

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company
Advance Prudence - Astoria Fuel Inventory System
Application**

Case No. PU-23-66

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

JULY 17, 2023

On February 8, 2023, Otter Tail Power Company (Otter Tail) filed an Application for Protection of Information to protect certain information in the captioned case.

The information that Otter Tail is seeking protection for is the estimated project costs. Otter Tail asserts that if the project costs are known it would provide an economic advantage to vendors, suppliers, and contractors when offering quotes, bids, and estimates for the project.

Under N.D.C.C. § 44-04-18.4(2)(a) commercial information is defined as information pertaining to the buying and selling of goods and services that has not been previously publicly disclosed, and if disclosed would provide competitive injury to the person who from which the information was obtained.

Otter tail asserts that this information is not publicly available or previously publicly disclosed and is not readily ascertainable by proper means. Otter tail has ensured that this information Otter Tail has also provided a publicly available version of the information that redacts only the projected project costs.

Staff finds that if the project costs were known to those bidding on the construction or supplying materials could have an economic advantage by knowing the total costs and increase their bids creating an economic disadvantage to Otter Tail and its customers by

increasing costs. Based on the information and the application of Otter Tail. Staff recommends that the commission grant the protection of information that relates to the cost of the project to avoid inflated bids to construct the project.

Dated this 17th day of July 2023.



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