

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**In the Matter of Otter Tail Power Company's
Rates for Small Power Production and
Cogeneration and Renewable Energy Credits**

Case No. PU-25-

APPLICATION FOR TRADE SECRET PROTECTION

Pursuant to N.D. Admin. Code §§ 69-02-09-01 and 69-02-09-04, Otter Tail Power Company (Otter Tail Power) respectfully requests that the Commission issue a trade secret protective order in the above-referenced case. The purpose of the requested protective order is to protect against public disclosure of trade secret or proprietary information, as defined by N.D. Cent. Code §§ 47-25.1-01(4) and 44-04-18.4.

The specific information for which Otter Tail Power seeks trade secret protection is a portion of Attachment 3 that sets forth specific 2024 wind and solar renewable energy credits pricing and sales. This information is used to determine a weighted average price per MWh, which itself is not protected information. This information has been marked as PROTECTED DATA or TRADE SECRET in the attachments.

Otter Tail Power also seeks trade secret protection for specific information that is a portion of Attachments 2, 3 and 4 that contains information that is considered to be a "compilation" of data that (1) was supplied by Otter Tail Power, (2) is the subject of reasonable efforts by Otter Tail Power to maintain its secrecy, and (3) derives independent economic value, actual or potential, from not being generally known to or accessible by the public.

This information is used to compute Annual Customer related marginal costs. The Protected Data in Attachments 2, 3 and 4 is forward looking pricing that, if made public, could influence bids that we receive for future RFPs. This information has been marked as PROTECTED DATA or TRADE SECRET in the attachments.

The above-referenced information is either not publicly available, is confidential business information, was prepared specifically for Otter Tail Power with data inputs unique to Otter Tail Power or is subject to agreements that require the ongoing confidentiality of the information. The confidentiality of this information has been maintained by Otter Tail Power. The information, therefore, is not readily ascertainable by proper means by other persons.

Vendors and competitors would have an opportunity to obtain economic value from disclosure or use of the information, to the detriment of Otter Tail Power and the customers we serve. If publicly available, vendors could use the information to their advantage in competing for project procurement opportunities, while competitors could use the information to leverage their rate positions in the marketplace to Otter Tail Power's detriment.

In accordance with N.D. Admin. Code § 69-02-09-02, one copy of the trade secret material is provided in the enclosed sealed envelope labeled PROTECTED INFORMATION – PRIVATE.

In addition, the Company requests that the trade secret protective order be broad enough to cover all additional information exchanged in the course of this proceeding and qualifying for trade secret protection.

Dated: January 31, 2025

Respectfully submitted,

OTTER TAIL POWER COMPANY

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