

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Advance Prudence - Biomass PPAs
Application**

Case No. PU-17-270

**Northern States Power Company
Deferred Accounting - Biomass PPAs
Application**

Case No. PU-17-271

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On 30 June 2017, Northern States Power Company (Xcel Energy or the Company) filed an application for a protective order to protect against public disclosure of information that Xcel Energy filed with the Commission, qualifying as an exemption to N.D.C.C. section 44-04-18.

The information for which the Company seeks protection includes detailed cost and Company resource information which was developed in support of Xcel's Advanced Determination of Prudence Application submitted for the captioned case, as well as other highly sensitive information. This information can also include power purchase agreement terms, including pricing; costs to the Company from vendors or other third parties; resource planning assumptions based on proprietary data; and information provided by third parties as confidential and for which the Company has an obligation to keep confidential. The Company has provided support for protection of information pursuant to North Dakota Administrative Code Section 69-02-09-03 and a copy of the trade secret information in an enclosed sealed envelope labeled: **PROTECTED INFORMATION – PRIVATE.**

North Dakota Century Code Section 44-04-18.4(2) authorizes protection for commercial, financial, proprietary, and trade secret information if privileged and if the

information has not been previously publically disclosed. North Dakota Century Code Section 44-04-18.4(1). Commercial and financial information can be protected from disclosure if the information has not been previously disclosed and disclosure would impair the Commission's ability to obtain similar information in the future or would cause competitive injury to the person providing the information. North Dakota Century Code Sections 44-04-18.4(2)(a) and 44-04-18.4(2)(b). Proprietary and trade secret information can be protected when the information derives independent economic value from not being generally known to or readily ascertainable by other persons, and is the subject of reasonable efforts to maintain its secrecy. North Dakota Century Code Sections 44-04-18.4(2)(c) and 44-04-18.4(2)(d).

Advocacy Staff believes that Xcel Energy'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 application of Xcel Energy to protect certain information filed in this case.

Dated this 9th day of August, 2017.

/s/ John M. Schuh
John Schuh
Legal Counsel
North Dakota Public Service Commission