

**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**

**AFFIDAVIT OF SERVICE BY REGULAR MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Geralyn R. Schmaltz** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **13th day of July 2022**, she deposited in the United States Mail at Bismarck, North Dakota, **one** envelope by first class mail, fully prepaid, securely sealed each containing a photocopy of:

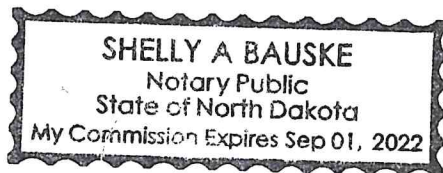
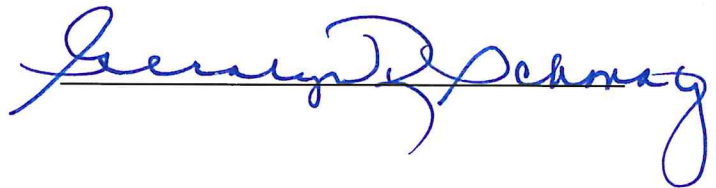
- **Staff Response to Application for Protection of Information**

The envelope was addressed as follows:

Kristine Anderson  
Dakota Natural Gas  
1900 Cardinal Lane  
Faribault, MN 55021

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **13th day of July 2022**.



  
\_\_\_\_\_  
Notary Public

SEAL

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Dakota Natural Gas, LLC**  
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**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 12<sup>th</sup> day of July, 2022.



Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
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