

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
2022 Electric Rate Increase
Application

Case No. PU-22-194

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On November 29, 2022, Montana-Dakota Utilities Co. (MDU) filed a Corrected Revised Application for Protection of Information to protect certain information in the captioned case.

The information for which the Company seeks protection includes Data Request 5.2.c, as it requests technical and financial information received by MDU from an independent third-party, which owns and controls the information.

The Company states that this information is Proprietary and Commercial information because it is technical and financial information from a private and independent third party who owns and controls the information as provided in N.D.C.C. § 44-04-18.4(2)(a) and § 44-04-18.4(2)(c).

The Company further states that information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information,” as provided in N.D.C.C. § 44-04-18.4(2)(d). The Company further states that the information sought to be protected meets the definition of “trade secret” set forth in N.D.C.C. § 47-25.1-01(4). Such information has been marked as TRADE SECRET in MDU's responses to data requests and in the pre-filed testimony submitted by MDU, or may arise or be discussed in the hearing or hearings in this matter.

The application further states that the information could have economic value to their competitors. Such a result could be harmful for the Company's customers, now and in the future.

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.

MDU has requested that this, and similar types of this information, be treated as trade secret in all of MDU's regulatory filings and other sharing of this information with governmental entities.

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 Administrative Law Judge grant the application of MDU to protect certain information filed in the captioned case.

Dated this 1st day of December, 2022.



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