

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Keith and Deanna Kessler
v. Minnesota Power, A division of ALLETE, Inc.
Complaint**

Case No. PU-20-194

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On March 11, 2021, Minnesota Power, a division of ALLETE (ALLETE) filed an Application for Protection of Information to protect certain information in the captioned case.

The information for which the Company seeks protection includes easement agreements between ALLETE and the Kesslers.

The Company states that the easement information is trade secret because it is information that "(1) [d]erives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and (2) [i]s the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information," as provided in N.D.C.C. § 44-04-18.4(2)(d). The Company further states that the information sought to be protected meets the definition of "trade secret" set forth in N.D.C.C. § 47-25.1-01(4). Such information has been marked as TRADE SECRET in NSP's responses to data requests and in the pre-filed testimony submitted by NSP, or may arise or be discussed in the hearing or hearings in this matter.

The application further states that the information could have economic value to other wind developers and landowners who could use the information to create a competitive disadvantage in future land rights negotiation.

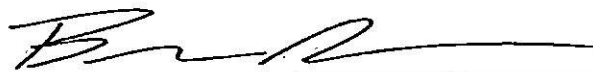
Public Service Commission Staff also finds that this information is commercial information because it is "technical, financial, or marketing records that are received by a public entity, which are owned or controlled by the submitting person, are intended to be and are treated by the submitting person as private, and the disclosure of which would cause harm to the submitting person's business" as provided in N.D.C.C. § 44-04-18.4(2)(c)(5).

The confidentiality of this information has been maintained by ALLETE. 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 the subject matter of the information.

Staff believes that ALLETE's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request. Staff also believe it is appropriate to waive the requirement to file a redacted public version as required by NDAC § 69-02-09-01(5) as the entire contents would be redacted.

For reasons set forth above, Staff recommends the application of ALLETE to protect certain information filed in the captioned case be granted.

Dated this 16th day of March, 2021.



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