

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Northern States Power Company  
Cogeneration - Small Power Production  
Rates**

**Case No. PU-18-18**

**ORDER GRANTING PROTECTION OF INFORMATION**

**May 1, 2019**

On January 4, 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 information regarding the calculation of net annual avoided capacity costs, which has been marked as trade secret in NSP's filing of supporting work papers.

NSP's application states the avoided capacity cost information is commercial information because it is "information pertaining to buying and 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 further states that the avoided capacity cost information is trade secret because it is information that "(1) derives 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; and (2) is 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 states that the information could have economic value to potential vendors, contractors, and suppliers who may desire to bid for the construction of a new combustion turbine plant. Confidential bid information is also particularly proprietary and has independent economic value to those who provided it. Moreover, potential suppliers would know what the Company has paid under this PPA and bids received in the RFP 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 has not been 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.

Other entities from which NSP purchases power and generation facilities (or could purchase power and generation facilities in the future) and other utilities would obtain economic value from disclosure of this information. Confidential bid information is also particularly proprietary and has independent economic value to those who provided it.

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."

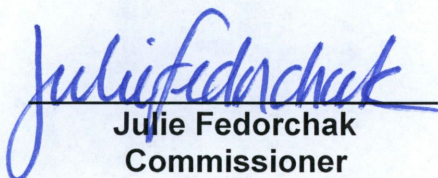
On April 1, 2019, Staff reviewed the information and recommended the commission approve the protection of information.

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

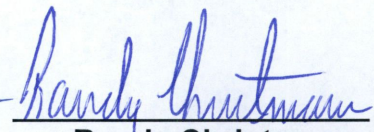
### Order

The Commission orders the January 4, 2018, application of Northern States Power Company for protection of information GRANTED, except for NSP's request to apply the protection to any case or filing outside the instant case.

### PUBLIC SERVICE COMMISSION

  
Julie Fedorchak  
Commissioner

  
Brian Kroshus  
Chairman

  
Randy Christmann  
Commissioner