

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Tax Reform Effects - Electric Utility
Rates**

Case No. PU-18-155

**Northern States Power Company
Tax Reform Effects - Gas Utility
Rates**

Case No. PU-18-156

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On 17 May 2018, Northern States Power Company (NSP) filed an Application for Protection of Information to protect certain information in the captioned two cases.

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. 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).

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. NSP claims that providing this information publicly to the Commission may trigger reporting requirements for which the data being provided cannot meet.

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. 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.

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. Staff recommends that the Commission grant the application of NSP to protect certain information filed in the captioned two cases.

Dated this 17th day of May, 2019.



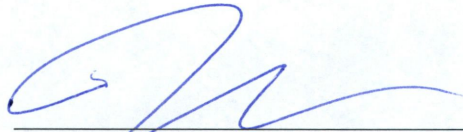
John Schuh
Legal Counsel
North Dakota Public Service Commission

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 20 May 2019, served on the following by email:

Zeviel Simpson (simpser.zev@dorsey.com)

Dated this 20th day of May 2019.



John Schuh
Legal Counsel