

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

**In the Matter of the Request By Otter Tail
Power Company for Approval of an Affiliated
Wind Power Purchase Agreement and a
Waiver from the Fuel Adjustment Clause**

Docket No.

RECEIVED

MAY 05 2005

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

REQUEST FOR CONFIDENTIAL TREATMENT OF INFORMATION

Otter Tail Corporation d/b/a Otter Tail Power Company ("Otter Tail"), pursuant to ARSD Part 20:10:01:41, hereby requests the South Dakota Public Utilities Commission for confidential treatment of certain information contained in its Petition dated May 4, 2005.

1. Document and Materials for Which Confidentiality is Requested.

Otter Tail seeks confidential treatment of information contained in its Petition for Approval of a Wind Power Purchase Agreement between it and a yet-to-be-formed affiliate and a Waiver from the Fuel Adjustment Clause, along with information in related exhibits. All of the information for which Otter Tail seeks confidential treatment is conspicuously marked in the Petition and exhibits as to where the Trade Secret Data begins and where it ends.

2. Length of Time for Which Confidentiality is Requested.

Otter Tail asks that the information be treated as confidential and withheld from public view for a period of ten years from the date of the Petition. Pursuant to ARSD Part 20:10:01:41(2), Otter Tail may seek an extension at that time.

3. Persons to be Contacted Regarding the Confidentiality Request.

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4. Authority Under Which Confidentiality is Requested.

This request for confidential treatment is made pursuant South Dakota statute and administrative rules. The Uniform Trade Secrets Act provides that trade secrets shall be preserved by reasonable means including granting protective orders and sealing records. SDCL § 37-29-1 et seq. ARSD Part 20:10:01:39 defines “confidential information” to include trade secrets recognized and protected by law. ARSD Part 20:10:01:41 defines the procedure by which a party can request that information be treated as confidential by the Commission.

5. Factual Basis that Qualifies the Information for Confidentiality.

The information contained in the Petition and exhibits that Otter Tail seeks to protect as confidential is clearly trade secret information. All of the designated information derives independent economic value from not being generally known, is not readily ascertainable and is the subject of reasonable efforts by Otter Tail to maintain its secrecy. See SDCL § 37-29-1(4). In particular, most of the designated information in the Petition and exhibits reflect the terms of the proposed Power Purchase Agreement that forms the basis of the Petition and other

information that is kept confidential by Otter Tail in the ordinary course of its business. The remainder of the designated information reflects other sensitive information that would be of great interest and value to competitors of Otter Tail and the competitors of the other interested parties. Otter Tail, FPLE and Enbridge have taken substantial efforts to maintain the secrecy of the contractual terms included in the Petition and designated as confidential.

Date: May 4, 2005

Respectfully submitted,

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