

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

ORDER ON PROTECTION OF INFORMATION

March 9, 2022

Preliminary Statement

On September 23, 2021, Montana-Dakota Utilities Co. (MDU) filed an Application for Protection of Information to protect certain information in the captioned case.

Staff reviewed the request of MDU for protection of information.

Discussion

The information for which MDU seeks protection includes disclosure of cultural sites, employee information regarding their emergency response plan which is not available to the public or easily ascertainable to a normal person, and other emergency response information.

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

The application further states that the 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.

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 MDU’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 September 23, 2021, application of Montana-Dakota Utilities Co. for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Sheri Haugen-Hoffart
Commissioner