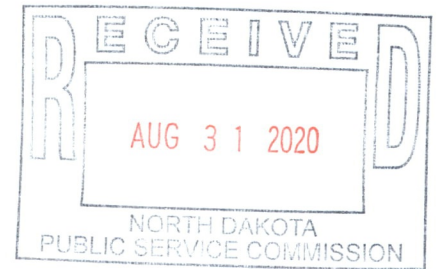


STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



Montana-Dakota Utilities Co.
88 MW Turbine – Heskett 4
Application and
Certificate of Public Convenience and Necessity

Case Nos. PU-19-306 and PU-19-307

OAH File Nos. 20190342 and 20190343

ORDER GRANTING TRADE SECRET PROTECTION

1. Montana-Dakota Utilities Co., applied for trade secret protection on February 10, 2020, pursuant to N.D. Admin. Code § 69-02-09-01, and requested a protective order in accordance with the provisions of the N.D. Admin. Code Chapter 69-02-09.

2. The trade secret information identified in the application relates to pricing information relating to third parties. This trade secret information may be offered as evidence for the hearing, including during discovery, in filed testimony, in settlement discussions, or as otherwise provided in this case.

3. Commission staff, as required by N.D. Admin. Code § 69-02-09-03, have made a prima facie recommendation that the information is relevant for the hearing of this case and is a trade secret as defined by N.D.C.C. § 47-25.1-01(4).

4. The information for which trade secret protection is sought is “cost information pertaining to buying and selling of goods and services which has been kept confidential and has not been previously publicly disclosed” as provided in N.D.C.C. § 44-04-18.4(2)(a), and could be of unfair advantage to competitors if not protected or could have economic value to potential suppliers, vendors, or other competitors. The information is not readily ascertainable by other proper means to such competitors, vendors, suppliers, or other persons.

5. If competitors, vendors or other suppliers had access to such confidential information, it could adversely affect prices for future material or services and drive up costs to the ultimate disadvantage of consumers and rate payers. N.D.C.C. § 44-04-18.4.

6. This Hearing Officer has fully reviewed and considered the application of Montana-Dakota Utilities Co. and the recommendations of Commission staff, and determines that the information is relevant for the hearing of this case, that the information is not a public record under N.D.C.C. § 44-04-18 because the information is a trade secret as defined by N.D.C.C. § 47-25.1-01(4), and that the information 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 Montana-Dakota Utilities Co. 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 information submitted upon any subsequent application.

Dated in Bismarck, North Dakota, this 28th day of August 2020.

State of North Dakota
Public Service Commission

By: 

Timothy J. Dawson
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, North Dakota 58503

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
88 MW Turbine – Heskett 4
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CERTIFICATION OF SERVICE

The undersigned certifies that the original of the **ORDER GRANTING TRADE SECRET PROTECTION** was mailed, inside mail, at the State Capitol, on the 28 day of August 2020, to:

John Hamre
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

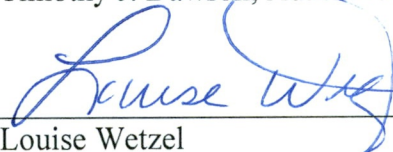
and that true and correct copies of the above document were mailed, regular mail, on the 28 day of August 2020, to

Paul Sanderson
Evenson Sanderson PC
1100 College Drive – Suite 5
Bismarck, ND 58501

Mitchell Armstrong
Special Assistant Attorneys General
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Bismarck, ND 58501

OFFICE OF ADMINISTRATIVE HEARINGS
Timothy J. Dawson, Administrative Law Judge



Louise Wetzel