

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**In the Matter of the Application of  
Otter Tail Power Company for  
Authority to Increase Rates for  
Electric Service in North Dakota**

**Case No. PU-17-398**

**OAH File No. 20170622**

**ORDER GRANTING TRADE SECRET PROTECTION**

1. On November 2, 2017, Otter Tail Power ("OTP") requested an Order Granting Trade Secret Protection in case number PU-17-398.

2. On November 2, 2017, OTP filed its application in case no. PU-17-398. It also filed direct testimony of several individuals. OTP has requested trade secret protection pursuant to N.D.C.C. § 44-04-18 and N.D.A.C. § 69-02-09-01 and 69-02-09-04, for some of that information.

3. The specific information for which OTP seeks trade secret protection includes the following items filed in the above referenced case:

(a) Sales and revenue forecast data and methodologies contained in the Direct Testimony, attachments and supporting schedules of OTP witness Brian H. Draxten; and

(b) Employee compensation and benefits data, surveys and benchmarking contained in the Direct Testimony, attachments, and supporting schedules of OTP witness Peter E. Wasberg.

This information has been marked as NOT PUBLIC and/or PROTECTED DATA

4. OTP asserts the above referenced information is confidential trade secret, proprietary, commercial and financial information under N.D.C.C. § 44-04-18.4(1)(2),

and trade secret information as set forth in N.D.C.C. § 47-25.1-01(4). The information is not publicly available, is confidential and proprietary business information, was prepared specifically for OTP with data inputs unique to OTP, or is subject to agreements that require the ongoing confidentiality of the information. The confidentiality of this information has been maintained by OTP and is not readily ascertainable by proper means by other persons.

5. If not protected, vendors and competitors would have an opportunity to obtain economic value from disclosure or use of the information, to the detriment of OTP and its customers. If publicly available, competitors could use the information to leverage their rate positions in the marketplace. Entities from which OTP purchases power, generation facilities, other utilities and independent power producers could obtain economic value from disclosure of this information. Competitors and other business interests could gain advantages in hiring new employees and impair OTP ability to retain existing employees. If publicly available, vendors and suppliers could gain economic benefit from this information in negotiations with OTP for procurement of services and goods to the detriment of OTP and its customers.

6. The PSC staff has not objected to the OTP request since its filing on November 2, 2017.

7. I find for the reasons outlined above that the information is entitled to protection as requested.

THEREFORE, IT IS HEREBY ORDERED that trade secret protection is granted to OTP as requested with respect to identified filings in case number PU-17-398 (and to staff with regard to its responses to information so protected), unless and until I receive

and respond to a petition from a party or Intervenor to the contrary regarding such protected information.

Dated this 5<sup>th</sup> day of February, 2018.

State of North Dakota  
OFFICE OF ADMINISTRATIVE HEARINGS

By: 

Patrick J. Ward ID#03626

Administrative Law Judge

ZUGER KIRMIS & SMITH

PO Box 1695

Bismarck, ND 58502-1695

701-223-2711

[pward@zkslaw.com](mailto:pward@zkslaw.com)

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

In the Matter of the Application of  
Otter Tail Power Company for  
Authority to Increase Rates for  
Electric Service in North Dakota

Case No. PU-17-398

OAH File No. 20170622

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the following:

**ORDER GRANTING PETITION TO INTERVENE OF MIDWEST LARGE  
ENERGY CONSUMERS GROUP**

**ORDER GRANTING TRADE SECRET PROTECTION**

was emailed to the following:

[rmann@gpna.com](mailto:rmann@gpna.com)

Rebecca Mann  
Gunderson, Palmer, Nelson & Ashmore, LLP  
PO Box 8045  
Rapid City, SD 57709

[cstephenson@otpc.com](mailto:cstephenson@otpc.com)

Cary Stephenson  
Associate General Counsel  
Otter Tail Power Company  
PO Box 496  
Fergus Falls, MN 56358-0496

[jschuh@nd.gov](mailto:jschuh@nd.gov)

John Schuh  
Special Assistant Attorney General  
ND Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

[zep@pearce-durick.com](mailto:zep@pearce-durick.com)

Zachary Pelham  
Advocacy Staff Counsel  
Pearce Durick PLLC  
PO Box 400  
Bismarck, ND 58502

[ijs@nd.gov](mailto:ijs@nd.gov)  
Ilona Jeffcoat-Sacco  
General Counsel  
ND Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

[dnitschk@nd.gov](mailto:dnitschk@nd.gov)  
Darrell Nitschke  
Executive Secretary  
ND Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

[rsavelkoul@martinsquires.com](mailto:rsavelkoul@martinsquires.com)  
Richard Savelkoul  
Martin & Squires, P.A.  
332 Minnesota St., Ste W2750  
St. Paul, MN 55101

[kmaini@visi.com](mailto:kmaini@visi.com)  
Kavita Maini  
KM Energy Consulting, LLC  
961 North Lost Woods Road  
Oconomowoc, WI 53066

[tjw@gpna.com](mailto:tjw@gpna.com)  
Talbot J. Wieczorek  
Gunderson, Palmer, Nelson & Ashmore  
PO Box 8045  
Rapid City, SD 57709-8045

[Stephen.chriss@wal-mart.com](mailto:Stephen.chriss@wal-mart.com)  
Stephen Chriss  
Wal-Mart Legal Department  
2001 SE 10<sup>th</sup> Street  
Bentonville, AR 72715-5560

Dated this 17 day of February, 2018.

State of North Dakota  
OFFICE OF ADMINISTRATIVE HEARINGS

By: 

Patrick J. Ward ID#03626

Administrative Law Judge  
ZUGER KIRMIS & SMITH

PO Box 1695

Bismarck, ND 58502-1695

701-223-2711

[pward@zkslaw.com](mailto:pward@zkslaw.com)