

400 North Fourth Street
Bismarck, ND 58501
701-222-7900

September 23, 2021

Executive Secretary
North Dakota Public Service Commission
State Capitol Building
Bismarck, ND 58505-0480

Re: Mandan to Ellendale Transmission System Upgrade Project
TRADE SECRET – PRIVATE – REVISED
Case No. PU-20-342

Montana-Dakota Utilities Co. (Montana-Dakota) submitted an Application for Trade Secret Protection on November 30, 2021. Subsequent to that filing, N.D.C.C. 49-22.1-24 was enacted into law. Therefore, Montana-Dakota now electronically submits a Revised Application for Trade Secret Protection to incorporate the newly enacted subsection. This Revised Application will replace the previously filed Application in full.

Sincerely,

/s/ Travis R. Jacobson

Travis R. Jacobson
Director of Regulatory Affairs

Attachments

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

Public Service Commission
Montana-Dakota Utilities Co.
Mandan to Ellendale Transmission System Upgrade Project (Project)

Case No. PU-20-342

REVISED APPLICATION FOR TRADE SECRET PROTECTION

Pursuant to N.D. Admin. Code § 69-02-09-01, Montana-Dakota Utilities Co. (Montana-Dakota) respectfully requests that the North Dakota Public Service Commission (Commission) issue a trade secret protective order under N.D. Admin. Code § 69-02-09-04, N.D.C.C. § 44-04-18.4(1) and (2), and N.D.C.C. § 49-22.1-24. The purpose of the requested protective order is to protect against public disclosure of trade secrets, including cultural sites, as defined by N.D.C.C. § 47-25.1-01(4) and N.D.C.C. § 49-22.1-24.

I.

Montana-Dakota has filed requesting Siting Exclusion Certification for the Mandan to Ellendale Transmission System Upgrade Project. Montana-Dakota contracted with SWCA Environmental Consultants (SWCA) to identify areas of known exclusion or avoidance areas, and map such areas, pursuant to N.D.C.C. § 49-22-03(3)(a)(2). SWCA's report contains confidential cultural resource location information that is integral to performing the analyses and results presented in the Report but is not intended for public dissemination.

II.

Pursuant to N.D.C.C. § 49-22.1-24, Montana-Dakota requests the Commission limit access to, and release of, known cultural resource exclusion or avoidance areas included herein and subsequent submittals of similar nature. The information sought to be protected derives independent economic value because it is not generally known to other persons and is not readily ascertainable by proper means by other persons. Other persons or environmental entities could obtain economic value from disclosure or use of this information. Montana-Dakota and SWCA have not publicly disclosed this information in order to maintain its secrecy.

III.

In accordance with N.D. Admin. Code § 69-02-09-02, Montana-Dakota previously submitted one copy of the information requested which was marked PROTECTED INFORMATION - PRIVATE.

Dated this 23rd day of September 2021.

Montana-Dakota Utilities Co.

By:

/s/ Travis R. Jacobson