

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
88 MW Turbine – Heskett 4
Application**

Case No. PU-19-306

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On February 10, 2020, Montana-Dakota Utilities Company (MDU), filed an application for a protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information for which MDU seeks protection includes confidential pricing information relating to third parties' responses to Montana Dakota's requests for proposal.

MDU's application states that this information is confidential information because "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 confidential information is considered trade secret, as it provides as provided for in North Dakota Century Code Section 44-04-18.4(1) and (2).

MDU further states that the cost information is trade secret because it is information that 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 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 information is not publicly available and is commercial information prepared specifically for Montana-Dakota that has not been previously disclosed." as provided for in North Dakota Century Code Section 44-04-18.4. As a result, MDU states that the information sought to be protected meets the definition of "trade secret" as set forth in North Dakota Century Code Section 47-25.1-01.

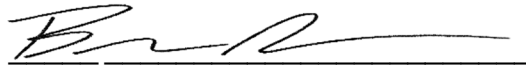
The confidentiality of this information has been maintained by MDU. The information is not disclosed to the public or to persons other than employees or authorized agents who need to know the information to fulfill their responsibilities in connection with MDU, or to third persons pursuant to nondisclosure agreement to maintain the confidentiality of the information. MDU has requested that this information be treated as trade secret.

North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information.

For reasons set forth above, Staff recommends that the Commission grant the application of MDU to protect certain information filed in this case.

Dated this 21st day of August, 2020.

A handwritten signature in black ink, appearing to read "Brian Johnson", written over a horizontal line.

Brian Johnson
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