

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-21-389

ORDER ON PROTECTION OF INFORMATION

March 9, 2022

Preliminary Statement

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

Staff reviewed the request of NSP for protection of information.

Discussion

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.

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 PPAs, Build-Own-Transfer Agreements or other generation resources to the company in the future. Potential suppliers would know 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.

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’s application satisfies the requirements of North Dakota Century Code for protection of the information, which is the subject of this request.

Order

The Commission orders the September 21, 2021, application of Northern States Power Company for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION

		
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Randy Christmann Commissioner	Julie Fedorchak Chair	Sheri Haugen-Hoffart Commissioner