

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

Montana-Dakota Utilities Co.  
Deferred Accounting – Lewis & Clark 1 Heskett 1 & 2  
Application

**Case No. PU-19-317**  
**OAH File No. 20200057**

**ORDER GRANTING TRADE SECRET PROTECTION**

1. Montana-Dakota Utilities Company (MDU) applied for trade secret protection on January 30, 2020, pursuant to N.D. Admin. Code § 69-02-09-01, and requested a protective order in accordance with the provisions of N.D. Admin. Code § 69-02-09-04 and N.D.C.C. § 44-04-18.4(1) and (2).

2. The trade secret information identified is information requested under Information Request No. 2.1 by the North Dakota Public Service Commission. The information requested is related to employee information that is deemed to be confidential information by MDU in order not to divulge employee information that is not readily ascertainable by proper means by other persons.

3. Commission staff, as required by N.D. Admin. Code § 69-02-09-03, have made a prima facie recommendation that the full testimony of Joel Jeanson is relevant for the hearing of this case and is a trade secret as defined by N.D.C.C. § 44-04-18.4(2).

4. The information for which trade secret protection is sought derives independent economic value, actual or potential, from not being generally known to, and being readily ascertainable by proper means by other persons and is the subject of efforts that are reasonable to maintain the secrecy of the information.

5. This Hearing Officer has fully reviewed and considered the application of MDU and the recommendations of Commission staff, and determines that the testimony of Joel Jeanson 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. § 44-04-18.4, and that the

information is entitled to protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 44-04 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. 44-04 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 25<sup>th</sup> day of February 2020.

State of North Dakota  
Public Service Commission



By: \_\_\_\_\_

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

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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 25 day of February 2020, to:

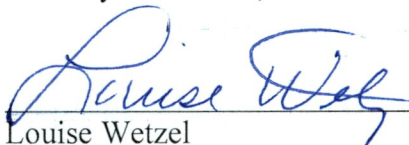
John Hamre  
Public Service Commission  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

and that true and correct copies of the above document were mailed, regular mail, on the 25 day of February 2020, to

Karl Liepetz  
MDU Resources Group, Inc.  
P O Box 5650  
Bismarck, ND 58506-5650

Mitchell Armstrong  
Brian Schmidt  
Special Assistant Attorneys General  
Smith Porsborg Schweigert Armstrong &  
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OFFICE OF ADMINISTRATIVE HEARINGS  
Timothy J. Dawson, Administrative Law Judge

  
Louise Wetzel