

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA



In the Matter of Montana-Dakota Utilities Co.
Otter Tail Power Company 345KV Transmission
Line – Dickey County Siting Application

Case No. PU-13-840

APPLICATION FOR TRADE SECRET PROTECTION

COMES NOW, Otter Tail Power Company (Otter Tail) and respectfully moves the Commission for entry of a 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 trade secret information as defined by NDCC §47-25.1-01(4) and/or proprietary information as defined by NDCC § 44-04-18.4(2)(c)(5). Granting the requested order is also consistent with federal policy affording protection to sensitive Native American cultural sites.

The specific information which needs protection at this time is Exhibit N. This information pertains to the precise location of certain cultural resource located on private property.

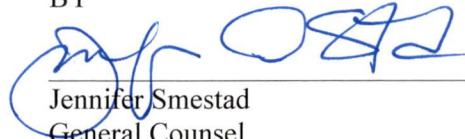
Otter Tail requests that trade secret protection be given to the above information. Such information is not publicly available, and is treated as confidential business information. Otter Tail believes that disclosure of the information would be of independent economic value to third parties, and could expose the cultural resources to damage, theft, and other loss to the detriment of landowners, tribal stakeholders, and Otter Tail. Similarly Otter Tail believes the information contained in Exhibit N qualifies as “propriety information” under NDCC § 44-04-18.4(2)(c)(5) which the Commission may deem confidential in the Commission’s discretion. Exhibit N contains technical records to be received by a public entity that are intended to be and are treated by the Otter Tail and affected landowners as private. The disclosure of such records could harm the interest of Otter Tail, landowners and tribal stakeholders.

Finally, Otter Tail notes granting a protective order is consistent with federal policy as expressed by Executive Order 13007. Under Executive Order 13007 federal agencies are encouraged to maintain the confidentiality of sacred sites. While the Commission is not subject Executive Order 13007 Otter Tail believes it is appropriate to recognize the Order’s intent and purpose.

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 September 27, 2016.

OTTER TAIL POWER COMPANY
BY



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