

STATE OF NORTH DAKOTA
BEFORE THE
PUBLIC SERVICE COMMISSION

NORTHERN STATES POWER COMPANY)
2021 NATURAL GAS RATE INCREASE)
APPLICATION)
)

Case No. PU-21-____

APPLICATION FOR TRADE SECRET PROTECTION

Northern States Power Company (Xcel Energy or the Company) respectfully requests that the North Dakota Public Service Commission (Commission) enter a trade secret protective order in the above-referenced Case 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 *et seq.* or any other applicable disclosure laws, certain commercial and trade secret information, as defined by N.D.C.C. § 44-04-18.4, that may be provided to Commission staff or its consultants through discovery responses, examination at hearing, settlement discussions, or otherwise in the course of this Case.

In accordance with N.D.A.C. § 69-02-09-02, one copy of the trade secret material is provided in the enclosed sealed envelope, which is labeled: **PROTECTED INFORMATION – PRIVATE**.

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

The information for which the Company seeks protection includes information related to the Interruptible Class and the Firm Transport Class members, which have been marked as “TRADE SECRET” in our testimony supporting the Case.

The Company states that this information 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 information sought to be protected meets the definition of “trade secret” because 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).

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

With this information, potential competitors of the customers from whom the information was obtained could learn the quantity of natural gas the customers consume and the revenue Xcel Energy receives from the customers. Competitors could also learn Xcel Energy’s projections about individual customer’s consumption of natural gas and future revenues from the customer. This information could give competitors insights into the customers’ operating expenses and practices for controlling its expenses. Competitors could use this information to set prices for goods and services that are more competitive than the customers’ prices.

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

Xcel Energy has maintained the confidentiality of this information. 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 or to third persons pursuant to nondisclosure agreements to maintain the confidentiality of the information.

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

4. A general description of known competitors and competitors’ goods and services that are pertinent to the tariff or rate filing

Other entities that sell products and services in the same industry of the customers from whom the information was obtained.

5. A specific description of known competitors and competitors’ goods and services that are 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.

Respectfully submitted this 1st day of September, 2021.

Dorsey & Whitney, LLP

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