



Public Service Commission

State of North Dakota

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9 January 2013

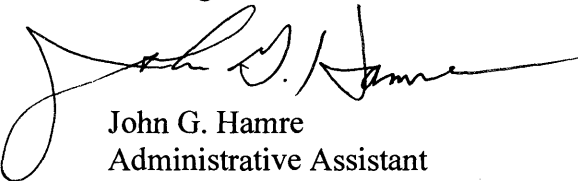
Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Blvd. Ave. Dept. 408
Bismarck, ND 58505-0480

Re: Otter Tail Power Company
2013 Renewable Resource Cost Recovery Adj. Factor
Tariff
PU-13-16

Dear Mr. Nitschke:

Enclosed is a Staff Response to Application for Trade Secret Protection in the captioned case along with an Affidavit of Service.

Best regards,



John G. Hamre
Administrative Assistant

c:w/encl: Mark B. Bring (mbring@ottertail.com)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**In the Matter of Otter Tail Power
Company's Request for Approval of its
2013 Renewable Resource Cost Recovery
Adjustment Factor**

Case No. PU-13-16

**STAFF RESPONSE TO THE REQUEST OF OTTER TAIL POWER COMPANY FOR
TRADE SECRET PROTECTION**

On 28 December 2012, Otter Tail Power Company (Otter Tail) filed an application for a trade secret protective order under North Dakota Administrative Code section 69-02-09-01 for protecting against public disclosure trade secret information as defined by North Dakota Century Code section 47-25.1-01(4).

Otter Tail asks to protect 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 Luvurne Wind Energy Center.

Otter Tail states that 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. Otter Tail indicated that potential suppliers could use the information against Otter Tail's interests in the course of submitting proposals.

Otter Tail indicates that Otter Tail maintains the confidentiality of the information by not disclosing it to the public or to persons other than Otter Tail employees or authorized agents of Otter Tail who need to know the information, or to third persons pursuant to agreement to the maintain the confidentiality of the information.


North Dakota Administrative Code § 69-02-09-04 requires that the Commission staff examine the information and application and make a recommendation to the Commission. Staff has reviewed the request of Otter Tail Power Company for protection of information.

North Dakota Century Code § 44-04-18.4(2) authorizes protection for commercial, financial, proprietary, and trade secret information if privileged and if the information has not been previously publically disclosed. N.D.C.C. § 44-04-18.4(1). Commercial and financial information can be protected from disclosure if the information has not been previously disclosed and disclosure would impair the Commission's ability to obtain similar information in the future or would cause competitive injury to the person providing the information. N.D.C.C. §§ 44-04-18.4(2)(a) and 44-04-18.4(2)(b). Proprietary and trade secret information can be protected when the information derives independent economic value from not being generally known to or readily ascertainable by other persons, and is the subject of reasonable efforts to maintain its secrecy. N.D.C.C. §§ 44-04-18.4(2)(c) and 44-04-18.4(2)(d).

Staff believes that Otter Tail Power Company's application satisfies the requirements of the North Dakota Century Code for protection of the information which is the subject of this request. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

For reasons set forth above, Staff recommends that the Commission grant the application of Otter Tail Power Company to protect certain filed information in this case.

Dated this 9th day of January, 2013.



Mike Diller
Director of Economic Regulation
North Dakota Public Service Commission

AFFIDAVIT OF SERVICE BY ELECTRONIC 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 9th day of **January 2013**, he electronically mailed 2 addressees a copy of:

Staff Response to Application for Trade Secret Protection

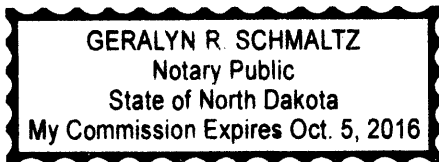
The electronic mails were addressed as follows:

Mark Bring
Otter Tail Power Company
(mbring@ottertail.com)

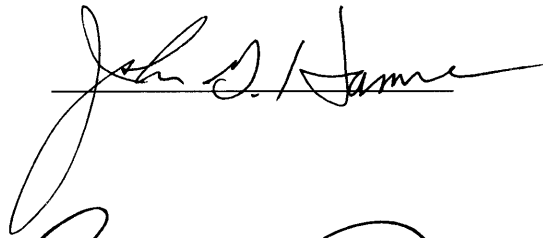
Darrell Nitschke
North Dakota Public Service Commission
dnitschk@nd.gov

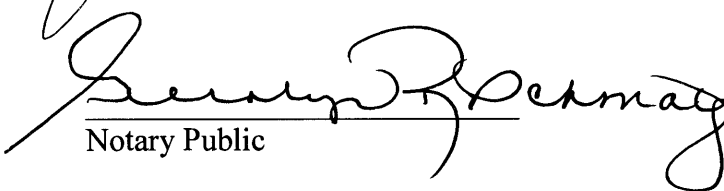
Each email address is the respective addressee's last reasonably ascertainable electronic mailing address.

Subscribed and sworn to before me
this 9th day of **January 2013**.



SEAL





Notary Public