

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Earth Harvest Mills, Inc.
License Renewal Year 2012
Annual Activity

Case No. GE-12-636

ORDER GRANTING TRADE SECRET PROTECTION
MAY 22, 2013

On March 1, 2013, Earth Harvest Mills, Inc. filed an application for trade secret protection in the captioned case under North Dakota Administrative Code Chapter 69-02-09, and North Dakota Administrative Code Section 69-02-09-04, asking the Commission to protect against public disclosure of certain information filed by Earth Harvest Mills, Inc.

On May 16, 2013, Public Service Commission Staff filed and served its response to the request, recommending the Commission approve the request.

Earth Harvest Mills, Inc. asks the Commission to protect financial statements and operations status from disclosure.

Earth Harvest Mills, Inc. states that the information is derived from past operational data for the facility that would not be readily available to competitors if known to competitors and the information would give competitors a significant financial advantage in knowing and understanding the overhead cost structure, fixed costs, liquidity terms, and other financial information. Earth Harvest Mills, Inc. states that flour mills and mixing facilities competing for grain sources may find the information useful in their marketing strategies against Earth Harvest Mills, Inc.

North Dakota Century Code Section 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. North Dakota Century Code Section 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. North Dakota Century Code Section 44-04-18.4(2)(a) and North Dakota Century Code Section 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. North Dakota Century Code Section 44-04-18.4(2)(c) and North Dakota Century Code Section 44-04-18.4(2)(d).


North Dakota Administrative Code Chapter 69-02-09 requires that the Commission staff examine the information and application and make a recommendation to the Commission. Staff has reviewed the request of Earth Harvest Mills, Inc. for protection of information.

The Commission concludes that the application for trade secret protection filed by Earth Harvest Mills, Inc. satisfies the requirements of the North Dakota Century Code for protection of the information which is the subject of this request. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement. ,

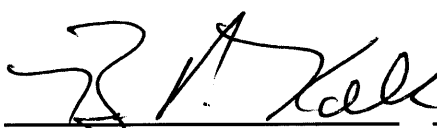
Order

The Commission orders the March 1, 2013 application of Earth Harvest Mills, Inc. for protection of information GRANTED.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Brian P. Kalk
Chairman



Julie Fedorchak
Commissioner