

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Cogeneration - Small Power Production
Rates

Case No. PU-22-062

ORDER ON 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.

Vendors 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 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 Julie Fedorchak Sheri Haugen-Hoffart
Commissioner Chair Commissioner