



Public Service Commission

State of North Dakota

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(hand delivered)

28 September 2016

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

Re: Great Plains Natural Gas Co.
Gas Transportation - ProGold
Service Agreement(s)

PU-16-604

Dear Mr. Nitschke:

Enclosed is a Staff Response to the Application for Trade Secret Protection in the captioned case along with an Affidavit of Service.

Best regards,

//John Schuh//

John Schuh
Legal Counsel

c:w/encl: Tamie Aberle

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

John Hamre deposes and says that:

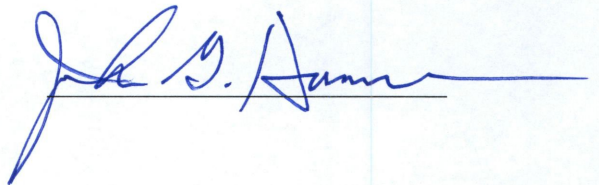
he is over the age of 18 years and not a party to this action and, on the **28th** day of **September 2016**, he mailed 1 copy by way of US Mail:

Staff Response to Application for Trade Secret Protection

The envelope was addressed as follows:

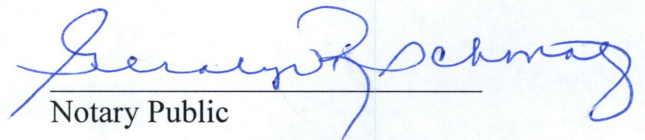
Tamie Aberle
Director of Regulatory Affairs
Montana-Dakota Utilities Co.
400 North Fourth Street.
Bismarck, ND 58501

The address is the respective addressee's last reasonably ascertainable mailing address.



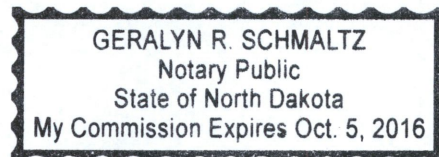
John D. Hamre

Subscribed and sworn to before me
this **28th** day of **September 2016**.



GERALYN R. SCHMALTZ
Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Great Plains Natural Gas Co.
Gas Transportation - ProGold
Service Agreement(s)**

Case No. PU-16-604

**STAFF RESPONSE TO THE REQUEST OF GREAT PLAINS NATURAL GAS CO. TO
PROTECT INFORMATION**

On 18 August 2016 Great Plains Natural Gas Co. (Great Plains or the Company) filed an application for a protective order to protect against public disclosure of information which Great Plains filed at the request of the Commission, qualifying as an exemption to N.D.C.C. section 44-04-18. On September 26, 2016, the Company filed an Amended Application for Trade Secret Protection specifying protection under N.D.C.C. section 44-04-18.4(1) and (2).

The information for which the Company seeks trade secret protection is the pricing information reflected in the Company's Application and Exhibit B of the Transportation Service Agreement with ProGold Limited Liability Company (Customer). This information is not generally known to competitors, confidentiality is maintained between the Company and Customer, and competitors could obtain economic value from the disclosure or use of the information.

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

Staff believes that Great Plain'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 application of Great Plains to protect certain filed information in this case.

Dated this 28th day of September, 2016.

/s/ John M. Schuh
John Schuh
Legal Counsel
North Dakota Public Service Commission