



UTILITIES CO.

A Division of MDU Resources Group, Inc.

400 North Fourth Street  
Bismarck, ND 58501  
(701) 222-7900

October 25, 2017

Executive Secretary  
North Dakota Public Service Commission  
State Capitol Building  
Bismarck, ND 58505-0480

Re: Case No. PU-17-295

Enclosed please find Montana-Dakota Utilities Co.'s Application for Trade Secret Protection submitted pursuant to N.D. Administrative Code § 69-02-09-01. Also enclosed is a sealed envelope containing the Trade Secret Version of Response No. 24 e) Attachment A marked as "Trade Secret – PRIVATE", pursuant to N.D. Administrative Code § 69-02-09-02.

Please contact me if you have any questions at 701.222.7856.

Sincerely,

A handwritten signature in dark ink that reads 'Tamie A. Aberle'.

Tamie A. Aberle  
Director of Regulatory Affairs

Attachments

**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-17-295  
Inc., for Authority to Establish        )  
Increased Rates for Natural Gas        )  
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 or Company) respectfully requests that the Administrative Law Judge (ALJ) 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 Commission 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. 2.24 e) requests information related to Montana-Dakota’s incentive compensation plans (the “Incentive Plans”). The Incentive Plans include the earnings target and operation and maintenance expense goal for Montana-Dakota and its affiliated utility companies. While MDU Resources Group, Inc. publicly discloses actual financial performance results it does not publicly disclose current year earnings targets or operation and maintenance expense goals for Montana-Dakota or its affiliated utility companies. Certain financial results and targets are publicly disclosed after completion of the fiscal year in the Company’s Proxy Statement.
  
- B) Pursuant to N.D.C.C. § 44-04-18.4(1) “financial information is confidential if it

is of a privileged nature and has not been previously publicly disclosed.” As discussed above the earning targets and operation and maintenance expense goals for Montana-Dakota are confidential, of a privileged nature, and have not been previously publicly disclosed. The requested information is “financial information” as defined by N.D.C.C. § 44-04-18.4(2) as the current year earnings and operation and maintenance expense targets pertain directly to the monetary resources of Montana-Dakota, have not been previously publicly disclosed, and if disclosed prior to end of the fiscal year and filing of the Company’s Proxy Statement would cause substantial competitive injury to Montana-Dakota and MDU Resources by providing a significant economic advantage to others. The requested information further constitutes material non-public information that has not been publicly disclosed and could be used to trade in the Company’s stock.

II.

Montana-Dakota requests an Order protecting the information necessary to respond to Information Request No. 2.24 e) 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 25<sup>th</sup> day of October 2017.

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

By:   
Karl A. Liepitz  
Assistant General Counsel  
and Assistant Secretary