

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
2010 Renewable Resource Cost Recovery Adj. Factor
Tariff

Case No. PU-10-18

AFFIDAVIT OF SERVICE CERTIFIED AND REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

John Hamre deposes and says that:

he is over the age of 18 years and not a party to this action and, on the **12th** day of **February, 2010**, he deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing photocopy of:

Order Granting Trade Secret Protection

The envelope was addressed as follows:

Mr. Bruce Gerhardson, Assoc Gnl Counsel
Otter Tail Power Company
PO Box 496
Fergus Falls MN 56538-0496

Cert. No. 7007 0710 0003 6055 1701

John Hamre further deposes and says that on the **12th** day of **February, 2010**, he deposited in the United States Mail, Bismarck, North Dakota, **nine** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Mr. Ron Spangler, VP Administration
Otter Tail Power Company
PO Box 496
Fergus Falls MN 56538-0496

Mr. Jacob Hendricks, Esq.
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Oconomowoc WI 53066

Mr. Thomas R Brause, VP Administration
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444 Cedar St, Ste 2100
St Paul MN 55101-2136

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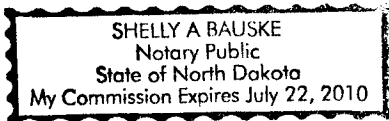
Mr. Larry Schedin
Lss Resources, LLC
1137 Plymouth Bldg12 S 6th St
Minneapolis MN 55402

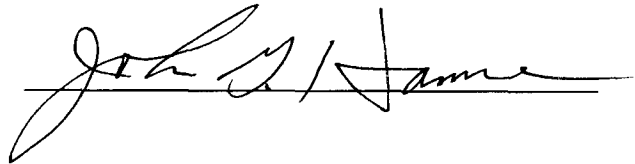
Ms. Bernadeen Brutlag, Manager
Regulatory Services
Otter Tail Power Company
215 S Cascade St
Fergus Falls MN 56537

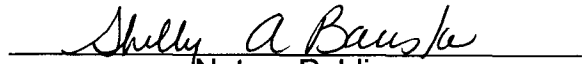
Each address shown is the respective addressee's last reasonably ascertainable mailing address.

Subscribed and sworn to before me
this 12th day of February, 2010.

SEAL







Notary Public

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
2010 Renewable Resource Cost Recovery Adj. Factor
Tariff

Case No. PU-10-18

ORDER GRANTING TRADE SECRET PROTECTION

February 10, 2010

On December 31, 2009, and January 18, 2010, Otter Tail Power Company (Otter Tail) filed applications for an order under North Dakota Administrative Code Section 69-02-09-01 for protection against public disclosure of trade secret information as defined by North Dakota Century Code section 47-25.1-01(4). Otter Tail seeks protection for information related to its 2010 Renewable Resource Cost Recovery Adjustment Factor under the Company's Renewable Resource Cost Recovery Rider. Otter Tail filed the following description of the nature of the information sought to be protected with the December 31, 2009 and the January 18, 2010 applications.

Cost information contained in the calculation of Revenue Requirements on Otter Tail's share of the Langdon Wind Energy Center, the Ashtabula wind Energy Center, and the Luverne Wind Energy Center, contained in Attachments 1 through 3, and on page 6 of Otter Tail's Application in this matter.

Otter Tail states the information could have economic value to potential equipment and material vendors, contractors, and suppliers who may desire to supply components of similar projects in which Otter Tail may be involved in the future. Equipment and material vendors, contractors, and suppliers would obtain economic value from disclosure of the costs because they could use the information against Otter Tail's interests in the course of submitting proposals.

Otter Tail states the confidentiality of the information has been maintained by Otter Tail. The information is not disclosed to the public or to persons other than employees or authorized agents of Otter Tail who need to know the information to fulfill responsibilities in connection with the project or to third persons pursuant to agreement to maintain the confidentiality of the information.

Under North Dakota Century Code section 47-25.1-01(4):

“Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

- a. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Under North Dakota Century Code section 44-04-18.4(2)(d), which is almost identical to North Dakota Century Code section 47-25.1-01(4):

“Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, technical know-how, or process that:

1. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and
2. Is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

North Dakota Administrative Code section 69-02-04 requires that the “commission staff examine the information and application and make a prima facie recommendation of whether the information is relevant and a trade secret under the definition of trade secret in North Dakota Century Code section 47-25.1-01.” On February 2, 2010, Annette Bendish, Commission’s Staff Counsel (Staff), filed a response to Otter Tail’s request for trade secret protection.

Staff believes that Otter Tail’s application satisfies the requirements of North Dakota Century Code section 47-25.1-01, which allows the Commission to grant trade secret protection in this proceeding, and recommends that the Commission grant Otter Tail’s Application Requesting Trade Secret Protection in this case.

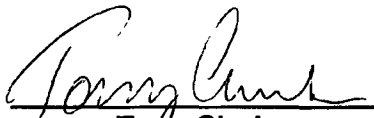
The Commission’s process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.

Order

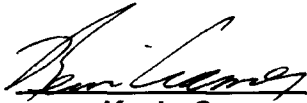
The Commission Orders:

1. Otter Tail Power Company's application for trade secret protection is GRANTED.
2. This Order does not constitute precedent for subsequent trade secret decisions by the Commission.

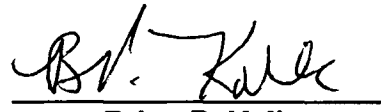
PUBLIC SERVICE COMMISSION



**Topy Clark
Commissioner**



**Kevin Cramer
Chairman**



**Brian P. Kalk
Commissioner**