

December 9, 2021

VIA FEDERAL EXPRESS

Mr. Steven Kahl
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: OEE XXXI LLC's Application for a Certificate of Site Compatibility for the Dickinson Renewable Diesel Facility Wind Turbine Project
Case No. PU-21-445**

Dear Mr. Kahl:

Attached for filing on behalf of OEE XXXI LLC ("OEE 31") are the following documents:

- Application for Protection of Information; and
- Class I and Class III Report.

Two hard copies and one PDF copy of the Application for Protection of Information and the redacted public version of the Class I and Class III Report are enclosed.

If you have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/74668423
Enclosures

cc: Jereme Kent (w/o encls.)
Katie Treadway (w/o encls.)

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Application for Protection of Information - State Historical Society Cultural Resources Report
OEE XXXI LLC
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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| OEE XXXI LLC Dickinson Renewable Diesel Facility Wind Turbine Project – Siting Application Stark County, North Dakota | Case No. PU-21-445 OEE XXXI LLC’S APPLICATION FOR PROTECTION OF INFORMATION |
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Pursuant to North Dakota Administrative Code (“N.D.A.C.”) § 69-02-09-01, OEE XXXI LLC (“OE 31”) submits this application to protect from disclosure certain confidential information filed with the North Dakota Public Service Commission (“Commission”) in the above-captioned matter. The purpose of this application for protection of information is to protect from public disclosure cultural resource location information pursuant to North Dakota Century Code (“N.D.C.C.”) § 49-22-26 (“The [C]ommission may limit access to, and release of, information that contains data that specifically identifies the location of cultural, archaeological, historical, or paleontological sites.”).

Specifically, OE 31 requests that protection be given to the cultural resource location information contained in *Table 3. Previously Recorded Resources* in the Class I and Class III Report submitted on December 1, 2021 as Appendix H to OE 31’s application for a Certificate of Site Compatibility for a small wind energy conversion facility. It is OE 31’s understanding that the North Dakota State Historical Society has previously indicated to OE 31’s consultant, SWCA Environmental Consultants, that such location information is confidential should not be publicly disclosed.

For these reasons, OE 31 respectfully requests the Commission grant its application to protect the above-referenced cultural resource location information in the Class I and Class III Report and enter an appropriate protective order limiting disclosure of the protected information.

Specifically, OE 31 requests that the information be available only to the Administrative Law Judge, the Commission, and the Commission's counsel.

Two hard copies and one PDF copy of the redacted public version of the Class I and Class III Report are provided with this application. The original and ten (10) copies of the nonpublic Class I and Class III Report and a USB drive containing a PDF copy of the nonpublic Class I and Class III Report were provided on December 1, 2021.

Dated this 9th day of December, 2021.

FREDRIKSON & BYRON, P.A.

By 

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