

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**In the Matter of Small Power Production and
Cogeneration Rates for Otter Tail Power Company**

Case No. PU-21-

APPLICATION FOR TRADE SECRET PROTECTION

Pursuant to N.D. Admin. Code §§ 69-02-09-02, 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) or 44-04-18.4.

The specific information for which Otter Tail seeks trade secret protection is a portion of Attachment 3 that sets forth specific 2019 wind and solar renewable energy credits pricing and sales. This information is used to determine a weighted average price per MWh, which itself is not protected information. This information has been marked as PROTECTED DATA or TRADE SECRET in the attachments.

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 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.

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 14th day of January, 2021.

OTTER TAIL POWER COMPANY

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