

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

**Otter Tail Power Company  
PURPA 210 Biennial Report  
Reports**

**Case No. PU-18-225**

**STAFF RESPONSE TO THE REQUEST OF OTTER TAIL POWER COMPANY TO  
PROTECT INFORMATION**

On 29 June 2018, Otter Tail Power Company (Otter Tail or the Company) filed an application for a protective order to protect against public disclosure of information which Otter Tail filed at the request of the Commission, qualifying as an exemption to N.D.C.C. section 44-04-18.

The information that the Company seeks to protect is the estimated avoided energy costs provided in the PURPA 210 Biennial Report. In the application for protection of information the Company states that the information is not publicly available, is confidential business information that cannot be disclosed without violating public reporting requirements of the SEC, the information would be of independent economic value to competitors, and would create a competitive disadvantage for the Company if publicly disclosed to others.

North Dakota Century Code Section 44-04-18.4(2) authorizes protection for commercial, financial, proprietary, and trade secret information if privileged and if the information has not been previously publically disclosed. North Dakota Century Code Section 44-04-18.4(1). Commercial and financial information can be protected from disclosure if the information has not been previously disclosed and disclosure would impair the Commission's ability to obtain similar information in the future or would cause competitive injury to the person providing the information.

Staff believes that Otter Tail's application satisfies the requirements of the North Dakota Century Code for protection of the information and the Commission has previously granted protection of similar information in the past.

For reasons set forth above, Staff recommends that the Commission grant the application of Otter Tail to protect certain filed information in this case.

Dated this 20<sup>th</sup> day of May, 2019.



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John Schuh  
Legal Counsel  
North Dakota Public Service Commission

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION** was, on 22 May 2019, served on the following by email:

**Cary Stephenson (cstephenson@otpc.com)**

Dated this 22nd day of May 2019.



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John Schuh  
Legal Counsel