



# Public Service Commission State of North Dakota

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December 2, 2021

Mr. Steve Kahl  
Executive Secretary  
ND Public Service Commission  
600 E Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480

*via Hand Delivery*

Re: Case No. PU-21-380  
Otter Tail Power Company  
Integrated Resource Plan  
Information

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

Brian Johnson  
Legal Counsel

Enclosure

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

**Otter Tail Power Company  
Integrated Resource Plan  
Information**

**Case No. PU-21-380**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On September 1, 2021, Otter Tail Power Company (OTP) filed an Application for Protection of Information to protect certain information in the captioned case.

The information for which the Company seeks protection includes confidential and proprietary energy and capacity forecast data and associated proprietary models, methodologies and modeling assumptions, confidential estimates for capital and operating costs of an anticipated project and non-public confidential customer energy usage data of certain large customers.

The Company states that this information is commercial information because it is “information has independent economic value and is not publicly known . . . would cause substantial competitive injury to the person from which the information was obtained,” as provided in N.D.C.C. § 44-04-18.4(2)(a).

The Company further states that the 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

OTP's responses to data requests and in the pre-filed testimony submitted by NSP, 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, and bidders seeking to do business with OTP, as well as competitors. Knowledge of the Company's costs could allow bidders to potentially determine a floor below which no bidder would submit a price. Such a result could be harmful for the Company's customers, now and in the future.

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.

Staff believes that OTP'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 OTP to protect certain information filed in the captioned case.

Dated this 2nd day of December 2021.



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