

Service Date: November 6, 2002

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER OF WHITEHALL	)	UTILITY DIVISION
WIND, LLC, Petition for QF Rate	)	
Determination	)	DOCKET NO. D2002.8.100
	)	ORDER NO. 6444b

PROTECTIVE ORDER

On October 16, 2002, Whitehall Wind filed a Motion for Protective Order to govern certain information expected to be filed in the above-entitled proceeding. WHW requests protection of information relating to unit costs of production, cost basis for the project and analysis related, status of site negotiations, technical characteristics of the project generators, and the projects designated Southwestern MN, Lakota Ridge, Shaokatan Hills, All Source I, and Kewaunee County, WI. WHW argues that the identified information includes trade secret information in accordance with § 30-14-402, MCA, and information which is constitutionally protection as private.

The Public Service Commission (PSC or Commission) determines that the identified information could be confidential and subject to protection from public disclosure pursuant to § 69-3-105, MCA , and Art. II, § 10, Mont. Const. Therefore, the PSC grants WHW's request and hereby orders that information submitted in accordance with this Order be treated as "confidential information" under the terms of this Order and PSC protective order rules, ARM 38.2.5001 through 38.2.5030.

Done and dated this 22nd day of October, 2002, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
Commission Secretary

(SEAL)

NOTE: There is no reconsideration of the granting of a protective order. There is a procedure to challenge the provider's claim of confidentiality. See ARM 38.2.5008. Reconsideration of a denial of a protective order is available in accordance with ARM 38.2.4806.

Montana Public Service Commission  
Protective Orders and Protection of Confidential Information

## Nondisclosure Agreement

(7-26-00)  
ARM 38.2.5012

Docket No. D2002.8.100, Order No. 6444b  
Order Action Date: October 22, 2002

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

Business Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Party Represented