

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

OEE XXXL LLC
Dickinson Diesel Facility Wind Project - Stark Cty
Siting Application

Case No. PU-21-445

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On 9 December 2021, OEE XXXL LLC (OEE or the Company) filed an application for a protective order to protect against public disclosure of information for Case No. PU-21-445 pursuant to N.D. Admin. Code § 69-02-09-01.

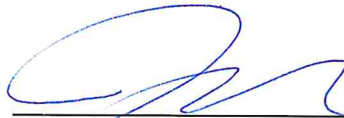
North Dakota Century Code section 49-22-26 provides that the Commission may limit access to information that specifically identifies the location of cultural, archaeological, historical, or paleontological sites. OEE requests protection be given to the following cultural resource location information: 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 OEE's application for certification if site compatibility. OEE Requests that this information be available only to the Administrative Law Judge, the Commission, and Commission's Counsel.

Commission Staff has reviewed the application and submits that this information is of the type that the Commission may limit access to pursuant to N.D. Admin. Code § 69-02-09-01. This request is consistent with the North Dakota State Historical Society's previous requests for the Commission to limit access to protect historical sites. OEE has provided a redacted public version of the Class I and Class III Report for public disclosure.

Accordingly, Commission Staff recommends that the specified information be withheld from docketing on the Public Service Commission Website and public disclosure.

Staff also recommends that a protective order be issued to limit access to the specified information with the exception to the Administrative Law Judge, the Commission, Commission Counsel, and siting analysts assigned to the captioned case.

Dated this 13th day of December, 2021.



John Schuh
Advisory Counsel
North Dakota Public Service Commission