

In accordance with N.D.A.C. § 69-02-09-02, one copy of the trade secret material is provided in the enclosed sealed envelope which is labeled: “**PROTECTED INFORMATION - PRIVATE**”.

See N.D.A.C. § 69-02-09-02.

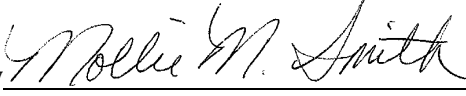
The Easement Agreements are not available to the general public, and Minnesota Power treats the Easement Agreements as trade secret, confidential business information. The Easement Agreements contain easement terms drafted by or for Minnesota Power, and cost information specific to Minnesota Power. The information has independent economic value to competitors (other wind project developers), and public disclosure may create a competitive disadvantage for Minnesota Power compared to other wind project developers in future land rights negotiations. In addition, Minnesota Power has maintained the confidentiality of the Easement Agreements. The Easement Agreements are provided only to the counter-parties to the agreements and Minnesota Power’s employees or authorized agents who need to know the information to fulfill their responsibilities in connection with the Project. For the public record, a separate Memorandum of Easements that does not contain all terms of the Easement Agreement has been filed.

For these reasons, Minnesota Power respectfully requests the Commission grant its application to protect the above-referenced information and enter an appropriate protective order limiting disclosure of the protected information.

Minnesota Power also requests the Commission waive the requirement in NDAC § 69-02-09-01(5) to submit a redacted public version of the information. Given that the entirety of the Easement Agreements are trade secret, the entire document would be redacted. Additionally, each of the Easement Agreements is accompanied by a recorded Memorandum of Easements, which has been provided publicly to the Commission.

Dated this 11th day of March, 2021.

FREDRIKSON & BYRON, P.A.

By 
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