

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company
Economic Development
Rates**

Case No. PU-22-367

ORDER ON PROTECTION OF INFORMATION

February 22, 2023

Preliminary Statement

On September 16, 2022, Otter Tail Power Company (Otter Tail) filed an Application for Protection of Information to protect certain information in the captioned case.

On January 3, 2023, Staff reviewed the request of Otter Tail for protection of information.

Discussion

The information for which Otter Tail seeks protection from public disclosure falls in the following general categories: 1.) Customer load, service and rate information set forth in the Application and the proposed Electric Service Agreement (ESA). 2.) Otter Tail's Economic Development Pricing Model and all inputs and outputs thereto, including marginal pricing and the results of the application of Otter Tail's EDRM to the customer's load and service information, including Economic Development Rider rates. In addition to customer-related information noted above, Otter Tail seeks trade secret protection for the following: 1.) Confidential not public information noted in the Application: a) Company related marginal costs and investments necessary to serve the customer which are components of Attachment 1. b) Cumulative five-year contribution of new customer to Otter Tail system, which is also included in Attachment 2. 2.) Otter Tail's Economic Development Rate Model (EDRM), 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. 3.) 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. 4.) Portions of Attachment 3 (the proposed ESA) setting forth the EDR rate and customer's operational details. 5.) Certain references within the Application which contain references to information in the Attachments or that otherwise contain the customer's trade secret information.

The Company states that this information is Proprietary and Commercial information because it is technical and financial information as provided in N.D.C.C. § 44-04-18.4(2)(a).

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

The application further states that the information could provide Otter Tail competitors valuable competitive information, specifically with regard to Otter Tail marginal pricing and calculations concerning net benefits. 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 they serve.

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 the application satisfies the requirements of the law, which allows the Commission to grant protection of information in this proceeding.

The Commission concludes 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.

Order

The Commission orders the September 16, 2022, application of Otter Tail Power Company, for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner