

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Electric Service Agreement-APLD BIS-01 LLC
Approval

Case No. PU-26-235

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On June 26, 2026, Montana-Dakota Utilities Co. (the Company), filed an Application for a Protective Order Pursuant to N.D. Admin. Code § 69-02-09-01. The Company 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).

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

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.

Staff believes that the Company's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

For reasons set forth above, Staff recommends that the Commission grant the application of Montana-Dakota Utilities Co., to protect certain information filed in the captioned case.

Dated this 25th day of August 2026.



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