

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-19-172

ORDER ON PROTECTION OF INFORMATION

October 2, 2019

Preliminary Statement

On May 6, 2019, Northern States Power Company (NSP) filed an Application for Protection of Information to protect certain information in the captioned case.

On August 26, 2019, staff reviewed the request of NSP for protection of information.

Discussion

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.

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.

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 believes that the application satisfies the requirements of the law, which allows the Commission to grant protection of information in this proceeding.

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 May 6, 2019, application of Northern States Power Company for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION


Julie Fedorchak
Commissioner


Brian Kroshus
Chairman


Randy Christmann
Commissioner