

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Small Power Production / Cogeneration
Rates

Case No. PU-23-43

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **30th day of May 2023**, she deposited in the United States Mail at Bismarck, North Dakota, **one** envelope by first class mail, fully prepaid, securely sealed each containing a photocopy of:

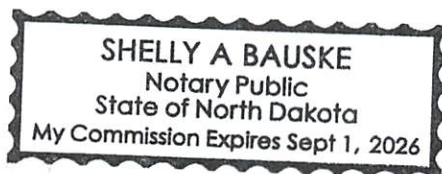
- **Staff Response to Application for Protection of Information**

The envelope was addressed as follows:

Cary Stephenson
Associate General Counsel
Otter Tail Power Company
215 S. Cascade Street
Fergus Falls, MN 56538-0496

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **30th day of May 2023**.



SEAL



Notary Public

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company
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Case No. PU-23-43

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

MAY 25, 2023

On January 30, 2023, Otter Tail Power Company (Otter Tail) filed an Application for Protection of Information. 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 as well as 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.

Otter Tail asserts this information has not been made publicly available and is not readily ascertainable by proper means.

Otter Tail states that 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 they 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.

Staff has reviewed Otter Tail's application and believes the information to be proprietary information under N.D.C.C. § 44-04-18.4(2)(c)(5), and that the commission should grant Otter Tail Power Company's application in the above captioned case.

Dated this 25th day of May 2023.



Brian Johnson
Special Assistant Attorney General Bar ID 07397
North Dakota Public Service Commission
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