

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Financial Incentive – Power Purchase Agreement
Rates

Case No. PU-21-373

ORDER ON PROTECTION OF INFORMATION

January 18, 2022

Preliminary Statement

On August 18, 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 information regarding the contract price and purchase price regarding a power purchase agreement.

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 could have economic value to potential vendors, contractors, and suppliers who may desire to bid for PPAs or other generation resources to the Company in the future. Potential suppliers would know what the Company has paid under existing PPAs. Knowledge of the Company's costs and PPA pricing could allow bidders to potentially determine a floor below which no bidder would submit a price. Such a result could be harmful for the Company's customers, now and in the future.

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 economic value from disclosure or use of the information include investors and potential investors in MDU; entities with which

MDU currently conducts or may conduct business; and other utilities. Disclosure of the information sought to be protected would provide these persons and entities prior foreknowledge of information not readily available to the public.

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 North Dakota Century Code for protection of the information, which is the subject of this request.

Order

The Commission orders the August 18, 2021, application of Montana-Dakota Utilities Co. for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION

		Vacant
Randy Christmann Commissioner	Julie Fedorchak Chair	