

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Mandan to Ellendale Transmission System Upgrade
Siting Exclusion Certification

Case No. PU-20-342

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On September 23, 2020, Montana-Dakota Utilities Co. (MDU) filed an Application for Protection of Information to protect certain information in the captioned case.

The information for which the Company seeks protection includes disclosure of cultural sites, employee information which is not available to the public or easily ascertainable to a normal person, and emergency response information that have been marked as trade secret in our testimony and filings supporting the above-referenced Siting Application.

The Company states that this information is protected information because it is “information pertaining to cultural resource areas within the 1-mile study area, the electronic mail address or telephone number of an individual which is provided to a public entity for the purpose of or in the course of communicating with that public entity, Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, communications, or consultations relating directly to the physical or electronic security of a public facility, or any critical infrastructure, whether owned by or leased to the state or any of its political subdivisions, or any privately owned or leased critical infrastructure if the plan or a portion of the plan is in the possession of a public entity;” as provided in N.D.C.C. § 49-22.1-24, §44-04-18.4, §44-04-24(2)(b) .

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

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

The persons or entities that would obtain cultural resource information, private telephone numbers to be used in emergencies, or response plan for emergencies could lead to damage or vandalism to cultural resources or disrupt critical emergency response. Disclosure of the information sought to be protected would provide these persons and entities prior foreknowledge of information not readily available to the public.

Staff believes that MDU's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

For reasons set forth above, Staff recommends that the Commission grant the application of NSP to protect certain information filed in the captioned case.

Dated this 28th day of September, 2021.



Brian Johnson
Special Assistant Attorney General Bar ID 07397
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck ND, 58505
701-328-2407