

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Advance Prudence – 200 MW Heartland Divide Wind II
Application**

**Case No. PU-20-433
OAH File No. 20200421**

ORDER GRANTING TRADE SECRET PROTECTION

1. Northern States Power, (“NSP” or the “Company”), applied for trade secret protection on October 30, 2020, pursuant to N.D. Admin. Code § 69-02-09-01, and requested a protective order in accordance with the provisions of the N.D. Admin. Code.

2. The trade secret information has been identified as cost information, as well as contract terms, associated with the Company’s proposed power purchasing agreement.

3. Commission staff, as required by N.D. Admin. Code § 69-02-09-03, has made a prima facie recommendation that the information is relevant for the hearing of this case and is a trade secret as defined by N.D.C.C. § 47-25.1-01(4).

4. The information for which trade secret protection is sought is “cost information pertaining to buying and selling of goods and services which has been kept confidential and has not been previously publicly disclosed” as provided in N.D.C.C. § 44-04-18.4(2)(a), and could be of unfair advantage to competitors if not protected or could have economic value to potential suppliers, vendors, or other competitors. In addition, 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 N.D.C.C. § 44-04-18.4(2)(d). The information is not readily ascertainable by other proper means to such competitors, vendors, suppliers, or other persons.

5. If competitors, vendors or other suppliers had access to such confidential information, it could adversely affect prices for future material or services and drive up costs to the ultimate disadvantage of consumers and rate payers. N.D.C.C. § 44-04-18.4. In particular, the information could affect future bidding for power purchase agreements, repowering contracts or other generation resources to the Company in the future.

6. This Hearing Officer has fully reviewed and considered the application of NSP and the recommendations of Commission staff, and determines that the information is relevant for the hearing of this case, that the information is not a public record under N.D.C.C. § 44-04-18 because the information is a trade secret as defined by N.D.C.C. § 47-25.1-01(4), and that the information is entitled to protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09, all as set forth above;

IT IS, THEREFORE, ORDERED that NSP is hereby granted trade secret protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09 for the information identified in this Order; and it is further

ORDERED that this order shall not constitute precedent for a determination of entitlement to trade secret protection for any information submitted upon any subsequent application.

Dated in Bismarck, North Dakota, this 10th day of January 2021.

State of North Dakota
Public Service Commission



By: _____

Timothy J. Dawson
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, North Dakota 58503

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
Advance Prudence – Four Repowered Wind Projects -
Application

Case No. PU-20-433
OAH File No. 20200421

CERTIFICATION OF SERVICE

The undersigned certifies that the original of the **ORDER GRANTING TRADE SECRET PROTECTION** was mailed, inside mail, at the State Capitol, on the 19 day of January 2021, to:

John Hamre
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

and that true and correct copies of the above document were sent by electronic mail on the 19 day of January 2021, to

Zeviel Simpser
Dorsey & Whitney LLP
Simpser.zev@dorsey.com

Mitchell Armstrong
Special Assistant Attorney General
Smith Porsborg Schweigert Armstrong
Moldenhauer & Smith
MArmstrong@smithporsborg.com

John Schuh
General Counsel
Public Service Commission
jschuh@nd.gov

OFFICE OF ADMINISTRATIVE HEARINGS
Timothy J. Dawson, Administrative Law Judge



Louise Wetzel