

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
2022 Renewable Resource Cost Recovery Adj. Factor
Rates

Case No. PU-22-019

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On January 5, 2022, Otter Tail Power Company (Otter Tail or Company) filed an Application for Protection of Information to protect certain information in the captioned case.

The purpose of the requested protective order is to protect against public disclosure of trade secret or proprietary information, as defined by North Dakota Century Code §§ 47-25.1-01(4) and 44-04-18.4. Otter Tail seeks trade secret protection for the economic analysis listed for Otter Tail's proposed buy-out of the Ashtabula III Wind Facility.

The information marked as Protected Data is derived from and reflects non-public pricing and payment information under a Purchased Power Agreement (PPA) between Otter Tail and Ashtabula III, LLC. Under the terms of the PPA Otter Tail is obligated to maintain the confidentiality of this information. This information has not been previously publicly disclosed. This information has been the subject of efforts that are reasonable under the circumstances to maintain its secrecy, including internal Otter Tail safeguards and appropriate efforts to seek protection from public disclosure in regulatory filings. This information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. In particular, the continued confidentiality of negotiated PPA pricing and payment

information helps OTP and its customers by maintaining a level playing field with vendors, suppliers and competitors who may find such information useful in formulating quotes or positions involving Otter Tail. The public disclosure of this information may provide vendors, suppliers, and competitors economic advantages to the detriment of Otter Tail's customers.

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

Dated this 7th day of June, 2022.



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