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April 8, 2008

RECEIVED

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PUBLIC SERVICE COMMISSION

**VIA FEDERAL EXPRESS**

Illona Jeffcoat-Sacco  
Executive Secretary  
North Dakota Public Service Commission  
State Capitol  
Bismarck, ND 58505

**Re: Montana Dakota Utilities Co., and Otter Tail Corporation; Advance Determination of Prudence, Big Stone II Generating Station  
Case Nos. PU-06-481 and PU-06-482**

Dear Ms. Jeffcoat-Sacco:

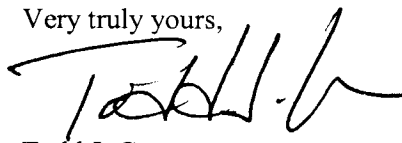
On behalf of Applicants Otter Tail Corporation and Montana-Dakota Utilities Co., enclosed for filing in the above matter please find an original along with seven copies of the following:

1. Application for Trade Secret Protection, along with the trade secret material in the enclosed, sealed envelope (one copy only); and
2. Affidavit of Service.

Please direct any questions to Montana-Dakota's Mr. Daniel Kuntz (701-530-1016), Otter Tail's Mr. Mark Bring (218-998-7152), or to the undersigned.

Thank you for your consideration.

Very truly yours,



Todd J. Guerrero

TJG/kas

cc: Attached Service List (w/out encl.)

**296 PU-06-482** Filed: 4/9/2008 Pages: 6  
**Application for Trade Secret Protection**

**291 PU-06-481** Filed: 4/9/2008 Pages: 6  
**Application for Trade Secret Protection**

Otter Tail Corporation  
Lindquist & Vennum, P.L.L.P.

Otter Tail Corporation  
Lindquist & Vennum, P.L.L.P.

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

Otter Tail Corporation, Advance  
Determination of Prudence  
Application

**APPLICATION FOR TRADE  
SECRET PROTECTION**

Montana-Dakota Utilities Co.,  
a Division of MDU Resources Group,  
Inc., Advance Determination of Prudence  
Application

Case Nos. PU-06-481, PU 06-482

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Applicants Otter Tail Corporation d/b/a Otter Tail Power Company and Montana-Dakota Utilities Co., a Division of MDU Resource Group, Inc. respectfully moves the Commission for entry of a trade secret protective order under § 69-02-09-01 of the North Dakota Administrative Code. The purpose of the protective order is to protect against public disclosure of trade secret information as defined by NDCC § 47-25.1-01(4).

On Wednesday, April 9, 2008, intervenor Dakota Resource Council will be filing its written rebuttal testimony in the above matter. Since the initiation of this supplemental hearing, Applicants have responded to discovery requests posted by the DRC by providing project related documents and by answering interrogatories. During the course of that discovery, the DRC has informed the Applicants that it intends to include as exhibits to the testimony of their expert David Schlissel, certain information provided by Applicants to DRC in discovery but which nonetheless Applicants consider to be trade secret and confidential.<sup>1</sup>

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<sup>1</sup> Trade secret and confidential information provided to DRC as part of the discovery was produced under the terms of the Confidentiality Agreement. That agreement provides that "Confidential Information" as that term is defined in the Confidentiality Agreement, may not be filed with North Dakota Public Service Commission unless the information is clearly marked and protected from public disclosure under the Chapter 69-02-09 of the Commission's rules.

The specific information produced in the course of discovery and which Applicants seek to protect include the following:

- November 17, 2007 Project Cost Information Memorandum, Bates label #OTP0010463-64;
- Project Cost Estimate, September 2007 (excerpts from confidential project power point presentation), Bates label #OTP0008037;
- Excerpts from confidential project power point presentation, April 2007, Bates label #JC00013930-34;
- November 19, 2007 Generation Project Timeline Memorandum, Bates label #OTP0008060-62;
- August 18, 2006 Black & Veatch Conference Memorandum, Bates label #OTP0006946;
- September 22, 2006 Black & Veatch Conference Memorandum, Bates label #OTP0006997;
- August 18, 2006 Black & Veatch Conference Memorandum, Bates label #OTP0006949;
- Excerpts from an April, 2007 Black & Veatch power point presentation, Bates label #JC00013878;
- February 19, 2008 Black & Veatch Conference Memorandum, Bates label #OTP001082-84; and
- Excerpts from January 18, 2008 project power point presentation, Bates label OTP0011047-8, OTP0011073-8.

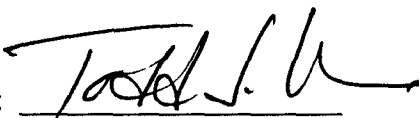
The Applicants respectfully request that the above information be given trade secret information protection. Such information is not publicly available, and is not only treated as confidential business information, but is information which cannot be disclosed without violating terms of separate third-party confidentiality agreements between Applicants and its vendors and engineers. Applicants and other participants and their representatives of the Big Stone II project do not disclose this information except to their employees and representatives who have a need to know the information as part of their responsibilities to the project. Applicants submit that disclosure of such highly sensitive information would be of independent economic value to

competitors and would create a competitive disadvantage for Applicants, their vendors and engineers if publicly disclosed.

Applicants appreciate that while Applicants are seeking trade secret protection of the above information, it is not Applicants who intend to file the confidential information but rather the DRC. The Confidentiality Agreement between DRC and the Applicants obligates the DRC to file an application with the Commission prior to filing or submitting any confidential information. Applicants understand that DRC has no objection to protecting the information as trade secret. Because Applicants are uncertain, however, whether DRC will actually make such application before filing the above exhibits, Applicants are taking responsibility for protecting the information from public disclosure by submitting this Application.

In accordance with § 69-02-09-02 of the North Dakota Administrative Code, one copy of the trade secret material is provided in the enclosed sealed envelope and labeled – TRADE SECRET – PRIVATE.

Respectfully submitted,

By: 

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Otter Tail Corporation and  
Montana-Dakota Utilities Co.

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

Otter Tail Corporation, Advance  
Determination of Prudence  
Application

**AFFIDAVIT OF SERVICE**

Montana-Dakota Utilities Co.,  
a Division of MDU Resources Group,  
Inc., Advance Determination of Prudence  
Application

Case Nos. PU-06-481, PU 06-482

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Kristen Swenson, being sworn, says that on April 8, 2008, a copy of the following documents:

1. Applicants' Application for Trade Secret Protection; and
2. Affidavit of Service

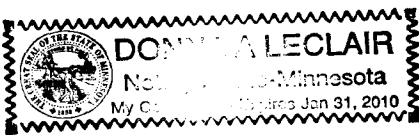
have been served upon the attached service list via United States Mail.

*Kristen Swenson*  
\_\_\_\_\_

Subscribed and sworn to before me  
this 8 day of April, 2008.

*Donna A. LeClair*  
\_\_\_\_\_

Notary Public



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

Otter Tail Corporation, Advance  
Determination of Prudence  
Application

**SERVICE LIST**

Montana-Dakota Utilities Co.,  
a Division of MDU Resources Group,  
Inc., Advance Determination of Prudence  
Application

Case Nos. PU-06-481, PU 06-482

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Illona Jeffcoat-Sacco  
Executive Secretary  
North Dakota Public Service Commission  
State Capitol  
Bismarck, ND 58505

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