



SMITH PORSBORG
 Schweigert Armstrong Moldenhauer & Smith
 ATTORNEYS AT LAW



April 3, 2017

VIA E-MAIL AND HAND-DELIVERY

Public Service Commission
 Attention: Darrell Nitschke
 600 East Boulevard Avenue, Dept. 480
 Bismarck, ND 58505-0480

In re: Montana-Dakota Utilities Co. a Division of MDU
 Resource Group, Inc.
 2016 Electric Rate Increase
 Case No: PU-16-666

Dear Mr. Nitschke:

Enclosed for filing is *Staff Response to Application for Protection of Information and Further Filing as Directed by the Order Granting Trade Secret Protection Dated March 15, 2017* in the above-referenced case.

- Sheldon A. Smith*
- Scott K. Porsborg***
- Suzanne M. Schweigert*
- Mitchell D. Armstrong**
- Stacy M. Moldenhauer**
- David J. Smith**
- Brian D. Schmidt*
- Tyler J. Malm*
- Sarah E. Kuntz**
- Austin T. Lafferty*

If you have any questions, please feel free to give me a call.

Respectfully,

 MITCHELL D. ARMSTRONG
 Special Assistant Attorney General for
 Public Service Commission

amh
 enclosure

- cc: ALJ Ward (via e-mail and U.S. Mail)
 Paul Sanderson (via e-mail and U.S. Mail)
 Dave Tschider (via e-mail and U.S. Mail)
 John Coffman (via e-mail and U.S. Mail)
 Illona Jeffcoat-Sacco (via e-mail and U.S. Mail)
 Staff (via e-mail only)

PSC.2

* Licensed in North Dakota
 ** Licensed in Minnesota
 *** Licensed in South Dakota
 ▲ Licensed in Montana
 * Board Certified Civil Trial Specialist by National Board of Trial Advocacy

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Case No. PU-16-666

Montana-Dakota Utilities Co. a Division of MDU
Resource Group, Inc.
2016 Electric Rate Increase

OAH FILE NO. 2016-0597

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF
INFORMATION AND FURTHER FILING AS DIRECTED BY THE ORDER
GRANTING TRADE SECRET PROTECTION DATED MARCH 15, 2017**

The following is Staff's response to the *Application for Trade Secret Protection* dated March 28, 2017, as well as a further filing as directed by the ALJ in the *Order Granting Trade Secret Protection* dated March 15, 2017.

With respect to the further briefing as directed by the ALJ's March 15, 2017, *Order*, Staff's position is the burden of establishing trade secret protection is upon the party asserting it applies. Staff recognizes the concerns raised in the ALJ's *Order*, and that those may establish entitlement to trade secret protection, but is unsure of the basis for MDU's request. Staff reserves its ability to withdraw its objection to the information referenced as "A" in the event a justifiable basis exists. Likewise, Staff does not object to continuing to tentatively treat this information as trade secret as allowed by law until a final determination can be made.


With respect to the trade secret information application dated March 28, 2017, the information sought to be protected is again divided into sections A, B, and C. Staff's response is as follows:

Information in Exhibit A – Staff objects to treating this information as trade secret information. The basis stated is the information has economic value because it is not readily ascertainable by proper means by other persons. The information provided is research information from a third party. It is not clear how or why this is entitled to trade secret protection. Therefore, Staff must object.

Information in Exhibit B – Staff agrees the information provided on its face has independent economic value and does not appear that it would be readily ascertainable by proper means by other persons. Therefore, staff does not object to the information having trade secret protection.

Information in Exhibit C – The information provided in “C” appears to be articles of some nature that appear to be designed for public consumption. It is unclear to Staff how this information would have economic value that is not readily ascertainable by proper means by other persons. Therefore, Staff must object to this information being considered trade secret information.

Dated this 3rd day of April, 2017.

By: 

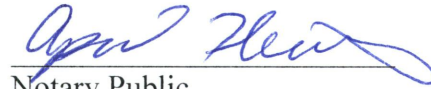
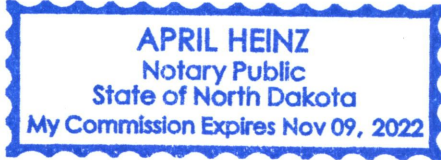
Mitchell D. Armstrong (ND. ID # 05892)
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Staff
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Bismarck, ND 58502-0460
Phone (701) 258-0630

and depositing the same, with postage prepaid, in the United States mail at Bismarck, North Dakota



Anna Heinen

Subscribed and sworn before me this 3rd day of April, 2017.



Notary Public
Burleigh County, North Dakota