

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

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **10th** day of **August, 2017**, she deposited in the United States Mail, Bismarck, North Dakota, **2** envelopes by first class mail, fully prepaid a copy of:

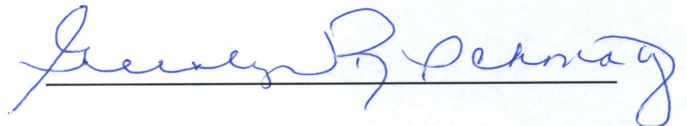
- **Staff Response to Application for Protection of Information**

The envelopes were addressed as follows:

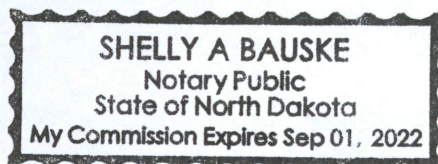
David Sederquist
2302 Great Northern Drive
P O Box 2747
Fargo, ND 58108-2747

Zeviel Simpser
Briggs & Morgan
2200 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2157

The post office addresses shown are the respective addressee's last reasonably ascertainable post office addresses.



Subscribed and sworn to before me
this **10th** day of **August, 2017**.



SEAL



Notary Public



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

August 10, 2017

Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

via hand delivery

Re: Case No. PU-17-270
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Dear Mr. Nitschke:

Enclosed for filing is a Staff Response to the 30 June 2017 Application for Protection of Information in the captioned cases.

Best Regards,

John Schuh
Legal Counsel

c:w/encl: David Sederquist
Zeviel Simpser

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Public Service Commission
John Schuh, Legal Counsel
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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.

Isl John M. Schuh
John Schuh
Legal Counsel
North Dakota Public Service Commission