

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Integrated Resource Plan
Information

Case No. PU-21-380

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **6th day of December 2021** she deposited in the United States Mail at Bismarck, North Dakota, **one** envelope by first class mail, fully prepaid, securely sealed each containing a photocopy of:

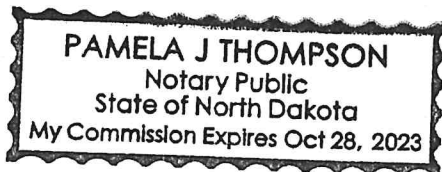
- **Staff Response to Application for Protection of Information**

The envelope was addressed as follows:

Cary Stephenson
Associate General Counsel
Otter Tail Power Company
215 South Cascade Street
Fergus Falls, MN 56537

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **6th day of December 2021**.



SEAL

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company
Integrated Resource Plan
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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.



Brian Johnson
Special Assistant Attorney General Bar ID 07397
North Dakota Public Service Commission
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