

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

In the Matter of Small Power Production and Cogeneration Rates for Otter Tail Power Company **Case No. PU-23-**

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.

The specific information for which Otter Tail seeks trade secret protection is a portion of Attachment 3 that sets forth specific 2023 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. This information has been marked as PROTECTED DATA or TRADE SECRET in the attachments.

The specific information for which Otter Tail seeks trade secret protection is a portion of Attachment 4 that contains the information which is considered to be a "compilation" of data that (1) was supplied by Otter Tail, (2) is the subject of reasonable efforts by Otter Tail to maintain its secrecy, and (3) derives independent economic value, actual or potential, from not being generally known to or accessible to the public. This information is used to compute Annual Customer related marginal costs. The Protected Data in Attachment 4 is forward looking pricing that, if made public, could influence bids that we receive for future RFPs. This information has been marked as PROTECTED DATA or TRADE SECRET in the attachments.

The above-referenced information is either not publicly available, is confidential business information, was prepared specifically for Otter Tail with data inputs unique to Otter Tail or is subject to agreements that require the ongoing confidentiality of the information. The confidentiality of this information has been maintained by Otter Tail. The information, therefore, is not readily ascertainable by proper means by other persons.

Vendors and competitors 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 could use the information to their advantage in competing for project procurement opportunities, 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: January 30, 2023

Respectfully submitted,

OTTER TAIL POWER COMPANY

By: /s/ CARY STEPHENSON

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