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RECEIVED

APR 27 2009

PUBLIC SERVICE COMMISSION

April 24, 2009

Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard, Department 408
Bismarck, ND 58505-0480

RE: In the matter of Otter Tail Power Company's Annual Filing for Renewable Resource Cost Recovery Factor
Case No.: PU-08-742
In the matter of the Application of Otter Tail Corporation for Authority to Increase Rates for Electric Service in North Dakota
Case No.: PU-08-862
Our File No.: 24677.001

Dear Secretary Nitschke:

Enclosed is the Joint Application for Trade Secret Protection for the Large Industrial Group and Otter Tail Power in the above-referenced cases. It is my understanding that you already have the Trade Secret version of Kavita Maini's testimony. Also enclosed is an Affidavit of Service. Thank you.

Very truly yours,



Richard J. Savelkoul

RJS:vac

Enclosures

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Joint Application for Trade Secret Protection

Intervenor – Large Industrial Energy Group

R.Savelkoul – FelhaberLarsonFenlon&Vogt

66 **PU-08-742** Filed: 4/27/2009 Pages: 6
Joint Application for Trade Secret Protection

Intervenor – Large Industrial Energy Group

R.Savelkoul – FelhaberLarsonFenlon&Vogt

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

<p>Case Title: In the Matter of the Application of Otter Tail Corporation for Authority to Increase Rates for Electric Service in North Dakota; and</p> <p>In the Matter of the Application of Otter Tail Power Company's Annual Filing for Renewable Resource Cost Recovery Factor</p>	<p style="text-align:center">Case No.: PU-08-862</p> <p style="text-align:center">and</p> <p style="text-align:center">Case No.: PU-08-742</p> <p style="text-align:center">JOINT APPLICATION FOR TRADE SECRET PROTECTION</p>
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COMES NOW, the Large Industrial Group ("LIG"), intervenors in the Otter Tail Corporation, d/b/a Otter Tail Power Company ("OTP") proceedings captioned above, and OTP, who jointly and respectfully move 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 requested protective order is to protect against public disclosure of trade secret information as defined by NDCC § 47-25.1-01(4), certain information contained in LIG's enclosed filing is subject to a Confidentiality Agreement that was entered into with OTP. Because the information is information which OTP has identified as confidential under the Confidentiality Agreement, OTP is joining in this request to verify the confidential nature of the information.

OTP is joining in this request only for the purpose of protecting the information from disclosure. By joining in this request, OTP is not endorsing or in any way agreeing with the LIG's use of the information in this proceeding or waiving any right to object to the admissibility of the LIG's testimony or the information that is the subject of this request on grounds of relevance or on any other grounds.

1. A general description of the nature of the information sought to be protected.

Information marked as “confidential” or “trade secret” provided by OTP to LIG for purposes of participating in the above-captioned matters. The document that is sought to be protected is the Direct Testimony of LIG, specifically testimony of Kavita Maini, which contains confidential project cost and energy purchase information.

2. Explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.

Pursuant to OTP’s own Application for Trade Secret Protection, OTP indicated, “The information could have economic value to potential vendors, contractors, and suppliers who may desire to supply components of similar projects in which Otter Tail may be involved in the future. They could use such information against Otter Tail’s interest in the course of submitting proposals.” If the information were disclosed to vendors of equipment or services for the project or sellers of energy, those vendors could use the information to increase the price of their offers to OTP, and thus to the detriment of OTP and its customers.

3. An explanation of why the information is not readily ascertainable by proper means by other persons.

Information is marked as “confidential” or “trade secret” and OTP affirms that the confidentiality of the information has been maintained by Otter Tail. The information is not disclosed to the public or to persons other than parties to the Confidentiality Agreement or employees or authorized agents of Otter Tail who need to know the information to fulfill their responsibilities in connection with the project or to third persons pursuant to agreement to maintain the confidentiality of the information.

4. A general description of the persons or entities that would obtain economic value from disclosure or us of the information.

Potential equipment and material vendors, contractors, and other suppliers for similar projects would obtain economic value from disclosure of the costs. Also, sellers of wholesale energy could obtain economic value from the disclosure of the information. Additionally, OTP's customers' resource or generation information is confidential and the competitors to those OTP customers would likewise gain economic value from disclosure of information.

5. A specific description of known competitors and competitors' goods and services that is pertinent to the tariff or rate filing.

Potential equipment and material vendors, contractors, and other suppliers for similar projects would obtain economic value from disclosure of the costs. Also, sellers of wholesale energy could obtain economic value from the disclosure of the information. Additionally, OTP's customers' resource or generation information is confidential and the competitors to those OTP customers would likewise gain economic value from disclosure of information.

6. A description of the efforts used to maintain the secrecy of the information.

Information is marked as "confidential" or "trade secret" and OTP affirms that the confidentiality of the information has been maintained by Otter Tail. The information is not disclosed to the public or to persons other than parties to the Confidentiality Agreement or employees or authorized agents of Otter Tail who need to know the information to fulfill their responsibilities in connection with the project or to third persons pursuant to agreement to maintain the confidentiality of the information.

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 which is labeled: TRADE SECRET -- PRIVATE.

Respectfully submitted,

FELHABER, LARSON, FENLON & VOGT, P.A.

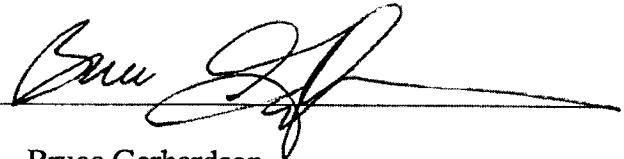
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