

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Renewable Resource Cost Recovery (2021)
Tariff and Rates**

Case No. PU-20-426

ORDER ON PROTECTION OF INFORMATION

October 20, 2021

Preliminary Statement

On October 15, 2020, Northern States Power Company (NSP) filed an Application for Protection of Information to protect certain information in the captioned case.

On November 23, staff reviewed the request of NSP for protection of information.

Discussion

The information for which NSP seeks protection includes information regarding capital cost estimates that previously were granted trade secret protection by an August 2, 2017, Order Granting Trade Secret Protection in Case No. PU-17-120 and a June 13, 2018, Order Granting Trade Secret Protection in Case No. PU-17-372.

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 vendors, contractors, and suppliers who may desire to bid for power purchase agreements (PPAs), Build-Own-Transfer Agreements (BOTs), or other generation resources to the Company in the future. Moreover, potential suppliers would know what the Company has paid for certain resources under its agreements, and, consequently, the pricing could potentially serve as a floor below which no bidder would submit a price. Further, non-economic contract terms will provide potential vendors the opportunity to identify non-cost items of importance to the Company. Such a result could be harmful for the Company'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.

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 October 15, 2020, application of Northern States Power Company for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner