

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Feb. 2021 Extreme Weather Event
Investigation**

Case No. PU-21-102

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STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On April 9, 2021, Northern States Power Company (NSP) filed an Application for Protection of Information to protect certain information in the captioned cases.

The information for which the Company seeks protection includes customer specific data and 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, company gas procurement strategy, and availability of Load Modifying Resources.

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).

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.

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.

Staff believes that NSP's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

For reasons set forth above, Staff recommends that the Commission grant the application of NSP to protect certain information filed in the captioned case.

Dated this 8th day of March 2022.



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