

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
2013 Renewable Resource Cost Recovery Adj. Factor
Tariff

Case No. PU-13-16

ORDER GRANTING TRADE SECRET PROTECTION
JANUARY 16, 2013

On December 28, 2012, Otter Tail Power Company (Otter Tail) filed an application for a trade secret protective 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).

On January 9, 2013, North Dakota Public Service Commission Staff filed and served its response to the request, recommending the Commission approve the request.

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 applications and make a recommendation to the Commission. Staff has reviewed the requests of the companies 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

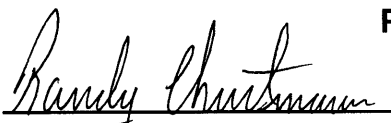
has not been previously disclosed and disclosure would impair the Commission's ability to obtain similar information in the future or would cause competitive injury to the person providing the information. N.D.C.C. §§ 44-04-18.4(2)(a) and 44-04-18.4(2)(b). Proprietary and trade secret information can 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).

The Commission concludes 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.

Order

The Commission orders:

1. The December 28, 2012 application of Otter Tail Power Company for protection of information is GRANTED;



Randy Christmann
Commissioner

PUBLIC SERVICE COMMISSION


Brian P. Kalk
Chairman



Julie Fedorchak
Commissioner