

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company
Amend - Luverne Wind Upgrade
Siting Application**

Case No. PU-23-176

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

SEPTEMBER 12, 2023

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

Otter Tail requests that protection be given to the cultural resource location information in the Figures to the Class I Literature Review – Cultural Resource Report and Unanticipated Discoveries Plan (Exhibit A, Appendix E to the Certification of Bradley E. Tollerson), along with associated GIS data. Specifically, Otter Tail requests that the information be available only to the Commission, the Commission’s counsel, the Commission’s siting analysts, and the Administrative Law Judge (should one be designated).

North Dakota Century Code (N.D.C.C.) 49-22-26 allows the commission to limit access to, and release of, information that contains data that specifically identifies the location of cultural, archaeological, historical, or paleontological sites.

Staff believes that 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.

For reasons set forth above, Staff recommends that the Commission grant the application of Badger to protect certain information filed in the captioned case.

Dated this 12th day of September, 2023.

A handwritten signature in black ink, appearing to read 'Brian Johnson', written over a horizontal line.

Brian Johnson
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