

STATE OF NORTH DAKOTA
BEFORE THE
NORTH DAKOTA PUBLIC SERVICE COMMISSION

Northern States Power Company –
Advance Prudence
Biomass PPA's Application

Case No. PU-17-270

Northern States Power Company –
Deferred Accounting
Biomass PPA's Application

Case No. PU-17-271

ORDER GRANTING TRADE SECRET PROTECTION

1. Northern States Power Company, a Minnesota corporation ("Xcel Energy" or the "Company"), applied for trade secret protection on June 30, 2017, pursuant to N.D. Admin. Code § 69-02-09-01, and requested a protective order in accordance with the provisions of the N.D. Admin. Code.

2. The trade secret information identified by their application includes detailed cost and Company resource information which may be offered as evidence for the hearing regarding the Company's Biomass Power Purchase Agreements, Case Nos. PU-17-270 & 271.

3. Commission staff on August 9, 2017, made a prima facie recommendation that the information is relevant for the hearing of this case and satisfies the requirements defined by N.D.C.C. for trade secret protection.

4. The information for which trade secret protection is sought includes information pertaining to pricing from vendors and other companies, resource planning assumptions based on proprietary data, and confidential information from third parties all of which has not been previously publicly disclosed as provided in N.D.C.C. § 44-04-18.4(2)(a), and could be of unfair advantage to competitors and others if not protected

or could have economic value to potential suppliers, vendors, or other competitors. The information is not readily ascertainable by other proper means to such competitors, vendors, suppliers, or other persons.

5. If competitors, vendors or other suppliers had access to such confidential information, it could adversely affect prices for future material or services and drive up costs to the ultimate disadvantage of consumers and rate payers. N.D. Cent. Code § 44-04-18.4. The confidentiality of the information has been maintained by Xcel Energy.

6. According to staff, the Commission's process provides a means for interested persons to review protected documents upon signing a nondisclosure document and staff recommends that the Request for Protection is granted.

7. This Hearing Officer has fully reviewed and considered the application of Northern States Power and the recommendations of commission staff, and determines that the information is relevant for the hearing of this case, that the information is a trade secret as defined by N.D.C.C. § 47-25.1-01(4), and that the information is entitled to protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09, all as set forth above;


IT IS, THEREFORE,

ORDERED that Northern States Power (Xcel) is hereby granted trade secret protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09 for the information identified in this Order; and it is further

ORDERED that this order shall not constitute precedent for a determination of entitlement to trade secret protection for any information submitted upon any subsequent application.

Dated: 9/18, 2017

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

By: 
Patrick J. Ward
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certified that complete and correct copies of the ORDER GRANTING TRADE SECRET PROTECTION were sent by email on September 18, 2017, to:

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/s/ Patrick Ward
Patrick J. Ward
Administrative Law Judge