

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Advance Prudence – Lewis & Clark
Application

Case No. PU-13-332

ORDER GRANTING TRADE SECRET PROTECTION DECEMBER 18, 2013

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 requested protection for portions of Exhibit 1 to its application.

On September 20, 2013, North Dakota Public Service Commission Staff filed and served its response to the request, recommending the Commission approve the request.

MDU states in its application 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.

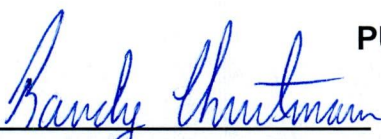
N.D. Admin Code North Dakota Administrative Code section 69-02-09-04 requires that the "commission staff examine the information and application and make a prima facie recommendation of whether the information is relevant and a trade secret under the definition of trade secret in North Dakota Century Code section 47-25.1-01."

North Dakota Administrative Code § 69-02-09-04 requires that the Commission staff examine the information and applications and make a recommendation to the Commission. Staff has reviewed the request of MDU for protection of information. 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.

The Commission concludes MDU's application 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.

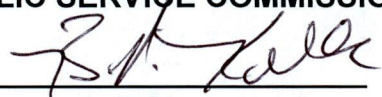
Order

The Commission orders the June 14, 2013 application of Montana-Dakota Utilities for protection of information GRANTED.




Randy Christmann
Commissioner

PUBLIC SERVICE COMMISSION



Brian P. Kalk
Chairman



Julie Fedorchak
Commissioner