

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Otter Tail Power Company's
Annual Compliance Filing:
Economic Development Rider Model**

Case No. PU-17-238

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 case. 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) and 44-04-18.4.

The specific information for which Otter Tail seeks trade secret protection includes the following items contained in the Compliance Filing, filed in the above referenced case:

- Otter Tail's Economic Development Model, which is designated as Attachment 1 to Otter Tail's Compliance Filing. Attachment 1, a spreadsheet provided on a USB Storage Drive,¹ includes all company-related marginal costs and proposed investments to serve potential customers as well as estimates of customer billing determinants and related bill calculations.

This information has been marked as TRADE SECRET in the Application, Attachment 1.

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 and customers or potential customers with negotiated rates 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.

¹ Otter Tail stands ready to provide a demonstration of the model to the Commission Staff.

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 20th day of December, 2023.

OTTER TAIL POWER COMPANY

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