

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

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

**Case No. PU-22-019**

**ORDER ON PROTECTION OF INFORMATION**

**July 27, 2022**

Preliminary Statement

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.

Discussion

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 Otter Tail 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 reviewed the request of Otter Tail for protection of information. Staff believes that the application satisfies the requirements of the law, which allows the Commission to limit access to and release of the information.

Having reviewed the Application and Staff response, the Commission concludes that it is in the public interest to limit access to the information according to Staff's recommendations.

### Order

The Commission orders:

1. The specified information be withheld from public disclosure and the Public Service Commission website.
2. That availability to the specified information be limited to the administrative law judge, the Commission, counsel, and siting analysts assigned to the captioned case.

### PUBLIC SERVICE COMMISSION

  
Randy Christmann  
Commissioner

  
Julie Fedorchak  
Chair

  
Sheri Haugen-Hoffart  
Commissioner