

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**In the Matter of Montana-Dakota Utilities Co.
Request to Approve an Electric Service
Agreement with APLD-ELN-01 LLC under
High Density Contracted Demand
Response Rate 45**

Case No. PU-22-371

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 financial and trade secret information, as defined by N.D.C.C § 44-04-18.4(2)(b) and N.D.C.C § 44-04-18.4(2)(d).

I.

At the public hearing on these proceedings, Montana-Dakota will need to disclose information to the Commission the Company believes constitutes confidential financial and trade information. The Company requests protection for its settlement with Dakota Valley Electric Cooperative (“Dakota Valley”) reached in cases PU-22-366 and PU-22-370. This settlement agreement contains confidential financial and trade secret information possessed by Montana-Dakota and Dakota Valley, as defined by N.D.C.C. § 44-04-18.4(2)(b) and (d). This confidential financial and trade secret information has been protected and not been previously publicly disclosed by either Montana-Dakota or Dakota Valley. The terms of the settlement agreement are considered confidential financial and trade secret information, as it would cause a substantial competitive injury to Montana-Dakota and Dakota Valley in any future negotiations with third parties and would provide an economic advantage to their competitors and other businesses who receive the confidential financial and trade secret information. Both Montana-Dakota and Dakota Valley would also suffer substantial competitive injury if the confidential information was provided to other clients and could substantially impair future business

opportunities.

II.

Montana-Dakota requests an Order protecting its Settlement Agreement with Dakota Valley.

III.

Pursuant to N.D. Admin. Code § 69-02-09-01(5), redacted public versions of the Settlement Agreement is filed with this Application. In addition, the redacted public versions of the Settlement Agreement will be offered into evidence by Montana-Dakota at the hearing in this case.

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 17th day of February, 2023.

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