

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

In the Matter of MONTANA-DAKOTA )  
UTILITIES CO.'s Request to Approve )  
an Electric Service Agreement with ) Case No. PU-22-\_\_\_\_  
APLD-ELN-01 LLC under High Density )  
Contracted Demand Response Rate 45 )  
)

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 Commission issue a trade secret protective order under N.D. Admin. Code § 69-02-09-04 and N.D. Cent. Code §44-04-18.4(1 & 2). The purpose of the requested protective order is to protect against public disclosure of trade secrets as defined by N.D. Cent. Code § 47-25.1-01(4) .

I.

The information for which the Company seeks trade secret protection includes the following items:

- Transmittal Letter – includes select provisions from Electric Service Agreement that have been identified as trade secret.
- Attachment C – select provisions of the Electric Service Agreement containing rate- and cost-related information as well as information related to the customer’s operational details.

High Density Contracted Demand Response Rate 45 provides for an individualized rate structure that is reflective of each customer’s load characteristics but also ensures the recovery of any incremental costs incurred by the Company for the provision of electric service to such customer. Therefore, it should be noted that the information presented in the above identified documents includes confidential pricing and cost information and has been marked “TRADE SECRET”. The information should not be disclosed or released to the public and that, if the information were released,

competitors would be able to benefit from the information to the detriment of the Company and its customers. Energy bills for facilities housing blockchain or other high density computer processing technology can be significant and therefore subject to competition, not only locally but throughout the globe.

II.

The above-referenced information is not publicly available and is confidential business information prepared specifically for Montana-Dakota. Vendors and competitors would have an opportunity to obtain economic value from disclosure or use of the information, to the detriment of Montana-Dakota. If publicly available, vendors could use the information to their advantage in contract negotiations, while competitors could use the information to leverage their positions in the marketplace to Montana-Dakota's detriment.

In accordance with N.D. Admin. Code § 69-02-09-02, one copy of the trade secret material is provided in the enclosed sealed envelope labeled PROTECTED INFORMATION – PRIVATE.

Dated this 21<sup>st</sup> day of September 2022.

MONTANA-DAKOTA UTILITIES CO.



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Travis R. Jacobson  
Director of Regulatory Affairs