

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company
2023 Electric Rate Increase
Application**

**Case No. PU-23-342
OAH File No. 20230373**

ORDER ON PROTECTION OF INFORMATION

January 18, 2024

Preliminary Statement

[1] On November 2, 2023, Otter Tail Power Company (OTP) filed an Application to Protect Information to protect certain information against public disclosure under N.D.C.C. § 44-04-18 *et seq.* On the same day, OTP filed its application in the above referenced matter. The application and supporting testimony and materials contain certain information that OTP seeks to protect from public disclosure.

Discussion

[2] The information OTP seeks to protect includes customer-specific sales and revenues, OTP proprietary modeling and confidential information, and proprietary information of third parties contained in OTP's filings in the above referenced case. OTP asserts that this information constitutes trade secret, proprietary, commercial or financial information as defined by N.D.C.C. §§ 44-04-18.4 and 47-25.1-01(4). OTP also asserts that if it is required to produce proprietary modeling, that information would constitute "proprietary information" under N.D.C.C. § 44-04-18.4(2)(c)(7) and (8).

[3] The application further states that the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other person that can obtain economic value from its disclosure or use, and is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

[4] The confidentiality of this information has been maintained by OTP. OTP does not disclose the information publicly unless appropriate procedural protections limit access, and the information is not readily ascertainable by proper means by other person because it is either directly in OTP's systems or has been provided to OTP from customers or vendors under an OTP obligation to maintain its confidentiality.

[5] North Dakota Administrative Code section 69-02-09-03 provides "the commission staff shall examine the information and application, and file and serve a response that includes a recommendation on whether the information qualifies for protection."

[6] Staff believes that the application satisfies the requirements of the law, which allows the Commission to grant protection of information in this proceeding.

[7] The OTP application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

IT IS HEREBY ORDERED:

[8] The November 2, 2023 revised application of Otter Tail Power Company for protection of information is **GRANTED**.

Dated at Bismarck, North Dakota, this 18 day of January 2024.

State of North Dakota
Public Service Commission

By: 

Hope L. Hogan
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street - Suite 303
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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **ORDER ON PROTECTION OF INFORMATION** was mailed, inside mail, at the State Capitol, on the 18 day of January 2024, to:

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and that true and correct copies of the above document were mailed, regular mail, on the ____ day of January 2024, to:

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OFFICE OF ADMINISTRATIVE HEARINGS
Hope L Hogan, Administrative Law Judge



Louise Wetzel