

**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-_____

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, Otter Tail Power respectfully requests confidential treatment of certain information contained in this filing. In compliance with ARSD § 20:10:01:41, material containing confidential information has been marked as “Confidential” and submitted separately (not e-filed) in a sealed envelope along with this filing.

2. OTP requests confidential protection and treatment of the following documents:

- a. Testimony that contains confidential information:
 - i. Direct Testimony of Kelsey Evavold, at Page 20 includes non-public details of the terms of OTP’s union contracts and non-public employee compensation information.
 - ii. Direct Testimony of Kelsey Evavold, at Page 21 includes detailed compensation information for employees.
 - iii. Direct Testimony of Paula Foster, at Page 17 provides financial information regarding a specific customer.

- iv. Direct Testimony of Paula Foster, at Page 18 provides financial information regarding a specific customer.
 - v. Direct Testimony of Amber M. Grenier, at page 15, which provides non-public information about a particular customer's rates and operating characteristics.
 - vi. Direct Testimony of Eric P. Schiffer, at page 36, which includes information about the confidential proprietary methods that OTP is using to manage large load requests.
- b. Documents that are confidential in their entirety:
- i. Exhibit ____KNE-1, Schedule 2a - Mercer 2022 Compensation Competitiveness Study – CONFIDENTIAL provides confidential and proprietary information about employee compensation.
 - ii. Exhibit ____KNE-1, Schedule 2b - Compensation Competitiveness Assessment CONFIDENTIAL provides confidential and proprietary information about employee compensation.
 - iii. Exhibit ____NKE-1, Schedule 3 - Executive Benchmarking CONFIDENTIAL provides confidential and proprietary information about employee compensation.
 - iv. Exhibit ____KNE-1, Schedule 5 - 2023 Towers Watson Energy Services BenVal Study – CONFIDENTIAL provides confidential and proprietary information about employee compensation.
 - v. Exhibit ____KNE-1, Schedule 6 - Mercer Renewal – CONFIDENTIAL provides confidential and proprietary information about costs associated with employee benefit programs across the corporate entity including non-regulated entities.
 - vi. Exhibit ____PMF-1, Schedule 6 – Steam and Water Sales – CONFIDENTIAL provides financial information regarding a specific customer.
 - vii. Exhibit ____CLP-1, Schedule 13 – Mercer March 2025 Five Year Pension and PRM Plan Expense Estimate CONFIDENTIAL provides detailed information about the Company's pension and PRM plans which is competitive information about employee benefits and compensation.

c. Documents that contain confidential information but are not confidential in their entirety:

- i. Exhibit ____CLP-1, Schedule 8 – Test Year Adjustments Rate Base Bridge Schedule provides financial information regarding a specific customer.
- ii. Exhibit ____CLP-1, Schedule 12 – Test Year Adjustments Income Statement Bridge Schedule CONFIDENTIAL provides financial information regarding a specific customer.
- iii. Exhibit ____EPS-1, Schedule 3 CONFIDENTIAL, Line 101 provides financial information regarding a specific customer.
- iv. Statement K_Confidential, Schedule K-3 is located in Section 2 of Volume 1. Schedule K-3 Contains confidential information from consolidated tax returns.
- v. Statement I_Confidential, located in Section 2 of Volume 1, contains confidential information on Lines 326-327 of the document, which provides billing information regarding a specific customer.

d. Workpapers, included in Volume 4a:

- i. AEB-WP-D4-Generation Screen – CONFIDENTIAL contains proprietary financial market information.
- ii. AEB-WP-D7-Risk Premium – CONFIDENTIAL contains proprietary financial market information.
- iii. AEB-WP-D8-Small Size Adjustment (Figure 12) – CONFIDENTIAL contains proprietary financial market information.
- iv. AEB-WP-D9-Trading Volume Analysis – CONFIDENTIAL contains proprietary financial market information.
- v. AEB-WP-D10-Institutional Ownership Analysis – CONFIDENTIAL contains proprietary financial market information.
- vi. AEB-WP-D11-RRA - Adjustment Clauses (09-18-22) – CONFIDENTIAL contains proprietary financial market information.
- vii. AEB-WP-D12-Capital Structure Analysis – CONFIDENTIAL contains proprietary financial market information.

- viii. AEB-WP-D18-Figure 14 – Customer Concentration Analysis – CONFIDENTIAL contains proprietary financial market information.
- ix. 2024 SD TY-16 Large Load Adjustment – BSESP_Confidential, contains confidential customer information.
- x. 2024 SD TY-17 Large Load Adjustment – Other_Confidential confidential customer information.
- xi. NOI Input Summary – Test Year_Confidential, Columns S and T provide confidential customer information.
- xii. RB Input Summary – Test Year_Confidential, Columns I and J provide confidential customer information.
- xiii. 4D_Supporting Schedules A-B Schedules_CONFIDENTIAL, Schedule B3 provides confidential customer information.
- xiv. 4D_Supporting Schedules C Schedule_CONFIDENTIAL, Schedule C7 provides confidential customer information.

3. The Company requests that such confidential treatment be afforded the Confidential Documents indefinitely. When the docket is closed, all protected information must be returned to OTP.

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. The claim for confidential treatment is based on ARSD 20:10:01:39 (4), SDCL 37-29-1 (4), and SDCL 1-27-30.

6. The factual basis that qualifies the information for confidentiality is as follows:

- a. Income and Tax information. The income and tax information referenced above includes OTP and its parent company's non-public income and tax information that 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 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.” Schedule K-3 provides consolidated information regarding OTP’s parent entity and the schedule provides the net taxable income or loss for each company in the consolidation, some of whom are unregulated. This information would provide actual and potential competitors with information concerning the profitability of its various unregulated affiliates that could provide competitors with an unfair competitive advantage.

b. Compensation and Benefits Data. The Employee Compensation Data referenced above includes non-public, confidential benchmarking studies subject to prohibitions against disclosure, as well as non-public confidential OTP employee compensation and benefits data. This data meets the definition of trade secret under SDCL § 37-29-1(4) and “proprietary information” under SDCL § 1-27-28. This information would provide actual and potential competitors with information on confidential employee compensation practice and plans, which could provide competitors with an unfair advantage in a highly competitive employment market to the ultimate harm OTP customers.

c. Financial market data. The financial market data referenced above includes confidential proprietary data obtained from Standard and Poor (S&P) that is subject to prohibitions against disclosure. This data meets the

definition of trade secret under SDCL § 37-29-1(4) and “proprietary information” under SDCL § 1-27-28. The information would provide competitors of S&P with information that S&P holds as proprietary and that it takes reasonable measures to protect and that would be valuable to S&P’s competitors.

d. Customer information. The customer information referenced above includes information regarding the usage, payments and rates of individual customers and is confidential. This information 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.”


e. Competitive information. The competitive information referenced above includes detailed information about how the Company calculates certain rates, approaches certain large load requests, and other proprietary methods that would provide our competitors an advantage if they were made public. OTP has taken care to protect this data. This competitive 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 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.”

7. OTP has taken reasonable efforts to protect the secrecy of the confidential trade secret and proprietary information.

8. The information for which confidential treatment is requested is marked "CONFIDENTIAL" and is included in the attached sealed envelope marked "CONFIDENTIAL". Please note that in some instances the CONFIDENTIAL information contained in the above referenced documents is designated 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 4th day of June, 2025

By 
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