

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

ORDER GRANTING TRADE SECRET PROTECTION

1. On December 22, 2014, Montana-Dakota Utilities Company (MDU 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).

2. The information for which MDU 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.

3. The above referenced information is confidential business information and prepared specifically for MDU. 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 MDU'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.

4. In accordance with N.D. Admin. Code § 69-02-09-02, one copy of the trade secret material has been provided in a sealed envelope labeled TRADE SECRET – PRIVATE.

5. 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).

6. Commission staff has responded 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.

7. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

8. This hearing officer has fully reviewed and considered the application of MDU and the recommendations of Commission staff, and determines that the information is both relevant for the hearing of this case and that the information is entitled to the protection sought in the application.

IT IS, THEREFORE,

ORDERED that MDU is hereby granted the confidential trade secret protection that it seeks.

Dated: April 21, 2015

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

By: _____



Patrick J. Ward
Administrative Law Judge