

**STATE OF SOUTH DAKOTA  
BEFORE THE  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

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In the Matter of Otter Tail Power  
Company's 2020 SD EEP Status Report and  
Annual Filing to Update the Energy  
Efficiency Adjustment Rider

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Docket No. EL20-016

**REQUEST FOR CONFIDENTIAL TREATMENT OF INFORMATION**

Otter Tail Power Company (Otter Tail) requests the South Dakota Public Utilities Commission (Commission) to approve confidential treatment for the below-identified information pursuant to Administrative Rules of South Dakota (ARSD) § 20:10:01:41.

1. Otter Tail requests confidential protection and treatment of the confidential portions of Data Request SD-PUC-01-04 regarding certain forecasted costs. The information is marked "CONFIDENTIAL – CONTAINS TRADE SECRET DATA."

2. The document must be protected for the life of this Docket. When the Docket is closed, all protected information must be returned to Otter Tail.

3. Please refer all inquiries regarding this filing to:

Cary R. Stephenson  
Associate General Counsel  
Otter Tail Power Company  
215 South Cascade Street  
P.O. Box 496  
Fergus Falls, MN 56538-0496  
Phone (218) 739-8956

4. The claim for protection is based on ARSD § 20:10:01:39 (4) and SDCL § 37-29-1 (4). The information contained within the confidential portions of this report meets the definition of "trade secret" under the SDCL § 37-29-1(4), the South Dakota Uniform Trade Secret Act, which defines the term as information that "[d]erives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

5. The factual basis that qualifies the information for confidentiality is as follows: The material noted as Confidential is confidential, proprietary business information concerning forecasted avoided energy costs, forecasted avoided capacity costs, and forecasted T &D costs, which Otter Tail does not disclose to the public. This information meets the definition of “trade secret” under the SDCL §37-29-1(4), defined as information that “[d]erives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and... is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” This information is also meets the definition of “proprietary information” under SDCL § 1-27-28, which is defined as “information on pricing, costs, revenue, taxes, market share, customers, and personnel held by private entities and used for that private entity’s business purposes.” This information would provide actual and potential competitors and vendors with an unfair competitive advantage to the detriment of Otter Tail and its customers. Accordingly, Otter Tail respectfully requests that the Commission authorize confidential protection and treatment of this information.

The information for which confidential treatment is requested has been marked “CONFIDENTIAL – CONTAINS TRADE SECRET DATA” and is being transmitted electronically as a separate document.

Date: June 1, 2020

Respectfully submitted,  
OTTER TAIL POWER COMPANY

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