

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**In the Matter of Otter Tail Power
Company's Application for Approval of
Economic Development Rider Rate and
Electric Service Agreement**

Case No. PU-22-

APPLICATION FOR TRADE SECRET PROTECTION

Pursuant to N.D. Admin. Code Chapter 69-02-09, 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 NDCC §§ 47-25.1-01(4) and 44-04-18.4.

The specific information for which Otter Tail seeks trade secret protection includes the following items contained in the above referenced case:

- Confidential not public information noted in the Application:
 - Customer load details (p.3)
 - Company related marginal costs and investments necessary to serve the Customer which are components of Attachment 1 (pp. 3-4).
 - Cumulative five year contribution of new customer to Otter Tail system which is also included in Attachment 2 (p. 5)
- Otter Tail's Economic Development Rider ("EDR") pricing model, which is designated as Attachment 1 to Otter Tail's EDR and ESA application. Attachment 1, a spreadsheet provided on a USB storage drive, includes all company-related marginal costs and proposed investments to serve potential customers as well as estimates of customer billing determinants and related bill calculations.
- Attachment 2, also provided on a USB storage drive, is Otter Tail's summary of net benefits stemming from pricing model output and allocation of the discount between the new customer and the contribution to existing customers.
- Attachment 3, the Electric Service Agreement (ESA) which contains numerous provisions that reflect both rate and the customer's operational details.
- Certain references within the application which contain references to information in the Attachments or that otherwise contain the customer's trade secret information.

This information has been marked as TRADE SECRET in the Application.

The above-referenced information is not publicly available, is confidential business information, and was prepared specifically for Otter Tail with data inputs unique to Otter Tail. The confidentiality of this information has been maintained by Otter Tail and the customer. Otter Tail's Commission-approved tariff under which this information is being filed specifically states the information will be provided only to Commission Staff. The information, therefore, is not readily ascertainable by proper means by other persons.

The customer's specific load and service details are confidential customer information Otter Tail is obligated to keep confidential. The disclosure of this information could provide customer's competitors valuable competitive information. Vendors, competitors and prospective EDR eligible customers would have an opportunity to obtain economic value from disclosure or use of the information to the detriment of Otter Tail and the customers we serve. If publicly available, vendors and prospective EDR customers could use the information to their advantage in competing for project procurement opportunities or negotiating EDR rates, terms, and conditions, while competitors could use the information to leverage their rate positions in the marketplace to Otter Tail's detriment.

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.

Dated: July 14, 2022

Respectfully submitted,

OTTER TAIL POWER COMPANY

/s/ CARY STEPHENSON

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