

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Cost of Gas 2022
Tariff Monthly Adjustments

Case No. PU-22-008

ORDER ON PROTECTION OF INFORMATION

MARCH 30, 2022

On Oct. 13, 2021, Montana-Dakota Utilities Co. (MDU or Company) filed an Application for Protection of Information to protect certain information in the captioned case.

The information for which the Company seeks trade secret protection is a portion of the Cost of Gas filing that contains confidential information on gas commodity pricing. The application states that the information contains confidential pricing information relating to MDU's natural gas purchase practices in a competitive environment and the application states that it should not be disclosed or released to the public and that, if the information were released, competitors would be able to benefit from the information to the detriment of the Company and its customers. The confidential information is considered trade secret, as it provides an economic advantage in MDU's gas contract negotiations.

MDU's application states that this information is confidential information because "if the information were released, competitors would be able to benefit from the information to the detriment of the Company and its customers. The confidential information is considered trade secret, as it provides an economic advantage in Montana-Dakota's gas contract negotiations," as provided for in North Dakota Century Code Section 44-04-18.4(2)(a).

MDU further states that the cost information is trade secret because it is information that "(1) Vendors and competitors would have an opportunity to obtain economic value from disclosure or use of the information; and (2) If publicly available, vendors could use the information to their advantage in contract negotiations, while competitors could use the information to leverage their positions in the marketplace to Montana-Dakota's detriment," as provided for in North Dakota Century Code Section 44-04-18.4(2)(d). As a result, MDU states that the information sought to be protected meets the definition of "trade secret" as set forth in North Dakota Century Code Section 47-25.1-01(4).

The information could have economic value to potential vendors and suppliers who may desire to bid to provide natural gas or natural gas services to MDU. In particular, potential suppliers would know what MDU has determined to be the cost range for certain components of its supply needs and consequently the cost range could potentially serve

as a floor, below which no bidder would submit a bid price. Such a result could be harmful for MDU's customers.

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 MDU's natural gas purchases, or to third persons pursuant to nondisclosure agreements to maintain the confidentiality of the information. MDU has requested that this information be treated as trade secret in all of its monthly cost of gas filings.

Staff reviewed the request of MDU for protection of information. Staff believes that the application satisfies the requirements of the law, which allows the Commission to limit access to and release of the information.

Having reviewed the application and staff response, the Commission concludes that it is in the public interest to limit access to the information according to staff's recommendations.

Order

The Commission orders:

1. The specified information be withheld from public disclosure and the Public Service Commission website.
2. That availability to the specified information be limited to the administrative law judge, the Commission, counsel, and siting analysts assigned to the captioned case.

PUBLIC SERVICE COMMISSION

		
Randy Christmann Commissioner	Julie Fedorchak Chair	Sheri Haugen-Hoffart Commissioner