

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Rate Impact and Accounting Treatment
Investigation

Case No. PU-17-490

ORDER GRANTING PROTECTION OF INFORMATION

May 29, 2019

On February 16, 2018, Northern States Power Company (NSP) filed an Application for Protection of Information to protect certain information in the captioned case.

The information for which NSP seeks protection includes financial information based on preliminary, pro-forma estimates of the impact of the 2017 Federal Tax Act on its North Dakota jurisdictional revenue requirements and rates. These estimates are subject to further refinement and/ or change. The 2017 data is based on ten months of actuals and two months of forecast for both capital and operating revenue and expenses. Actual results will differ when reported on 1 May 2018. The 2018 data is entirely based on forecasts. The pro-forma calculations are all-inclusive revenue requirements calculations that include-but do not separate out-riders.

NSP's application 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 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).

The application further states that the information could have economic value to potential investors in NSP and other investors in utility companies; other entities who may compete with NSP for available resources such as financing; and to similarly situated utilities who are also impacted by the changes in law that is the subject of this case. Furthermore, cost and resource information may have independent value in the marketplace, and if left unprotected, could be harmful for NSP'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.

NSP has requested that this, and similar types of this information, be treated as trade secret in all of NSP's regulatory filings and other sharing of this information with governmental entities.

The persons or entities that would obtain economic value from disclosure or use of the information include investors and potential investors in NSP; entities with which NSP currently conducts or may conduct business; and other utilities. Disclosure of the information sought to be protected would provide these persons and entities prior foreknowledge of information not readily available to the public.

North Dakota Administrative Code section 69-02-09-03 provides "the commission staff shall examine the information and application, and file and serve a response that includes a recommendation on whether the information qualifies for protection." Staff reviewed the request of NSP for protection of information. Staff believes that the application satisfies the requirements of the law, which allows the Commission to grant protection of information in this proceeding.

Having reviewed the application and the staff response, the Commission concludes NSP application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.


Order

The Commission orders the February 16, 2018, application of Northern States Power Company for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION


Julie Fedorchak
Commissioner


Brian Kroshus
Chairman


Randy Christmann
Commissioner