

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dakota Natural Gas, LLC
2020 Gas
Annual Report

Case No. PU-21-340

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On July 28, 2021, Dakota Natural Gas filed an application under North Dakota Administrative Code Section (N.D.A.C.) 69-02-09 for an order against public disclosure protected information as defined by North Dakota Century Code (N.D.C.C.) 47-25.1-01(4) pursuant to N.D.C.C 44-04-18.4.

The information for which the Company seeks protection includes certain information contained in its 2020 Annual Regulated Earnings Report.

North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

Staff believes that the application does not satisfy the requirements of the North Dakota Century Code for protection of information as filed. N.D.C.C. 44-04-18.4(2)(b) states:

"Financial information" means information pertaining to monetary resources of a person that has not been previously publicly disclosed and that if the information were to be disclosed would impair the public entity's future ability to obtain necessary information or would cause substantial competitive injury to the person from which the information was obtained.

While most of the information contained in the report qualifies for protection as "Financial Information" the retail sales data fails to meet N.D.A.C 69-02-09-01(3)(b) in that the retail sales data is readily ascertainable by proper means by other persons.

For reasons set forth above, Staff recommends that the Commission deny the application of the Company to protect certain information filed in this case. Should the company refile the annual report with the retail sales included as public information, Staff recommends that protection for the remaining information could be granted.

Dated this 30th day of August 2021.

A handwritten signature in black ink, appearing to read "Brian Johnson", written over a horizontal line.

Brian Johnson
Staff Attorney
North Dakota Public Service Commission