

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

In the Matter of the Application of Otter Tail Power Company, a Minnesota Corporation, for a Certificate of Public Convenience and Necessity for Otter Tail's Acquisition of Certain Generation Assets from Ashtabula Wind III, LLC

Case No. PU-22-

APPLICATION FOR TRADE SECRET PROTECTION

Pursuant to N.D. Admin. Code §§ 69-02-09-01 and 69-02-09-04, Otter Tail Power Company (Otter Tail) respectfully requests that the Commission issue a trade secret protective order in the above-referenced case. The purpose of the requested protective order is to protect against public disclosure of trade secret or proprietary information, as defined by N.D. Cent. Code §§ 47-25.1-01(4) and 44-04-18.4.

Otter Tail seeks trade secret protection for the following all or parts of the following Attachments to Otter Tail's Application for Certificate of Public Convenience and Necessity for Otter Tail's Acquisition of Certain Wind Generation Assets from Ashtabula III, LLC:

- Attachment 1 "Purchase and Sale Agreement" between Otter Tail and Ashtabula III, LLC which describes the assets to be purchased and the terms and conditions of the sale.
- Attachment 2 "Purchase Option" (originally Exhibit K to the Wind Energy Purchase Agreement between Otter Tail and Ashtabula Wind III, LLC), which sets forth the terms and conditions of Otter Tail's option to purchase the generation assets of the Ashtabula III wind generation facility.
- Attachment 3 "Ash III Revenue Requirements and Levelized Cost Analysis" provides Otter Tail's financial analysis in support of exercising its option to purchase.

Attachments 1 and 2 contain confidential commercial and financial information negotiated between the parties to those agreements. This information has not been previously publicly disclosed. 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. This information has been the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The public disclosure

of this information may provide vendors, suppliers, and competitors economic advantages to the detriment of Otter Tail's customers. The disclosure of such information would also likely make it more difficult to negotiate reasonable terms in future agreements of a like nature, all to the detriment of Otter Tail's customers.

Attachment 3 contains confidential, proprietary financial information and analysis developed by Otter Tail. This information has not been previously publicly disclosed. 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. This information has been the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Otter Tail also seeks trade secret for the cost data marked as Protected Data in its Application for Certificate of Public Convenience and Necessity for the same reasons it seeks trade secret protection for Attachment 3.

In accordance with N.D. Admin. Code § 69-02-09-02, one copy of the trade secret material is provided in the enclosed sealed envelope labeled PROTECTED INFORMATION – PRIVATE.

In addition, the Company requests that the trade secret protective order be broad enough to cover all additional information exchanged in the course of this proceeding and qualifying for trade secret protection.

Respectfully submitted this 11th day of January, 2022.

OTTER TAIL POWER COMPANY

By /s/ Cary Stephenson
Cary Stephenson
Associate General Counsel
Otter Tail Power Company
215 S. Cascade Street
Fergus Falls, MN 56538-0496
(218) 739-8200
cstephenson@otpc.com