

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

ORDER ON PROTECTION OF INFORMATION

October 20, 2021

Preliminary Statement

On February 3, 2021, Otter Tail Power Company (OTP) filed an Application for Protection of Information to protect certain information in the captioned case.

On July 26, 2021, staff reviewed the request of OTP for protection of information.

Discussion

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

Such information has been marked as TRADE SECRET by OTP in its filing to the commission.

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 OTP. 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.

OTP has requested that this, and similar types of this information, be treated as trade secret in all of OTP's regulatory filings and other sharing of this information with governmental entities.

The persons or entities that would obtain economic value from disclosure or use of the information include potential vendors, contractors, and suppliers; and competitors who could use the information to leverage their rate positions in the marketplace to OTP's

detriment. Disclosure of the information sought to be protected would provide these persons and entities prior foreknowledge of information not readily available to the public.

North Dakota Administrative Code section 69-02-09-03 provides “the commission staff shall examine the information and application, and file and serve a response that includes a recommendation on whether the information qualifies for protection.”

Staff believes that the application satisfies the requirements of the law, which allows the Commission to grant protection of information in this proceeding.

The Commission concludes OTP’s application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

Order

The Commission orders the February 3, 2021, application of Otter Tail Power Company for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner