

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.  
Cost of Gas 2023  
Tariff Monthly Adjustments

Case No. PU-23-07

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Geralyn R. Schmaltz** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **21st day of March 2024**, she deposited in the United States Mail at Bismarck, North Dakota, **one** envelope by first class mail, fully prepaid, securely sealed each containing a photocopy of:

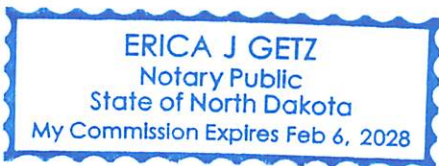
- **Staff Response to Application for Protection of Information**

The envelope was addressed as follows:

Travis Jacobson  
Director Regulatory Affairs  
Montana-Dakota Utilities Co.  
400 North 4<sup>th</sup> Street  
Bismarck, ND 58501

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **21st day of March 2024**.



SEAL

A handwritten signature in blue ink that reads "Geralyn R. Schmaltz". The signature is written over a horizontal line.

A handwritten signature in blue ink that reads "Erica J Getz". The signature is written over a horizontal line.

Notary Public

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

**Montana-Dakota Utilities Co.**  
**Cost of Gas 2023**  
**Tariff Monthly Adjustments**

**Case No. PU-23-7**

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

**MARCH 21, 2024**

On October 31, 2022, Montana-Dakota Utilities Co. (MDU), filed an Application for a Protective Order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure protected information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information for which MDU seeks protection is a portion of the monthly Cost of Gas filings that contains confidential information on gas commodity pricing including Demand charge monthly delivery quantities, Demand charge amounts excluding FT-1 MDDQ, Commodity Charge monthly delivery quantities excluding the Gas Commodity – System quantity, the Commodity charge quantities, the Fuel transportation rates of WBI, NB and NW as well as fuel storage rates and the Gas Commodity System rate.

MDU's application states that this information is confidential information because "if the information were released, competitors would be able to benefit from the information to the detriment of the Company and its customers. The confidential information is considered trade secret, as it provides an economic advantage in Montana-Dakota's gas contract negotiations." as provided for in North Dakota Century Code Section 44-04-18.4(2)(a).

MDU further states that the cost information is trade secret because it is information that "(1) Vendors and competitors would have an opportunity to obtain economic value from disclosure or use of the information; and (2) 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," as provided for in North Dakota Century Code Section 44-04-18.4(2)(d). As a result, MDU states that the information sought to be protected meets the definition of "trade secret" as set forth in North Dakota Century Code Section 47-25.1-01(4).

The information could have economic value to potential vendors and suppliers who may desire to bid to provide natural gas or natural gas services to MDU. In particular, potential suppliers would know what MDU has determined to be the cost range for certain components of its supply needs and consequently the cost range could potentially serve as a floor, below which no bidder would submit a bid price. Such a result could be harmful for MDU's customers.

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 MDU's natural gas purchases, or to third persons pursuant to nondisclosure agreement to maintain the confidentiality of the information. MDU has requested that this information be treated as trade secret in all of its monthly cost of gas filings.

North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission.

Staff believes that the application satisfies the requirements of the North Dakota Century Code for protection of information. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

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

Dated this 21<sup>st</sup> day of March 2024.



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Brian Johnson  
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