



UTILITIES CO.

A Subsidiary of MDU Resources Group, Inc.

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

February 10, 2020

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

Re: Application for Protective Order
Case No. PU-19-306
Case No. PU-19-307

Enclosed please find Montana-Dakota Utilities Co.'s Application for a Protective Order submitted pursuant to N.D. Admin. Code § 69-02-09-01. Also enclosed is a sealed envelope containing the confidential material marked as "TRADE SECRET - PRIVATE", pursuant to N.D. Admin. Code § 69-02-09-02.

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

Sincerely,

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

Tamie A. Aberle
Director of Regulatory Affairs

Encl.

Cc: Paul Sanderson

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

In the Matter of the Application of)
MONTANA-DAKOTA UTILITIES CO.)
for an Advance Determination of) Case No. PU-19-306
Prudence and a Certificate of Public) Case No. PU-19-307
Convenience and Necessity for an 88)
MW Simple Cycle Combustion Turbine)
)

APPLICATION FOR PROTECTIVE ORDER

Pursuant to N.D. Admin. Code § 69-02-09-01, Montana-Dakota Utilities Co. (Montana-Dakota) respectfully requests that the Administrative Law Judge (ALJ) assigned in the above referenced Cases, issue a 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 above referenced Cases seeking information the Company believes constitutes trade secret information. The Company requests trade secret protection for the following information:

Information Request No. 6.1 c) requests pricing related to proposals submitted by third parties in response to the Company's Request for Proposal issued in 2018. The information to be provided in response to this request includes 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 No. 6.1 c) and subsequent submittals of similar nature.

III.

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

Dated this 10th day of February 2020.

MONTANA-DAKOTA UTILITIES CO.

By: 
Tamie A. Aberle

Tamie A. Aberle
Director of Regulatory Affairs
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, ND 58501