

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Montana-Dakota Utilities Co.
Mandan Reroute Project**

Case No. PU-21-151

ORDER GRANTING TRADE SECRET PROTECTION

1. Montana-Dakota Utilities Co., a Division of MDU Resources Group Inc., ("MDU" or the "Company"), applied for trade secret protection on September 23, 2021, pursuant to N.D.Admin. Code § 69-02-09-01, and requested a protective order in accordance with the provisions of the N.D. Admin. Code.

2. The trade secret information has been identified as information identifying the location of a cultural resource site in the project area and the Company's safety and emergency plan which contains confidential information regarding employees and emergency response information.

3. Commission Staff, as required by N.D. Admin. Code § 69-02-09-03, has made a prima facie recommendation that the information is a trade secret as defined by N.D.C.C. § 47-25.1-01(4).

4. The information for which trade secret protection is sought is the location of a cultural resource site and the Company's safety and emergency plan which has been kept confidential and has not been previously publicly disclosed as provided in N.D.C.C. § 44-04-18.4(2)(d). The information is not readily ascertainable by other proper means to the public.

5. If the public had access to such confidential information, it could lead to harm to

a known cultural resource site. In addition, access to the Company's emergency response plan and employee information could harm the Company's response to critical situations.

6. This Hearing Officer has fully reviewed and considered the application of MDU and the recommendations of Commission Staff, and determines that the information is relevant for the hearing of this case, that the information is not a public record under N.D.C.C. § 44-04-18 because the information is a trade secret as defined by N.D.C.C. § 47-25.1-01(4), and that the information is entitled to protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09, all as set forth above;

IT IS, THEREFORE, ORDERED that MDU is hereby granted trade secret protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09 for the information identified in this Order.

Dated this 15 day of October, 2021.

STATE OF NORTH DAKOTA
Public Service Commission

By: Hope Hogan
Hope L. Hogan (ID# 05982)
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
230 kV Transmission Line - Morton County Siting Application
Mandan Reroute Project

Case No. PU-21-151

OAH File No. 20210186

CERTIFICATION OF SERVICE

The undersigned certifies that the original of the **ORDER GRANTING TRADE SECRET PROTECTION** was mailed, inside mail, at the State Capitol, on the 15 day of October 2021, to:

John Hamre
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

and that a true and correct copy of the above document were mailed, regular mail, on the 15 day of October 2021, to

Paul Sanderson
Evenson Sanderson, PC
1100 College Drive - Suite 5
Bismarck, ND 58501

and that a true and correct copy of the above document was mailed, inside mail, at the State Capitol on the 15 day of October 2021, to:

Brian Johnson
PSC Staff Counsel
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

OFFICE OF ADMINISTRATIVE HEARINGS
Hope L. Hogan, Administrative Law Judge



Louise Wetzel