

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dakota Access, LLC
Dakota Access Pipeline Project
Siting Application

Case No. PU-14-842

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **7th day October, 2019**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

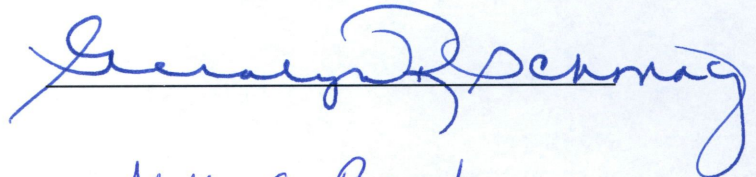
- **Order on Protection of Information**


The envelope was addressed as follows:

Lawrence Bender
Fredrikson & Byron P. A.
1133 College Drive Suite 1000
Bismarck, ND 58501-1215
Cert. No. 7019 0700 0000 6174 0334

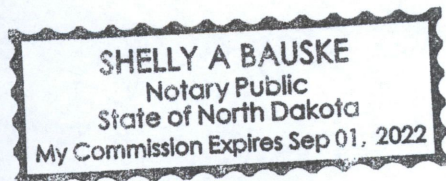
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **7th day of October, 2019**.





Notary Public



SEAL

STATE OF NORTH DAKOTA
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ORDER ON PROTECTION OF INFORMATION

October 2, 2019

Preliminary Statement

On September 1, 2016, Dakota Access, LLC (Dakota Access) filed an Application for Protection of Information to protect certain information in the captioned case (docket No. 211).

On August 24, 2019, staff reviewed the request of Dakota Access for protection of information.

Discussion

The information for which Dakota Access seeks protection includes confidential geographic information system ("GIS") data submitted to the North Dakota Public Service Commission for the Dakota Access Pipeline Project ("Project").

The confidentiality of this information has been maintained by Dakota Access. The information is not disclosed to the public or to persons other than employees or authorized agents who need to know the information to fulfill their responsibilities in connection with the subject matter of the information.

Dakota Access has requested that this, and similar types of this information, be treated as trade secret.

North Dakota Administrative Code section 69-02-09-03 provides "the commission staff shall examine the information and application, and file and serve a response that includes a recommendation on whether the information qualifies for protection."

The GIS data contains information that details the location of critical infrastructure that would be useful to planning an attack on critical infrastructure or disruption of production, generation, transmission, or distribution of energy. Disruption could negatively affect economic security as well as personal health and safety to the general public.

Staff believes that the application satisfies the requirements North Dakota Century Code 44-04-24, which allows the Commission to grant protection of information in this proceeding.

The Commission concludes that the Dakota Access application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.


Order

The Commission orders the September 1, 2016, application of Dakota Access, LLC for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION


Julie Fedorchak
Commissioner


Brian Kroshus
Chairman


Randy Christmann
Commissioner