

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
2021 LED Street and Area Lighting Dusk to Dawn
Tariff and Rates

Case No. PU-21-76

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On November 6, 2021, Otter Tail Power Company (Otter Tail) filed an Application for Protection of Information to protect certain information in the captioned case.

The information for which the Company seeks protection includes information containing third party pricing information

The Company states that this information is 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. Otter Tail has maintained the confidentiality of this information and it is not readily ascertainable by proper means by other persons.

The Company further states that the third party pricing information is trade secret because it is information that "(1) [d]erives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and (2) [i]s the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information," as provided in N.D.C.C. § 44-04-18.4(2)(d). The Company further states that the information sought to be protected meets the definition of "trade secret" set forth in N.D.C.C. § 47-25.1-01(4). Such information has been marked as TRADE SECRET in Otter Tail's responses to data requests and in the pre-filed

testimony submitted by Otter Tail, or may arise or be discussed in the hearing or hearings in this matter.

The application further states that the information could have economic value to potential vendors, contractors, and suppliers who may use this 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.

The confidentiality of this information has been maintained by Otter Tail. The information is not disclosed to the public or to persons other than employees or authorized agents who need to know the information to fulfill their responsibilities in connection with the subject matter of the information.

Staff believes that NSP's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

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

Dated this 26th day of July 2021.



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