

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Montana-Dakota Utilities Co.  
Applied Block Chain Office – Dickey County  
Public Convenience & Necessity**

**Case No. PU-22-366**

**Montana-Dakota Utilities Co.  
Applied Block Chain Data Processing Extension  
Public Convenience & Necessity**

**Case No. PU-22-370**

**APPLICATION FOR TRADE SECRET PROTECTION**

Pursuant to N.D. Admin. Code § 69-02-09-01, Montana-Dakota Utilities Co. (“Montana-Dakota”) respectfully requests that the Administrative Law Judge (ALJ) issue a protective order under N.D. Admin. Code § 69-02-09-04 and N.D.C.C. § 44-04-18.4(1). The purpose of the requested protective order is to protect against public disclosure of confidential commercial and financial information, as defined by N.D.C.C § 44-04-18.4(2)(a) and N.D.C.C § 44-04-18.4(2)(b).

I.

At the public hearing on these proceedings, Montana-Dakota will need to disclose information to the Commission the Company believes constitutes confidential commercial and financial information. The Company requests protection for Hearing Exhibits MDU-7, the Electric Service Agreement between Montana-Dakota and its customer Applied Digital Corporation (“Applied”), MDU-12, the revenue estimate for Applied’s data center, and MDU-15, the rate comparison between Montana-Dakota’s rates and Dakota Valley Electric Cooperative’s rates. Each of these exhibits contain confidential commercial and financial information possessed by Montana-Dakota and Applied, as defined by N.D.C.C. § 44-04-18.4(2)(a) and (b). This confidential commercial and financial information has been protected and not been previously publicly disclosed by either Montana-Dakota or Applied, and is subject to a prior Application for Trade Secret Protection in a pending PSC case, PU-22-371, regarding Commission approval of the Electric Service Agreement. The rate information is considered confidential commercial and financial information, as

it would cause a substantial competitive injury to Montana-Dakota and provide an economic advantage to its competitors and other businesses who receive the confidential commercial and financial information. Applied would also suffer substantial competitive injury if the confidential commercial information was provided to other clients and could substantially impair future business opportunities.

II.

Montana-Dakota requests an Order protecting the confidential commercial and financial information contained in Hearing Exhibits MDU-7, MDU-12, and MDU-15.

III.

Pursuant to N.D. Admin. Code § 69-02-09-01(5), redacted public versions of Hearing Exhibits MDU-7, MDU-12, and MDU-15 are filed with this Application. In addition, the redacted public versions of Hearing Exhibits MDU-7, MDU-12, and MDU-15 will be offered into evidence by Montana-Dakota at the hearing.

IV.

In accordance with N.D. Admin. Code § 69-02-09-02, one copy of the trade secret material is provided via secure electronic mail delivery which indicates:

**“PROTECTED INFORMATION – PRIVATE”.**

Dated this 18<sup>th</sup> day of December, 2022.

EVENSON SANDERSON PC  
Attorneys for MDU  
1100 College Drive, Suite 5  
Bismarck, ND 58501  
Telephone: 701-751-1243  
[psanderson@esattorneys.com](mailto:psanderson@esattorneys.com)

By:   
Paul R. Sanderson (ID# 05830)



Dated today, December 18, 2022.

EVENSON SANDERSON PC  
Attorneys for MDU  
1100 College Drive, Suite 5  
Bismarck, ND 58501  
Telephone: 701-751-1243  
[psanderson@esattorneys.com](mailto:psanderson@esattorneys.com)

By: /s/ Paul Sanderson  
Paul R. Sanderson (ID# 05830)