

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Otter Tail Power Company  
Ashtabula III Wind Upgrade Project – Barnes Cnty  
Siting Exclusion Certification**

**Case No. PU-23-256**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

**SEPTEMBER 12, 2023**

On June 29, 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 Table 4 and the Figures to the Class I Literature Review – Cultural Resource Report and Unanticipated Discoveries Plan (Exhibit A, Appendix E to the Certification of Timothy J. Rogelstad), 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.



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