

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

**In the Matter of the Application  
of Otter Tail Power Company  
For Authority to Increase Rates  
For Electric Utility Service in  
South Dakota**

**EL25-022**

**REQUEST FOR CONFIDENTIAL TREATMENT OF INFORMATION**

COMES NOW, Otter Tail Power Company (OTP or the Company), the applicant in the above-captioned proceeding, and respectfully moves the South Dakota Public Utilities Commission (the Commission) for confidential treatment of information pursuant to Administrative Rules of South Dakota (ARSD) 20:10:01:41, and in support of its request states as follows.

1. In accordance with ARSD 20:10:01:39 through 42, OTP respectfully requests confidential treatment of certain information to be submitted throughout this proceeding. In compliance with ARSD 20:10:01:41, material containing confidential information will be marked as “Confidential” and submitted separately (not e-filed): (i) in a sealed envelope; or (ii) in electronic format directly to Staff of the South Dakota Public Utilities Commission (Staff) or others that are made parties to this proceeding that execute applicable confidentiality and non-disclosure agreements.

2. OTP requests confidential protection and treatment of the following types of information (collectively, the Confidential Information):

a. Live Models:

In this proceeding, OTP may be asked to provide live excel working models (with formulae intact) of various analyses. These working models: (i) derive 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 their disclosure or use; and (ii) are subject to efforts by OTP that are reasonable under the circumstances to maintain their secrecy. The live models therefore constitute “trade

secret” information under SDCL 1-27-28(5) and 37-29-1(4) and are entitled to protection under ARSD 20:10:01:39(4) and 20:10:01:42.

b. Trade Secret and Proprietary Information:

In this proceeding, OTP may be asked to provide information that: (i) derives 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 their disclosure or use; and (ii) is subject to efforts by OTP that are reasonable under the circumstances to maintain its secrecy. The trade secret information therefore constitutes “trade secret” information under SDCL 1-27-28(5) and 37-29-1(4) and is entitled to protection under ARSD 20:10:01:39(4) and 20:10:01:42.

OTP also may be asked to provide information on pricing, costs, revenue, taxes, market share, customers, and personnel held OTP and used for OTP’s business purposes. The proprietary information therefore constitutes “proprietary information” under SDCL 1-27-28(4) and is entitled to protection under ARSD 20:10:01:39(4) and 20:10:01:42.

c. Proprietary Information of Third Parties

In this proceeding, OTP may be asked to provide proprietary information of third party to which OTP has access under contractual arrangements. Such information (i) derives 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 their disclosure or use; and (ii) is subject to efforts by OTP that are reasonable under the circumstances to maintain its secrecy. The proprietary information of third parties therefore constitutes “trade secret” information under SDCL 1-27-28(5) and 37-29-1(4) and is entitled to protection under ARSD 20:10:01:39(4) and 20:10:01:42.

d. Customer-Specific Information

In this proceeding, OTP may be asked to provide customer-specific energy usage or financial information. This customer-specific information is relates to the customer’s pricing, costs, revenue, taxes, market share, customers, and personnel held by OTP and used by the customer for its business purposes. The information constitutes “proprietary information” of the customer under SDCL 1-27-28(4) and is entitled to protection under ARSD 20:10:01:39(4) and 20:10:01:42.

3. The Company requests the Confidential Information be treated as confidential indefinitely. When the docket is closed, all protected information must be returned to OTP, deleted or destroyed.

4. Please refer all inquiries regarding this filing to:

Lauren Donofrio  
Senior Associate General Council  
Otter Tail Power Company  
215 South Cascade Street  
P. O. Box 496  
Fergus Falls, MN 56538-0496  
(218) 739-8774

5. OTP will identify the legal and factual grounds for confidentiality separately with each submission.

6. The information for which confidential treatment is requested will be marked "CONFIDENTIAL". Please note that in some instances the CONFIDENTIAL information will be identified as "NOT PUBLIC" or "PROTECTED DATA", all of which designates the material as CONFIDENTIAL.

WHEREFORE, Otter Tail Power Company respectfully requests the Commission grant its request for confidential treatment of its trade secret and proprietary information.

Dated this 9<sup>th</sup> day of June, 2025

By LAUREN D. DONOFRIO  
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