



Public Service Commission

State of North Dakota

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Darrell Nitschke

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(hand delivered)

27 September 2016

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

Re: Otter Tail Power Company
PURPA 210 Biennial Report
Reports

PU-16-404

Dear Mr. Nitschke:

Enclosed is a Staff Response to the 30 June 2016 Application for Trade Secret Protection in the captioned case along with an Affidavit of Service.

Best regards,

//John Schuh//

John Schuh
Legal Counsel

c:w/encl: Cary Stephenson

AFFIDAVIT OF SERVICE BY 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 **27** day of **September 2016**, he mailed 1 copy by way of US Mail:

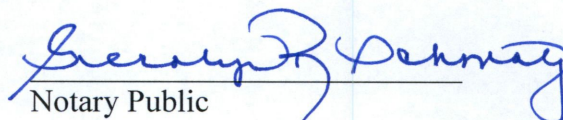

Staff Response to Application for Trade Secret Protection

The envelope was addressed as follows:

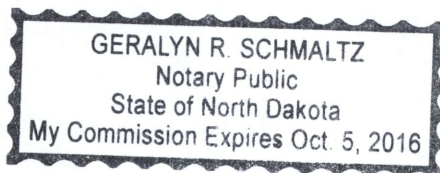
Cary Stephenson
Otter Tail Corporation
P.O. Box 496
Fergus Falls, MN 56538-0496

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

Subscribed and sworn to before me
this **27** day of **September 2016**.


Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company
PURPA 210 Biennial Report
Reports**

Case No. PU-16-404

**STAFF RESPONSE TO THE REQUEST OF OTTER TAIL POWER COMPANY TO
PROTECT INFORMATION**

On 30 June 2016 Otter Tail Power Company (Otter Tail or the Company) filed an application for a protective order to protect against public disclosure of information which Otter Tail filed at the request of the Commission, qualifying as an exemption to N.D.C.C. section 44-04-18.

The information that the Company seeks to protect is the estimated avoided energy costs provided in the PURPA 210 Biennial Report. In the application for protection of information the Company states that the information is not publicly available, is confidential business information that cannot be disclosed without violating public reporting requirements of the SEC, the information would be of independent economic value to competitors, and would create a competitive disadvantage for the Company if publicly disclosed to others.

North Dakota Century Code Section 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. North Dakota Century Code Section 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. North Dakota Century Code

Sections 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. North Dakota Century Code Sections 44-04-18.4(2)(c) and 44-04-18.4(2)(d).

Staff believes that Otter Tail'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 to protect certain filed information in this case.

Dated this 27th day of September, 2016.



John Schuh
Legal Counsel
North Dakota Public Service Commission