

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

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **16th day of March 2021** she deposited in the United States Mail at Bismarck, North Dakota, **one** envelope by first class mail, fully prepaid, securely sealed each containing a photocopy of:

- **Staff Response To Application For Protection Of Information**

The envelope was addressed as follows:

Mollie M. Smith  
Patrick D.J. Mahlberg  
Attorneys for Minnesota Power,  
a Division of ALLETE, Inc.  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425

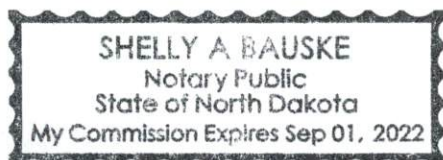
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **16th day of March 2021**.



Notary Public

SEAL



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

**Keith and Deanna Kessler  
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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.



Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
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