

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

**Northern States Power Company  
Cogeneration / Small Power Producer  
Rates**

**Case No. PU-19-16**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On 2 January 2019, 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.

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 asserts 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 and that confidential bid information is also proprietary and has independent economic value to those who provided it. It would provide potential suppliers a floor for bid price.

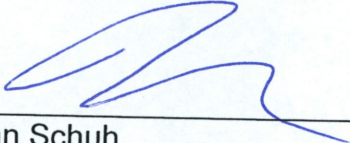
The confidentiality of this information has been maintained by NSP. The information is not disclosed to the public or to persons other than employees or authorized agents who need to know the information to fulfill their responsibilities in connection with

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.

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. For reasons set forth above, Staff recommends that the Commission grant the application of NSP to protect certain information filed in the captioned case.

Dated this 17<sup>th</sup> day of May, 2019.



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John Schuh  
Legal Counsel  
North Dakota Public Service Commission