

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-23-256

AFFIDAVIT OF SERVICE BY REGULAR AND ELECTRONIC 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 **13th day of September, 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:

Mollie Smith
Fredrikson & Byron, P. A.
60 South Sixth Street, Suite 1500
Minneapolis, MN 55402-4400

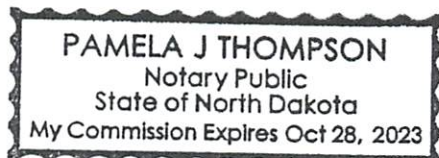
Geralyn R. Schmaltz further deposes and says that on the **13th day of September 2023**, she sent an electronic message to **one** address, each including an electronic copy in portable document format of the same document.

The electronic mail was addressed as follows:

Regulatory Filing Coordinators
Otter Tail Power Company
[Regulatory Filing Coordinators@otpc.com](mailto:Regulatory_Filing_Coordinators@otpc.com)

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

Subscribed and sworn to before me
this **13th day of September 2023**.



SEAL

Notary Public

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.



Brian Johnson
Special Assistant Attorney General Bar ID 07397
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck ND, 58505
701-328-2407