

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana Dakota Utilities Co., a Division
of MDU Resources Group, Inc.
2017 Natural Gas Rate Increase Application

Case No. PU-17-295
OAH File No. 20170395

ORDER GRANTING TRADE SECRET PROTECTION

1. Montana Dakota Utilities Co., a Division of MDU Resources Group, Inc. (“MDU” or the “Company”), applied for trade secret protection on October 25, 2017, pursuant to N.D. Admin. Code § 69-02-09-01, and requested a protective order in accordance with the provisions of § 69-02-09-04 of the N.D. Admin. Code and § 44-04-18.4 (1) and (2), and for trade secret protection as defined by N.D.C.C. § 47-25.1-01(4).

2. The trade secret information identified by their application may be offered as evidence for the hearing and is currently sought by PSC Advocacy Staff in Discovery. The request relates to incentive compensation plans which include earnings target and operation and expense goals for MDU and affiliated companies.

3. Commission staff on November 14, 2017, as required by N.D. Admin. Code § 69-02-09-03, have filed a response that they do not oppose the designation as trade secret.

4. I conclude the information for which trade secret protection is sought is confidential financial information and not readily discoverable. It is information which needs to be kept confidential and has not been previously “publicly disclosed” as provided in N.D.C.C. § 44-04-18.4(2)(a). Such material could be of unfair economic advantage to competitors if not protected or could have significant economic value to others.

5. This Hearing Officer has fully reviewed and considered the application of MDU and the recommendations of commission staff, and determines that the information is relevant for the hearing of this case, that the information is trade secret as defined by N.D.C.C. § 47-25.1-01(4), and that the information sought by discovery request 2.24e is entitled to protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09, all as set forth above;

IT IS, THEREFORE,

ORDERED that MDU is hereby granted trade secret protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09 for the information identified in this Order; and it is further

ORDERED that this order shall not constitute precedent for a determination of entitlement to trade secret protection for any other information submitted upon any subsequent application and not responsive to 2.24e.

Dated this 14th day of November, 2017.

State of North Dakota
OFFICE OF ADMINISTRATIVE HEARINGS

By: 

Patrick J. Ward ID#03626

Administrative Law Judge
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