

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Advance Prudence – Astoria Gas
Application

Case No. PU-17-140
OAH File Nos. 20170220

ORDER GRANTING ADVOCACY STAFF REQUEST
RE: TRADE SECRET PROTECTION

1. On August 18, 2017, Advocacy Staff filed an application for trade secret protection for certain portions of James Heidell's testimony in accordance with this ALJ's previous trade secret protection order issued at the request of Otter Tail on June 2 and June 21.

2. The information for which staff seeks trade secret protection are certain portions of Mr. Heidell's testimony and some of his exhibits which contain or relate to confidential or proprietary information.

3. Staff states that in accordance with N.D. Admin. Code § 69-02-09-02, one copy of the trade secret material has been provided in a sealed envelope labeled TRADE SECRET – PRIVATE.

4. North Dakota Century Code Section 44-04-18.4(1) authorizes protection for commercial, financial, proprietary, and trade secret information if privileged and if the information has not been previously publicly disclosed. 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)-(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)-(d).

5. Commission staff previously responded that the Company's application satisfies the requirements of the North Dakota Century Code for protection of the information.

6. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

7. This hearing officer has fully reviewed and considered the application of Commission staff, and determines that the information is both relevant for the hearing of this case and that the information is entitled to the protection sought in the application.

IT IS, THEREFORE,

ORDERED that staff is hereby granted the confidential trade secret protection that it seeks with regard to filing the Heidell testimony and exhibits under seal.

Dated: September 13, 2017

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

By: 

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Administrative Law Judge
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CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the ORDER GRANTING
ADVOCACY STAFF REQUEST RE: TRADE SECRET PROTECTION was emailed to
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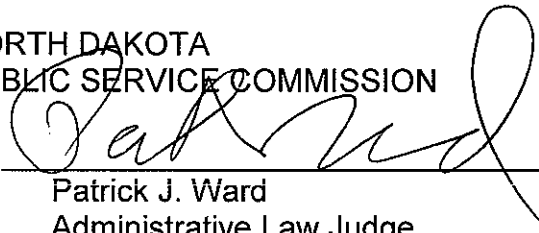
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Dated: September 13, 2017

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