

**STATE OF NORTH DAKOTA
BEFORE THE
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

SUPPLEMENTAL APPLICATION FOR TRADE SECRET PROTECTION

Pursuant to N.D. Admin. Code §§ 69-02-09-01 and 69-02-09-04, Otter Tail Power Company (OTP) 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 trade secret and commercial information from public disclosure pursuant to N.D.C.C. § 44-04-18 *et seq.* or any other applicable public disclosure laws.

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

- Exhibit __ (KRM-3), Schedule 1 attached to the Rebuttal Testimony of Kevin G. Moug concerning a confidential Issuer Comment by Moody's Investors Service dated February 18, 2018.
- Schedule 2 of Mr. Stuart D. Tommerdahl Rebuttal Testimony concerning specific amounts paid specific attorneys and consultants for rate case expenses in this and other rate case proceedings.
- Exhibit __ (PEW-2) Schedule 1 of Mr. Peter E. Wasberg's Rebuttal Testimony concerning historical OTP deferred compensation plan expenses.

This information has been marked as NOT PUBLIC and/or PROTECTED DATA. 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 Moody's Issuer Comment accompanying Mr. Moug's Rebuttal Testimony was purchased from Moody's, a third party, and derives independent economic value from not being generally known to, or readily ascertainable by, others who could obtain economic advantage from its disclosure or use. This information is not publicly available. The confidentiality of this information has been maintained by OTP and is not readily ascertainable by proper means by other persons.

The rate case expense information accompanying Mr. Tommerdahl Rebuttal Testimony contains confidential financial data that has been maintained by OTP and is not readily ascertainable by proper means by other persons. The specific data OTP deems confidential is payments to attorneys, consultants, and vendors of professional services. If publicly disclosed, this information could give a competitive advantage to other consultants, attorneys, and vendors of professional services with whom Otter Tail may solicit quotes and/or negotiate services for future rate case and related proceedings, to the detriment of OTP and the customers we serve. This information could also provide OTP's competitors a competitive in the market place when seeking such services, to the detriment of OTP and its customers.

The historical deferred compensation expense information provided as Exhibit __ (PEW-2) to Peter E. Walberg's testimony falls into the same category of information (employee compensation and benefits data, surveys and benchmarking) that is covered by the Protective Order issued February 5, 2018. This information is included in this Supplemental Application because OTP's initial request for trade secret protection and the Order references only materials provided in Mr. Walberg's Direct Testimony.

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.

Respectfully submitted this 22st day of June 2018.

OTTER TAIL POWER COMPANY

By _____

Cary Stephenson
Associate General Counsel
Otter Tail Power Company
215 S. Cascade Street
Fergus Falls, MN 56538-0496
(218) 739-8956
cstephenson@otpc.com