

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Cogeneration - Small Power Production
Rates

Case No. PU-22-062

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On January 31, 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.

The specific information for which Otter Tail seeks trade secret protection is a portion of Attachment 3 that sets forth specific 2021 wind and solar renewable energy credits pricing and sales. This information is used to determine a weighted average price per MWh, which itself is not protected information. Also, Otter Tail seeks protection for Attachment 4 that contains a proprietary third-party intellectual property. This information is used to compute Annual Customer related marginal costs.

Vendor and competitors would have an opportunity to obtain economic value from disclosure or use of the information which could be a detriment to Otter Tail and the Customers they serve. The information could be used by vendors and competitors in competing for project procurement opportunities and to leverage rate positions in the marketplace.

The confidentiality of this information has been maintained by Otter Tail. 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 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 31st day of March, 2022.



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