

STATE OF NORTH DAKOTA  
BEFORE THE  
PUBLIC SERVICE COMMISSION

EXTREME COLD WEATHER EVENT  
INVESTIGATION – GAS

**Case No. PU-21-102**

EXTREME COLD WEATHER EVENT  
INVESTIGATION – ELECTRIC

**Case No. PU-21-105**

**APPLICATION FOR TRADE SECRET PROTECTION**

Northern States Power Company (Xcel Energy or the Company) respectfully requests the North Dakota Public Service Commission (Commission) enter a trade secret protective order in the above referenced cases pursuant to Chapter 69-02-09 of the North Dakota Administrative Code. The purpose of the requested protective order is to protect from public disclosure pursuant to N.D.C.C. § 44-04-18 or any other applicable public disclosure laws, any trade secret and commercial information as defined by N.D.C.C. § 44-04-18.4 that may be provided to the Commission, its staff, or staff consultants through filings, discovery responses, or otherwise in the course of the above referenced cases.

**1. A general description of the nature of the information sought to be protected.**

In conjunction with the above referenced cases, the Commission staff have requested data requests the Company previously provided in a Minnesota Public Utilities Commission (MPUC) proceeding related to the 2019 Polar Vortex, Docket No. G002/CI-19-160. The responses to these some of the data requests in the 2019 Polar Vortex docket—namely Department of Commerce (DOC) Information Requests 2-4 contain information that the Company seeks to protect in this docket. DOC IRs 2 and 4, contains customer specific data, some of which much be protected from public release under Minnesota law and MPUC precedent. DOC IR 3 contains information about our gas distribution system that the Company protects from public release because the information could be manipulated to reveal the location and size of facilities serving our customers. The public disclosure or use of this information creates an unacceptable risk because those who want to disrupt the gas system for political or other reasons may learn which facilities to target to create the greatest disruption.

The Company plans to respond to the Commission’s questions in the above referenced dockets on or about April 9, 2021. The Company’s responses to some of the

Commission's questions contain specific details about the Company's gas procurement strategy and granular data about the Load Modifying Resources available in the mid-February 2021 timeframe. The Company plans to mark this type of detail as trade secret in our upcoming filing.

The Company states that the protected specific details about the Company gas procurement strategy and availability of Load Modifying Resources is commercial information because it is "information pertaining to buying and selling of goods and services that has not been previously publicly disclosed and that if the information were to be disclosed... would cause substantial competitive injury to the person from which the information was obtained," as provided in N.D.C.C. § 44-04-18.4(2)(a).

The Company further states that the protected specific details about the Company gas procurement strategy and availability of Load Modifying Resources is trade secret because it is information that "(1) derives 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; and (2) is 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 Company further states that the information sought to be protected meets the definition of "trade secret" set forth in N.D.C.C. § 47-25.1-01(4).

**2. Explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.**

The information could have economic value to potential vendors and suppliers from whom the Company will purchase gas and energy supply as they would know details about the amount and type of natural gas the Company seeks to purchase, or the Load Modifying Resources the Company may have available to it in a future pricing event. Knowing this type of information could potentially impact the prices vendors or suppliers are willing to offer the Company in future transactions. Such a result could be harmful for the Company's customers in North Dakota.

**3. An explanation why the information is not readily ascertainable by proper means by other persons.**

The confidentiality of this information has been maintained by the Company. 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 Company's proposal, or to third persons pursuant to nondisclosure agreement to maintain the confidentiality of the information.

The Company has requested that this information be treated as trade secret or otherwise protected in all of its regulatory filings and other sharing of this information with governmental entities.

4. **A general description of the persons or entities that would obtain economic value from disclosure or use of the information.**

Other entities from which the Company purchases natural gas and power and other utilities would obtain economic value from disclosure of this information.

5. **A specific description of known competitors and competitor's goods and services that is pertinent to the tariff or rate filing.**

See response to No. 4 above.

6. **A description of the efforts used to maintain the secrecy of the information.**

See response to No. 3 above.

In accordance with Section 69-02-09-02 of the North Dakota Administrative Code, one copy of the trade secret material is provided in the enclosed sealed envelope which is labeled: **TRADE SECRET – PRIVATE**.

Respectfully submitted this 9th day of April, 2021.

Northern States Power Company,



DAVID H. SEDERQUIST  
SENIOR REGULATORY CONSULTANT