

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

**Dakota Natural Gas, LLC**  
**Cost of Gas 2022**  
**Tariff Monthly Adjustments**

**Case No. PU-22-015**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On February 1, 2022, Dakota Natural Gas, LLC (DNG or Company) filed an Application for Protection of Information to protect certain information in the captioned case.

The application states that DNG's monthly cost of gas submissions contain certain sensitive information within them related to its supplier costs and volumes. DNG asserts that the information contained in the cost of gas materials, that is identified as trade secret, constitutes trade secret information within the meaning of N.D.C.C. Ch. 47-25.1-01(4).

DNG requests that the contents of the identified information be treated as protected data because the information was supplied by DNG. The information is not publicly available. DNG has taken reasonable efforts to maintain its secrecy by redacting it from public view and protecting it from non-organization individuals and DNG derives independent economic value from its private information not being known by competitors, suppliers, and/or other members of the public who could obtain economic value from its use and whose use of the information could deleteriously impact DNG both in terms of financial and competitive impacts, if the information is misappropriated.

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  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407