

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
Electric Service Agreement - Applied Digital
Approval**

Case No. PU-23-322

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On October 2, 2023, Montana-Dakota Utilities Co. (MDU) filed an application for protection of information in the Captioned case.

The information for which the Company seeks protection is defined as trade secret, financial and trade information pursuant to N.D.C.C. § 44-04-18.4(1 & 2) and N.D.C.C. § 47-25.1-01(4). Specifically, the company requests protection for the Transmittal Letter – includes select provisions from Electric Service Agreement that have been identified as trade secret, and attachment B which contains select provisions of the Electric Service Agreement containing rate- and cost-related information as well as information related to the customer’s operational details.

The company asserts this information has been protected and not previously disclosed publicly.

The Company states that this information if disclosed would cause substantial competitive injury to Montana-Dakota and its customers. 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. 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 high density

computer processing technology can be significant and therefore subject to competition, not only locally but throughout the globe.

Staff believes that MDU's application is for the type of information which is regularly granted the status of protected information. Staff believes that MDU's application meets the requirements of § 69-02-09-01 of N.D.A.C, and the information MDU seeks protection meets the definition under § 44-04-18.4(2)(b) and (d) and if disclosed could cause competitive injury and could be used by competitors at the detriment of MDU and its customers.

Staff recommends that the Commission grant Montana- Dakota Utilities Co. protection of information in the above captioned case.

Dated this 26th day of February 2024.



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