

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Cogeneration - Small Power Production
Rates**

Case No. PU-21-16

ORDER ON PROTECTION OF INFORMATION

October 20, 2021

Preliminary Statement

On January 4, 2021, Northern States Power Company (NSP) filed an Application for Protection of Information to protect certain information in the captioned case.

On July 26, 2021, staff reviewed the request of NSP for protection of information.

Discussion

The information for which NSP seeks protection includes information regarding the calculation of net annual avoided capacity costs.

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 the construction of a new combustion turbine plant. Furthermore, cost and resource information may have independent value in the marketplace such as confidential bid information, and if left unprotected, could be harmful for NSP's customers in North Dakota.

NSP states that this information 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 January 4, 2021, application of Northern States Power Company for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner