



UTILITIES CO.

A Subsidiary of MDU Resources Group, Inc.

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 Reroute Project
TRADE SECRET – PRIVATE – REVISED
Case No. PU-21-151

Montana-Dakota Utilities Co. (Montana-Dakota) submitted an Updated Application for Trade Secret Protection on July 20, 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 Reroute Project (Project)

Case No. PU-21-151

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 filed April 19, 2021 requesting Siting Certification for the Mandan Reroute 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 survey has identified known cultural resource areas within the 1-mile study area. SWCA has prepared an Environmental Resource Impacts Assessment and a Technical Memorandum, which have been submitted to the Commission on April 19, 2021 and July 13, 2021, respectively. The Environmental Resource Impacts Assessment included Appendix D. Class I and Class III Cultural Resource Inventory Report (Report). Figure 7 presents a

cultural resource and Appendix B to that Report contains a map presenting similar information. The Technical Memorandum, Attachment B, also contains the location of cultural resources on maps. This location information is integral to performing the analyses and results presented in the Environmental Resource Impacts Assessment and Technical Memorandum but is not intended for public dissemination.

In addition, Commission Staff served Montana-Dakota with a discovery request seeking the Company's Safety and Emergency Plan, included in the Technical Memo as Attachment E, which contains confidential information.

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.

Montana-Dakota is also requesting an Order protecting the information included in the Company's Safety and Emergency Plan and Avian Protection Plan. The Company's Safety and Emergency Plan contains employee information that is not intended for public consumption. In addition, there are details regarding the Company's response to a bomb threat at its facilities. This information is not generally known to other persons and is not readily ascertainable by proper means by other

persons. This information, if made publicly available, could harm the Company's response to critical situations.

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. Montana-Dakota also submitted a redacted public version of the Safety and Emergency Plan pursuant to N.D. Admin. Code § 69-02-09-01(5) on July 20, 2021.

Dated this 23rd day of September 2021.

Montana-Dakota Utilities Co.

By:

/s/ Travis R. Jacobson