



Public Service Commission

State of North Dakota

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20 September 2013


Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Blvd. Ave. Dept. 408
Bismarck, ND 58505-0480

Re: Montana-Dakota Utilities Co.
Advance Determination of Prudence - Lewis & Clark
Application
PU-13-332

Dear Mr. Nitschke:

Enclosed is a Staff Response to the Application for Trade Secret Protection in the captioned case.

Best regards,


Illona A. Jeffcoat-Sacco
PSC General Counsel

c/w enclosures via e-mail: Dan Kuntz (dan.kuntz@mduresources.com)
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Application for an Advance Determination of Prudence
– Lewis & Clark Generating Station
Application

Case No. PU-13-332

STAFF RESPONSE TO APPLICATION FOR TRADE SECRET PROTECTION

On June 14, 2013 Montana-Dakota Utilities Co. (MDU) filed an application for a trade secret protective order under North Dakota Administrative Code section 69-02-09-04 to protect against public disclosure of trade secret information as defined by North Dakota Century Code section 47-25.1-01(4). MDU requests protection for portions of Exhibit 1 to its application.

MDU states that vendors and competitors would have an opportunity to obtain economic value from disclosure or use of this information, to the detriment of MDU. Additionally, MDU indicates that, if made publicly available, vendors could use the information to their advantage in competing for project procurement opportunities, while competitors could use the information to leverage their rate positions in the marketplace to MDU's detriment. MDU states that the information is not publicly available and is confidential business information prepared specifically for MDU.

N.D. Admin Code North Dakota Administrative Code section 69-02-09-04 requires that the "commission staff 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."

Staff believes the information is relevant because the information relates to cost projections and studies pertaining to the construction of the Filterable Particulate Matter Controls Project. Staff believes that the 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 the Applicants' request for trade secret protection.

Dated this 20th day of September, 2013.



Illona A. Jeffcoat-Sacco
General Counsel
North Dakota Public Service Commission