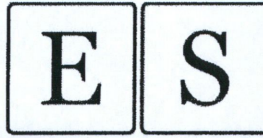


Jerry W. Evenson\*  
Paul R. Sanderson\*  
William J. Behrmann  
Nils J.D. Eberhardt

\*Certified Civil Trial Specialist,  
National Board of Trial Advocacy



**EVENSON SANDERSON**  
PC

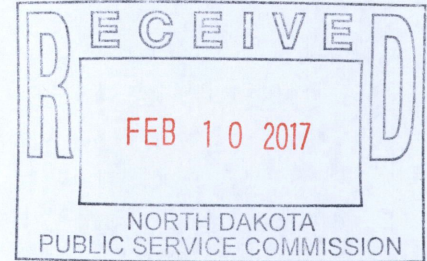
103 South 3rd St., Suite 5  
Bismarck, ND 58501

Tel: 701.751.1243  
Fax: 701.751.2547

Writer's direct email: [psanderson@esattorneys.com](mailto:psanderson@esattorneys.com)

February 9, 2017

Pat Ward  
Zuger Kirmis & Smith  
316 N. 5<sup>th</sup> St.  
Bismarck, ND 58501  
**HAND-DELIVERED**



**Re: MDU Rate Case, PSC Case No. PU-16-666**

Dear Mr. Ward:

Enclosed please find Montana-Dakota Utilities Co.s' Application for Trade Secret Protection submitted pursuant to N.D. Admin. Code § 69-02-09-01. Also enclosed is a sealed envelope containing the protected material marked as "Trade Secret - PRIVATE", pursuant to N.D. Admin. Code § 69-02-09-02. A copy of this Application along with the redacted public version of the information is being served on the Commission and all other parties to this case.

If you have any questions, please feel free to contact me. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Sanderson', with a long horizontal stroke extending to the right.

Paul Sanderson

Encl.

Cc: Tamie Aberle

56 **PU-16-666** Filed: 2/10/2017 Pages: 4  
**Application for Protection of Information**

Montana-Dakota Utilities Co., a Division of MDU Resources  
Group, Inc.  
Paul Sanderson, Evenson Sanderson, PC

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

In the Matter of the Application of            )  
MONTANA-DAKOTA UTILITIES CO.,        )  
a Division of MDU Resources Group,    ) Case No. PU-16-666  
Inc., for Authority to Establish        )  
Increased Rates for Electric Service    )

**APPLICATION FOR TRADE SECRET PROTECTION**

Pursuant to N.D. Admin. Code § 69-02-09-01, Montana-Dakota Utilities Co., a Division of MDU Resources Group Inc., (Montana-Dakota) respectfully requests that the Administrative Law Judge (ALJ) assigned in the above referenced case, issue a trade secret protective order under N.D. Admin. Code § 69-02-09-04 and N.D.C.C. § 44-04-18.4(1) and (2). The purpose of the requested protective order is to protect against public disclosure of trade secrets as defined by N.D.C.C. § 47-25.1-01(4) .

I.

The North Dakota Public Service Commission's (Advocacy Staff) served Montana-Dakota with a discovery request in the present case seeking information the Company believes constitutes trade secret information. The Company requests trade secret protection for the following information:

- A) Information Request No. 3.5 requests information related to a Settlement Agreement entered into between the South Dakota Public Utilities Commission Staff and the Company that was designated as confidential information. This is information that is not readily ascertainable by proper means by other persons.
  
- B) Information Request No. 3.10 requests information related to electric transmission systems that are critical infrastructure systems exempt from public disclosure in accordance with N.D.C.C. § 44-04-24. This is information that is not readily ascertainable by proper means by other persons.

C) Information Request No. 3.17 requests information related to requests for proposal and corresponding proposals for items associated with the Company's reciprocating internal combustion engine (RICE) generating station co-located with the Lewis & Clark generating station near Sidney, Montana. The information to be provide in response to this requests includes confidential pricing information as well as critical infrastructure data. The information contains confidential pricing information relating to third parties' responses to Montana-Dakota's requests for proposal in a competitive environment and should not be disclosed or released to the public. If the information were released, competitors would be able to benefit from the information to the detriment of the third parties providing proposals to Montana-Dakota. The information is not publicly available and is commercial information prepared specifically for Montana-Dakota that has not been previously disclosed. Vendors and competitors of the third parties responding to Montana-Dakota's request for proposals would have an opportunity to obtain economic value from disclosure or use of the information. If publicly available, vendors could use the information to their advantage in contract negotiations, while competitors could use the information to leverage their positions in the marketplace to Montana-Dakota's detriment. The confidential information is considered trade secret, as it provides an economic advantage to others.

## II.

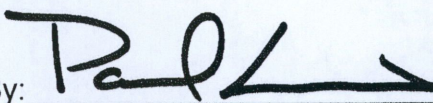
Montana-Dakota requests an Order protecting the information necessary to respond to Advocacy Staff Information Request Nos. 3.5, 3.10 and 3.17 included herein and subsequent submittals of similar nature.

III.

In accordance with N.D. Admin. Code § 69-02-09-02, one copy of the trade secret material is provided to the ALJ in the enclosed sealed envelope labeled TRADE SECRET – PRIVATE.

Dated this 9<sup>th</sup> day of February 2017.

MONTANA-DAKOTA UTILITIES CO.  
A Division of MDU Resources Group, Inc.

By: 

Paul Sanderson

EVENSON SANDERSON PC  
Attorneys for MDU  
103 S. 3<sup>rd</sup> St., Suite 5  
Bismarck, ND 58501  
Telephone: 701-751-1243  
[psanderson@esattorneys.com](mailto:psanderson@esattorneys.com)