



Public Service Commission State of North Dakota

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December 2, 2021

Mr. Steve Kahl
Executive Secretary
ND Public Service Commission
600 E Boulevard Avenue Dept. 408
Bismarck, ND 58505-0480

via Hand Delivery

Re: Case No. PU-21-389
Northern States Power Company
Renewable Resource Cost Recovery (2022)
Rates

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to be "B. Johnson".

Brian Johnson
Legal Counsel

Enclosure

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**Staff Response to Application for Protection of
Information**

Public Service Commission
Brian Johnson-Legal Counsel

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Renewable Resource Cost Recovery (2022)
Application**

Case No. PU-21-389

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On September 21, 2021, Northern States Power Company (NSP) filed an Application for Protection of Information to protect certain information in the captioned case.

The information for which the Company seeks protection has already been granted protected information in PU-17-120 and PU-17-372 and consists of capital cost estimates.

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 is 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). 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). 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 PPA's, Build-Own-Transfer Agreement's or other generation resources to the Company in the future. Potential suppliers would know the what the Company has paid for certain existing resources as well as what the Company has paid under existing PPAs. Knowledge of the Company's costs and PPA pricing could allow bidders to potentially determine a floor below which no bidder would submit a price. Such a result could be harmful for the Company's customers, now and in the future.

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.

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 2nd day of December 2021.



Brian Johnson
Special Assistant Attorney General Bar ID 07397
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