



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

**Montana-Dakota Utilities Co.  
Advance Prudence – Thunder Spirit Wind Project  
Application**

**Case No. PU-14-843**

**Montana-Dakota Utilities Co.  
Thunder Spirit Wind Project – Adams County  
Public Convenience & Necessity**

**Case No. PU-14-844**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **STAFF RESPONSE TO REQUEST OF MONTANA-DAKOTA UTILITIES COMPANY FOR TRADE SECRET PROTECTION** was, on the 27<sup>th</sup> day of February 2015, served on the following by electronic mail:

The electronic mails were addressed as follows:

Darrell Nitschke ([dnitschk@nd.gov](mailto:dnitschk@nd.gov))  
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Dated this 27<sup>th</sup> day of February 2015.

  
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John Schuh  
Legal Counsel  
North Dakota Public Service Commission

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**STAFF RESPONSE TO REQUEST OF MONTANA-DAKOTA UTILITIES CO. FOR  
TRADE SECRET PROTECTION**

On December 22, 2014, Montana-Dakota Utilities Company (Montana-Dakota or the Company), filed an application for trade secret protection pursuant to North Dakota Administrative Code Section 69-02-09-01 requesting a protective order limiting disclosure of "Trade secret" information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information for which the Company seeks trade secret protection are portions of the application for an Advanced Determination of Prudence and Certificate of Public Convenience, portions of the direct testimony of Darcy J. Neigum, and portions of the Exhibit (DJN-2) marked as "Trade Secret". These documents, testimony, and exhibits contain cost information, confidential pricing information and internal modeling results, as well as information from which the foregoing may be derived, regarding the Company's proposal to add the 107.5 MW Thunder Spirit Wind Project to the Company's system.

The above-referenced information is confidential business information and prepared specifically for Montana-Dakota. The Company states that the information is not publicly available and the confidentiality of this information has been maintained. If

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 Montana-Dakota's detriment. The result would be an economic value from disclosure to vendors and competitors if provided and consequently, could be harmful to the Company's customers in North Dakota.

North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission. Staff has reviewed the request of the Company.

North Dakota Century Code Section 44-04-18.4(1) authorizes protection for commercial, financial, proprietary, and trade secret information if privileged and if the information has not been previously publicly disclosed. 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 Sections 44-04-18.4(2)(a)-(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 Sections 44-04-18.4(2)(c)-(d).

Staff believes that the Company'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.

For reasons set forth above, Staff recommends that the Commission grant the applications of Montana-Dakota to protect certain filed information in the captioned cases.

Dated this 27<sup>th</sup> day of February, 2015.



John M. Schuh  
Legal Counsel  
North Dakota Public Service Commission