

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dakota Natural Gas, LLC
Gas Transportation – American Crystal Sugar Co.
Tariff and Rates

Case No. PU-20-245

ORDER ON PROTECTION OF INFORMATION

July 23, 2020

Preliminary Statement

On June 1, 2020, Dakota Natural Gas, LLC (DNG) filed an Application for Protection of Information to protect certain information in the captioned case.

On June 4, 2020, staff reviewed the request of DNG for protection of information.

Discussion

The information for which DNG seeks protection includes information regarding financial information.

Such information has been marked as TRADE SECRET in DNG's responses to data requests and in the pre-filed testimony submitted by DNG, or may arise or be discussed in the hearing or hearings in this matter.

DNG's application states that this 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 North Dakota Century Code Section 44-04-18.4(2)(d). DNG also states that the information sought to be protected meets the definition of "trade secret" set forth in North Dakota Century Code Section 47-25.1-01(4). Such information has been marked as TRADE SECRET in DNG's responses to data requests and in the pre-filed testimony submitted by DNG, or may arise or be discussed in the hearing or hearings in this matter.

The confidentiality of this information has been maintained by DNG. 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.

DNG has requested that this, and similar types of this information, be treated as trade secret in all of DNG's regulatory filings and other sharing of this information with governmental entities.

The persons or entities that would obtain economic value from disclosure or use of the information include competitors, suppliers and/or other members of the public who could obtain economic value; and other utilities. Disclosure of the information sought to be protected would provide these persons and entities prior foreknowledge of information not readily available to the public.

North Dakota Administrative Code section 69-02-09-03 provides "the commission staff shall examine the information and application, and file and serve a response that includes a recommendation on whether the information qualifies for protection."

Staff believes that the application satisfies the requirements of the law, which allows the Commission to grant protection of information in this proceeding.

The Commission concludes DNG's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

Order

The Commission orders the June 1, 2020 application of Dakota Natural Gas, LLC, for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION

		
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Julie Fedorchak Commissioner	Brian Kroshus Chairman	Randy Christmann Commissioner