

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

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NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Northern States Power Company  
2021 Electric Rate Increase  
Application

Case No. PU-20-441  
OAH File No. 20200422

ORDER ON FIRST SUPPLEMENTAL APPLICATION FOR TRADE SECRET  
PROTECTION AND MOTION FOR SPECIAL PROCESSING

April 13, 2021

Preliminary Statement

[1] On April 5, 2021, Northern States Power Company (NSP) filed a First Supplemental Application for Trade Secret Protection and Motion for Special Processing to protect certain information in the captioned case. NSP seeks to protect certain information that has been, and will be, provided in response to data requests from the Public Service Commission (PSC) in this matter.

[2] On April 8, 2021, the PSC's Advocacy Staff filed a Response to the application and motion stating no opposition to the motion and requests it be granted. Advocacy Staff reviewed the information produced by NSP through discovery which was designated as trade secret and believes it qualifies for protection. Advocacy Staff further believes the information sought to be protected by the NSP's motion qualifies for protection. The intervenors did not file a response.

Discussion

[3] The information NSP seeks to protect includes:

- Pricing, forecasting, cost/benefit, and modeling information from which third parties could derive economic value, including information that has previously been found by the Commission to be Trade Secret in case No. PU-19-220;
- NSP's Interim Rate Revenue Model and Revenue Model (Revenue Model);
- NSP work product relating to NSP's Class Cost of Service Study, vegetation management plan, settlement statement data for market purchases and sales of energy, asset retirement obligations, and tax return information;
- Sensitive compensation and salary information that has not otherwise been made public; and
- Sensitive generation dispatch data that is kept secret by NSP.

[4] The information NSP seeks to protect in this Application is not on file with the Commission in this case and was not provided with this application.

[5] The application further states that the information could have economic value to potential vendors, contractors, and suppliers who could use it to gain a competitive advantage in the future. If pricing and forecasting information were publicly disclosed, potential competitors would have the ability to undercut NSP for generation resources or large loads, and potential suppliers could use the information to create a floor below which they would not submit a contract or generation price to NSP. Additionally, other entities from which NSP purchases power and other utilities could obtain economic value from disclosure of this information including NSP's revenue model. Other entities could obtain a competitive advantage from sensitive compensation data which has not otherwise been disclosed.

[6] 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 the information be treated as trade secret in all regulatory filings and other instances of information sharing with governmental entities.

[7] NSP has requested that this, and similar types of information, be treated as trade secret in all NSP's regulatory filings and other sharing of this information with governmental entities.

[8] 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."

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

[10] The NSP application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

**IT IS HEREBY ORDERED:**

[11] The April 5, 2021 first supplemental application of Northern States Power Company for protection of information is **GRANTED**.

Dated at Bismarck, North Dakota, this 13 day of April 2021.

State of North Dakota  
Public Service Commission

By:   
\_\_\_\_\_  
Hope L. Hogan  
Administrative Law Judge  
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**PUBLIC SERVICE COMMISSION**

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**CERTIFICATE OF SERVICE**  
**OAH File No. 20200422**

The undersigned certifies that the original of the **ORDER ON FIRST SUPPLEMENTAL APPLICATION FOR TRADE SECRET PROTECTION AND MOTION FOR SPECIAL PROCESSING** was mailed, inside mail, at the State Capitol, on the 13 day of April 2021, to:

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and that true and correct copies of the above document were mailed, regular mail, on the 13 day of April 2021, to:

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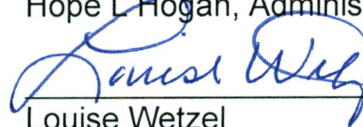
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