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STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE COMMISSION

Otter Tail Power Company  
Advance Prudence – Astoria Fuel Inventory System  
Application

Case No. PU-23-66  
OAH File No. 20230080

**ORDER GRANTING TRADE SECRET PROTECTION**

1. Otter Tail Power Company, (“Otter Tail” or the “Company”), filed an Application for Trade Secret Protection on February 8, 2023, to prevent the disclosure of certain commercial information.

2. The identified information to be protected includes estimated project costs.

3. Commission staff, as required by N.D. Admin. Code § 69-02-09-03, has recommended that the Commission grant the protection of this information.

4. 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 disclosed, and if disclosed would provide competitive injury to the person who from which the information was obtained.

6. Under N.D.C.C. § 44-04-18.4(1), commercial information is confidential if it is of a privileged nature, and it has not been previously publicly disclosed.

7. This Hearing Officer has fully reviewed and considered the application of Otter Tail and the recommendations of Commission staff and determines that the information is relevant for the hearing of this case, that the information is entitled to protection as commercial information because the information has not been previously publicly disclosed and is not readily ascertainable by proper means. In addition, if the project costs were known to those bidding on

the construction or supplying of materials, it could have an economic advantage to bidders thereby allowing higher bids resulting in increased costs to Otter Tail customers.

8. **IT IS, THEREFORE, ORDERED** that the Otter Tail application for protection of the information herein is otherwise protected information pursuant to and in accordance with the provisions N.D.C.C. § 44-04-18.4 and N.D. Admin. Code ch. 69-02-09 for the information identified in this Order; and it is further

9. **ORDERED** that this order shall not constitute precedent for a determination of entitlement to the protection of information for any information submitted upon any subsequent application.

Dated in Bismarck, North Dakota, this 8th day of August 2023.

State of North Dakota  
Public Service Commission



By: \_\_\_\_\_

Timothy J. Dawson  
Administrative Law Judge  
Office of Administrative Hearings  
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Bismarck, North Dakota 58503  
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**PUBLIC SERVICE COMMISSION**

**Otter Tail Power Company**  
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**CERTIFICATION OF SERVICE**

The undersigned certifies that the original of the **ORDER GRANTING TRADE SECRET PROTECTION** was mailed, inside mail, at the State Capitol, on the 8 day of August 2023, to:

John Schuh  
General Counsel  
Public Service Commission  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

and that a true and correct copy of the above document was mailed, regular mail, on the 8 day of August 2023, to

Cary Stephenson  
Associate General Counsel.  
Otter Tail Power Company  
PO Box 496  
Fergus Falls, MN 56538-0496

and that a true and correct copy of the above document was mailed, inside mail, at the State Capitol on the 8 day of August 2023, to:

Brian Johnson  
General Counsel  
Public Service Commission  
600 East Boulevard Avenue  
Bismarck, ND 58505

OFFICE OF ADMINISTRATIVE HEARINGS  
Timothy J. Dawson, Administrative Law Judge

  
\_\_\_\_\_  
Louise Wetzel