

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Integrated Resource Plan
Information**

Case No. PU-15-19

**STAFF RESPONSE TO REQUEST OF NORTHERN STATES POWER COMPANY
FOR TRADE SECRET PROTECTION**

On January 5, 2015, Northern States Power Company (Xcel or the Company), filed an application for trade secret protection pursuant to North Dakota Administrative Code Section 69-02-09-1 for protection from public disclosure as a "Trade secret" as defined by North Dakota Century Code Section 47-25.1-01(4).

The information for which the Company seeks protection includes private customer data and forecast data of annual system consumption and generation information which has been marked as trade secret in the above referenced case.

The Company further states that the cost information is trade secret because it is information that "(1) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure; and (2) is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information," as provided by North Dakota Century Code Section 44-04-18.4(2)(d). The Company also states that the information sought to be protected meets the definition of "trade secret" set forth in North Dakota Century Code Section 47-25.1-01(4).

The information could have economic value to potential vendors, contractors, and suppliers as well as participants in the organized energy and capacity markets.

Additionally, customer information could have economic value to vendors or services to utilities and their customers. Such a result could be harmful for the Company's customers in North Dakota.

Other entities from which Xcel Energy purchases power and generation facilities and other utilities would obtain economic value from disclosure of this information. Also, any entity that could derive value from customer information such as vendors of utility related services, behind the meter generation, and other entities interested in marketing to utility customers could also obtain economic value from this information.

The confidentiality of this information has been maintained by the Company. The information is not disclosed to the public or to persons other than employees or authorized agents who need to know the information to fulfill their responsibilities in connection with the Company's proposal, or to third persons pursuant to nondisclosure agreement to maintain the confidentiality of the information.

North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and application and make a recommendation to the Commission. Staff has reviewed the request of the Company. Staff believes that the Company's application satisfies the requirements of the North Dakota Century Code for protection of the information which is the subject of this request. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

For reasons set forth above, Staff recommends that the Commission grant the applications of Northern States Power Company to protect certain filed information in the captioned case.

Dated this 25th day of November, 2015.



John M. Schuh
Legal Counsel
North Dakota Public Service Commission