

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Otter Tail Power Company  
Advance Prudence – Merricourt Wind  
Application**

**Case No. PU-17-**

**Otter Tail Power Company  
PC&N – Merricourt Wind  
Application**

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**APPLICATION FOR TRADE SECRET PROTECTION**

Pursuant to N.D. Admin. Code §§ 69-02-09-01 and 69-02-09-04, Otter Tail Power Company (Otter Tail) respectfully requests that the Commission issue a trade secret protective order in the above-referenced cases. The purpose of the requested protective order is to protect against public disclosure of trade secret or proprietary information, as defined by N.D. Cent. Code §§ 47-25.1-01(4) or 44-04-18.4.

The specific information for which Otter Tail seeks trade secret protection includes the following items contained in the Application and supporting testimony filed in the above referenced cases:

- Costs of the Merricourt Project, including capital costs, interconnection costs, and contingency amounts;
- Levelized cost of energy for the Merricourt Project;
- Various terms and conditions of the Asset Purchase Agreement and Turnkey Engineering, Procurement, and Construction agreement for the Merricourt Project.

This information has been marked as TRADE SECRET in the Application and supporting testimony.

The above-referenced information is either not publicly available, is confidential business information, was prepared specifically for Otter Tail with data inputs unique to Otter Tail, or is subject to agreements that require the ongoing confidentiality of the information. The

confidentiality of this information has been maintained by Otter Tail. The information, therefore, is not readily ascertainable by proper means by other persons.

Vendors and competitors would have an opportunity to obtain economic value from disclosure or use of the information, to the detriment of Otter Tail and the customers we serve. If publicly available, vendors could use the information to their advantage in competing for project procurement opportunities, while competitors could use the information to leverage their rate positions in the marketplace to Otter Tail's detriment.

In accordance with N.D. Admin. Code § 69-02-09-02, one copy of the trade secret material is provided in the enclosed sealed envelope labeled PROTECTED INFORMATION – PRIVATE.

In addition, the Company requests that the trade secret protective order be broad enough to cover all additional information exchanged in the course of this proceeding and qualifying for trade secret protection.

Respectfully submitted this 10<sup>th</sup> day of April, 2017.

OTTER TAIL POWER COMPANY

By /s/ Cary Stephenson  
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