

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

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**In the Matter of Otter Tail Power  
Company’s Petition for Approval of  
Rate Schedule, Section 13.09,  
Phase-In Rider**

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**Docket No. EL26-**

**REQUEST FOR CONFIDENTIAL TREATMENT OF INFORMATION**

Otter Tail Power Company (OTP) 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. OTP requests confidential protection and treatment of the confidential portion of Company’s Petition, concerning the following:

- a. confidential terms of the Asset Purchase Agreement between Otter Tail Power and Flickertail Solar, LLC;
- b. the estimated project costs for the Hoot Lake Battery Energy Storage System (BESS) Project;
- c. the projected levelized cost of capacity for the Hoot Lake BESS Project;
- d. the estimated project costs for the Big Stone Area Substation;
- e. Petition Attachment 8; and
- f. Petition Attachment 12.

2. The information is marked “CONFIDENTIAL – CONTAINS TRADE SECRET DATA.”

3. 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.

4. Please refer all inquiries regarding this filing to:

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

5. 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.”

6. Confidential Information described above in Section 1(a), confidential contract terms include proprietary business information and data the Company is obligated to hold as confidential. OTP does not disclose this information to the public, in part because disclosure could provide competitive advantages to vendors, suppliers, and competitors to the detriment of OTP’s South Dakota customers. The same is true for the confidential information described above in Section 1(b), 1(c), and 1(d), concerning the projected costs and levelized cost of capacity provided for the Hoot Lake BESS Project and the estimated project costs for the Big Stone Area Substation. Section 1(e), Attachment 8, includes confidential customer information. Section 1(f), Attachment 12, contains proprietary business information (components of a formula to derive an agreed upon Rate of Return), which OTP does not disclose to the public. Accordingly, OTP 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. Within the documents, the information for which confidential treatment is requested has been marked “[PROTECTED DATA BEGINS... ..PROTECTED DATA ENDS].”

Date: May 21, 2026

Respectfully submitted,  
OTTER TAIL POWER COMPANY

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