

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
150 MW Foxtail Wind Project - Dickey County
Public Convenience & Necessity

Case No. PU-17-387

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On 27 October 2017, Northern States Power Company (NSP) filed an Application for Protection of Information to protect certain information in the captioned case.

In NSP's Application, NSP seeks protection for cost information, contract terms, confidential bid information, and internal modeling results and cost estimates, engineering judgment and interconnection data, as well as information from which the foregoing may be derived, regarding NSP's proposal to add the Foxtail wind project to NSP's system.

Specifically, NSP seeks protection of information addressing project in-service date, the levelized cost of energy for the proposed wind resource additions, net capacity factors, annual energy production information, and capital cost estimates.

Such information has been marked as TRADE SECRET in NSP's Application for Advance Determination of Prudence and accompanying Direct Testimonies in the above-referenced Case.

NSP states that this information is commercial information because it is "information pertaining to buying or selling of goods and services that has not been previously publicly disclosed and that if the information were to be disclosed,

"...would cause substantial competitive injury to the person from which the information was obtained," as provided in North Dakota Century Code Section 44-04-18.4(2)(a).

NSP's application further states that this information is trade secret because it is information that "(1) [d]erives 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 or use; and (2) [i]s the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information," as provided in North Dakota Century Code Section 44-04-18.4(2)(d).

NSP's application 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).

NSP claims the information could have economic value to potential vendors, contractors, and suppliers who may desire to bid for the provision of generation resources to the Company in the future. Potential suppliers would know what the Company has paid, and, consequently, the price could potentially serve as a floor, below which no bidder would submit a price. Such a result could be harmful for the Company's customers in North Dakota.

The confidentiality of this information has been maintained by NSP. 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 subject matter of the information or to third persons pursuant to nondisclosure agreement to maintain the confidentiality of the information.

NSP has requested that this information be treated as trade secret in all of its regulatory filings and other sharing of this information with governmental entities. To the

extent that NSP has disclosed this information in the past, it has not been identified as protected information in the documents for which NSP requested protection.

Other entities from which NSP purchases power and generation facilities (or could purchase power and generation facilities in the future) and other utilities and independent power producers, would obtain economic value from disclosure of this information.

Staff believes that NSP'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 NSP to protect certain information filed in this case.

Dated this 15 day of April, 2018.



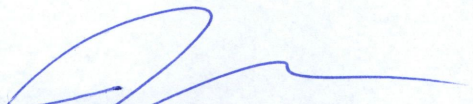
John Schuh
Legal Counsel
North Dakota Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION** was, on 2 April 2019, served on the following by e-mail:

Zeviel Simpser (simpser.zev@dorsey.com)

Dated this 2nd day of April 2019.



John Schuh
Legal Counsel