

**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 June 22, 2018, Otter Tail Power ("OTP") requested an Order Granting Supplemental 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) 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.
- (b) 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.

- (c) 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

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, consultants, attorneys, 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, consultants, attorneys, vendors and suppliers could gain economic benefit from this information in negotiations with OTP for procurement of services to the detriment of OTP and its customers.

6. The PSC staff has not objected to the OTP request since its filing on June 22, 2018.

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

THEREFORE, IT IS HEREBY ORDERED that supplemental 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 3rd day of July, 2018.

State of North Dakota
OFFICE OF ADMINISTRATIVE HEARINGS

By: 

Patrick J. Ward ID#03626

Administrative Law Judge
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CERTIFICATE OF SERVICE

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

ORDER GRANTING TRADE SECRET PROTECTION

**ORDER GRANTING ADMISSION PRO HAC VICE OF RICHARD J. JOHNSON
AND PATRICK J. ZOMER**

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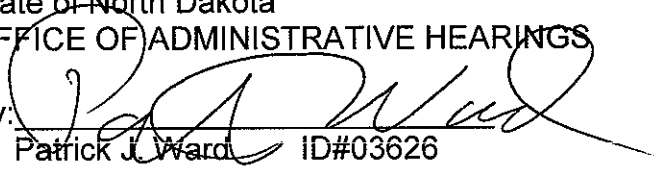
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Dated this _____ day of July, 2018.

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OFFICE OF ADMINISTRATIVE HEARINGS

By:



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