2011, North Dakota Oilseed Mills, LLC (Oilseed Mills) filed an application for a protective order and for trade secret protection under North Dakota Administrative Code Chapter 69-02-09 to protect certain filed information from public disclosure. The application also erroneously referenced two irrelevant telecommunications rules which will not be discussed further.

Oilseed Mills states that certain financial, operational, business strategy and LLC membership information should be protected from public disclosure because the information is derived from past operational data and could, if disclosed, give competitors in neighboring states and provinces a significant financial, marketing or negotiating advantage.

Staff has reviewed the request of Oilseed Mills for protection of information.

North Dakota Century Code § 44-04-18.4(2) authorizes protection for commercial, financial, proprietary and trade secret information if privileged and if the information has not been previously publically disclosed. N.D.C.C. § 44-04-18.4(1). Commercial and financial information can be protected from disclosure if the information has not been previously disclosed and disclosure would impair the Commission's ability to obtain similar information in the future or would cause competitive injury to the person

providing the information. N.D.C.C. §§ 44-04-18.4(2)(a) and 44-04-18.4(2)(b). Proprietary and trade secret information can be protected when the information derives independent economic value from not being generally known to or readily ascertainable by other persons, and is the subject of reasonable efforts to maintain its secrecy. N.D.C.C. §§ 44-04-18.4(2)(c) and 44-04-18.4(2)(d).

North Dakota Administrative Code § 69-02-09-04 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

Staff believes that the application of Oilseed Mills satisfies the requirements of the North Dakota Century Code for protection of the information filed 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 Oilseed Mills' Application for a Protective Order in this case.

Dated this 2<sup>nd</sup> day of August, 2011.

  
Ilona A. Jeffcoat-Sacco  
General Counsel

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

**North Dakota Oilseed Mills, LLC  
License Renewal Year 2011  
Annual Activity**

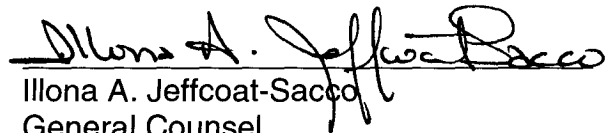
**Case No. GE-11-218**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **STAFF RESPONSE TO APPLICATION FOR PROTECTIVE ORDER** was, on 2 August 2011, electronically provided to the following:

Rachel Hellyer  
North Dakota Oilseed Mills, LLC  
530 35<sup>th</sup> Street  
Northwood, ND 58267  
[Rachel@pdsproule.com](mailto:Rachel@pdsproule.com)

Dated this 2nd day of August 2011.

  
Illona A. Jeffcoat-Sacco  
General Counsel  
ND Public Service Commission  
600 E. Boulevard Avenue, Dept 408  
Bismarck, ND 58505