

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dakota Natural Gas, LLC
Natural Gas Facilities - Portland, ND -Traill Cnty
Public Convenience & Necessity

Case No. PU-21-424

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On November 4, 2021, Dakota Natural Gas, LLC (DNG or Company) filed an Application for Protection of Information to protect certain information in the captioned case.

DNG asserts that the information contained in the appended documents constitutes trade secret information within the meaning of North Dakota Century Code (N.D.C.C.) Ch. 47-25.1-01(4) and that the financial statements and notes appended to its Application for a Certificate of Public Convenience and Necessity as Attachments C and D be afforded protection from public view because the documents constitute trade secret information.

The confidentiality of this information has been maintained by DNG. 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.

DNG does not cite N.D.C.C. 44-04-18.4(2)(b) which pertains to financial information along with N.D.C.C. 44-04-18.4(2)(c)(5) stating:

Technical, financial, or marketing records that are received by a public entity, which are owned or controlled by the submitting person, are intended to be and are treated by the submitting person as private, and the disclosure of which would cause harm to the submitting person's business.

North Dakota Administrative Code (N.D.A.C) 69-02-09-01 requires that the specific law or rule on which protection is to be based must be in the application.

Staff believes that DNG's application does not meet the requirements of the North Dakota Century Code and North Dakota Administrative Code for protection of the information, which is the subject of this request. While the information may qualify for protection, the application is inadequate and needs to conform with N.D.A.C. 69-02-09-01.

Staff reached out via email and provided N.D.A.C. 69-02-09-01 and requested a supplementation of the application on March 25, 2022, and no supplement was provided.

For reasons set forth above, Staff recommends that the Commission deny the application of DNG to protect certain information filed in the captioned case. Should DNG provide an updated application or supplement the application to conform with N.D.A.C 69-02-09-01 Staff can reevaluate the application at that time.

Dated this 12th day of July, 2022.



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