

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Fuel Clause Adjustment Variance
Approval**

Case No. PU-19-172

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On 6 May 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 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.

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). Such information has been marked as TRADE SECRET in NSP's responses to data requests and in the pre-filed testimony submitted by NSP, or may arise or be discussed in the hearing or hearings in this matter.

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 states that this information is not yet final and has not yet been made publicly available through appropriate filings with the Commission and federal securities regulators. 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 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.

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 27 day of August, 2019.



Brian Johnson
Staff Attorney
North Dakota Public Service Commission

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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 August 27th, 2019, served on the following by regular mail:

Ryan J. Long
Lead Assistant General Counsel
Xcel Energy Service, Inc.
14 Nicollet Mall, 401 8th Floor
Minneapolis, MN 55401

Dated this 27th day of August, 2019.



Brian Johnson
Staff Attorney