

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

**Montana-Dakota Utilities Co.**  
**12-inch Water Pipeline Project - Morton County**  
**Siting Application**

**Case No. PU-22-034**

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

On January 18, 2022, Montana-Dakota Utilities Co. (MDU or Company) filed an Application for Protection of Information to protect certain information in the captioned 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.

Pursuant to N.D.C.C. § 49-22.1-24, MDU 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. MDU and KLJ have not publicly disclosed this information in order to maintain its secrecy. MDU 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.

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 the subject matter of the information.

Cultural, archeological, historic, and paleontological sites are eligible for protection under N.D.C.C. 49-22.1-24. Emergency plans and information are eligible for protection under N.D.C.C. 44-04-18.4(7) for items which may expose or create vulnerability of critical infrastructure, the disclosure of which may expose or create vulnerability of critical infrastructure systems, or the safeguarding of telecommunications, electric, water, sanitary sewage, storm water drainage, energy, fuel supply, hazardous liquid, natural gas, coal, or other critical infrastructure system.

Staff believes that MDU's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

For reasons set forth above, Staff recommends that the Commission grant the application of MDU to protect certain information filed in the captioned case.

Dated this 8<sup>th</sup> day of March, 2022.



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