



# 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](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

September 15, 2017

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

*via hand delivery*

Re: Northern States Power Company  
Advance Prudence – Biomass PPAs  
Application

PU-17-270

Northern States Power Company  
Deferred Accounting – Biomass PPAs  
Application

PU-17-271

Dear Mr. Nitschke:

Enclosed 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: Zeviel Simpser

**12** **PU-17-271** Filed: 9/15/2017 Pages: 3  
**Advocacy Staff's Response to Application for  
Protection of Information**

**13** **PU-17-270** Filed: 9/15/2017 Pages: 3  
**Advocacy Staff's Response to Application for  
Protection of Information**

Public Service Commission Advocacy Staff


John Schuh, Advocacy Staff Counsel

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **ADVOCACY STAFF'S RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION** was, on Sept 15<sup>th</sup> 2017, served on the following by regular mail:

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

Dated this 15<sup>th</sup> day of September 2017.

  
\_\_\_\_\_  
John Schuh  
Legal Counsel

**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**

**ADVOCACY STAFF'S RESPONSE TO APPLICATION FOR PROTECTION OF  
INFORMATION**

On June 30, 2017, Northern States Power Company (Xcel Energy or the Company) filed an application for protection of information pursuant to North Dakota Administrative Code Section 69-02-09-01 requesting a protective order limiting disclosure of "Trade Secret" information. The requested information is exempt from public disclosure pursuant to N.D.C.C. § 44-04-18.4.

The information that the Company seeks to protect is detailed cost and company resource information that was developed in support of the Company's advanced determination of prudence application submitted in the captioned cases as well as other highly sensitive information provided to Advocacy Staff. Such information includes power purchase agreement terms, including pricing; costs to the company vendors or other third parties; resource planning assumptions based on proprietary data; and information provided to third parties as confidential and for which the Company has an obligation to keep confidential.

In accordance with N.D. Admin. Code Section 69-02-09-02, the protected information had been provided to the Commission in a sealed envelope labeled PROTECTED INFORMATION – PRIVATE. The Commission's process provides a means for interested parties to review the protected documents upon signing a nondisclosure agreement.

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. Having reviewed the Company's application and Commission Staff's recommendation, the Commission has determined that the information satisfies the requirements of North Dakota Century Code for protection of information.

Dated this 14<sup>th</sup> of September, 2017

By: /s/ John M. Schuh  
John M. Schuh (ND #08138)  
PSC Advocacy Counsel  
600 E Boulevard Dept. 408  
Bismarck, ND 58505