



**MONTANA-DAKOTA**

**UTILITIES CO.**

*A Subsidiary of MDU Resources Group, Inc.*

400 North Fourth Street  
Bismarck, ND 58501  
701-222-7900

January 14, 2022

Executive Secretary  
North Dakota Public Service Commission  
State Capitol Building  
Bismarck, ND 58505-0480

Re: Heskett Water Line Siting  
**TRADE SECRET – PRIVATE**  
Case No. PU-22-\_\_\_\_

Montana-Dakota Utilities Co. (Montana-Dakota) herewith submits an Application for Trade Secret Protection of certain information relevant to the above referenced Heskett Water Line.

Sincerely,

A handwritten signature in blue ink that reads "Travis R. Jacobson".

Travis R. Jacobson  
Director of Regulatory Affairs

Attachments

2 PU-22-34 Filed 01/18/2022 Pages: 4  
Application for Protection of Information  
Montana-Dakota Utilities Co.  
Travis Jacobson, Director Reg. Affairs

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

In the Matter of the Combined Application of )  
MONTANA-DAKOTA UTILITIES CO. for a )  
Certificate of Corridor Compatibility and ) Case No. PU-22-\_\_\_\_  
Transmission Facility Route Permit )

**APPLICATION FOR TRADE SECRET PROTECTION**

Pursuant to N.D. Admin. Code § 69-02-09-01, § 69-02-09-04 and N.D.C.C. § 44-04-18.4(1) and (2), Montana-Dakota Utilities Co. (Montana-Dakota) respectfully requests that the North Dakota Public Service Commission (Commission) issue a trade secret protective order in the above referenced case. The purpose of the requested protective order is to protect against public disclosure of trade secret or proprietary information as defined in N.D.C.C. § 47-25.1-01(4) and protect cultural resource location information pursuant to N.D.C.C. § 49-22.1-24.

**I.**

Montana-Dakota has filed a Combined Application for a Certificate of Corridor Compatibility and Transmission Facility Route Permit (“Application”) for the Montana-Dakota Heskett Water Line Project. Pursuant to N.D.C.C. § 49-22-03(3)(a)(2) Montana-Dakota has contracted with KLJ to identify areas of known exclusion or avoidance areas and map such areas. KLJ's survey has identified known cultural resource areas within the 1-mile study area. KLJ has prepared a Class III Cultural Resource Inventory in Morton County, North Dakota.

Montana-Dakota has also submitted its Safety and Emergency Plan as a part of Exhibit C – Project Control Documents which are required as a part of the Company's Application.

## II.

Pursuant to N.D.C.C. § 49-22.1-24, Montana-Dakota requests the Commission limit access to, and release of, known cultural resource exclusion or avoidance areas included herein and subsequent submittals of similar nature. The information sought to be protected derives independent economic value because it is not generally known to other persons and is not readily ascertainable by proper means by other persons. Other persons or environmental entities could obtain economic value from disclosure or use of this information. Montana-Dakota and KLJ have not publicly disclosed this information in order to maintain its secrecy.

Montana-Dakota is also requesting an Order protecting the information included in the Company's Safety and Emergency Plan. The Company's Safety and Emergency Plan contains employee information that is not intended for public consumption. In addition, there are details regarding the Company's response to a bomb threat at its facilities. This information is not generally known to other persons and is not readily ascertainable by proper means by other persons. This information, if made publicly available, could harm the Company's response to critical situations.

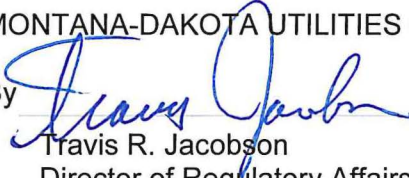
## III.

In accordance with N.D. Admin. Code § 69-02-09-02, Montana-Dakota includes one copy of the Class III Cultural Resource Inventory report prepared by KLJ in the enclosed sealed envelope labeled: **PROTECTED INFORMATION – PRIVATE.**

Respectfully submitted this 14<sup>th</sup> day of January 2022.

MONTANA-DAKOTA UTILITIES COMPANY

By



Travis R. Jacobson  
Director of Regulatory Affairs  
Montana-Dakota Utilities Co.  
400 North Fourth Street  
Bismarck, ND 58501