

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Cogeneration - Small Power Production
Rates**

Case No. PU-22-016

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On January 3, 2022, Northern States Power Company (Xcel or the Company) filed an Application for Protection of Information to protect certain information in the captioned case.

The information for which the Company seeks protection includes information regarding the calculation of net annual avoided capacity costs, which has been marked as trade secret in our filing of supporting work papers.

The application states that 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 supplemental filings, discovery responses, pre-filed testimony, examination at hearing, settlement discussions, or otherwise in the course of the above referenced case. The information for which the Company seeks protection includes information regarding the calculation of net annual avoided capacity costs, which has been marked as trade secret in Xcel's filing of supporting work papers. The Company stated that the avoided capacity cost 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 stated in its application that the avoided capacity cost information 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 other entities from which the Company purchases power and generation facilities (or could purchase power and generation facilities in the future) and other utilities would obtain economic value from disclosure of this information. Confidential bid information is also particularly proprietary and has independent economic value to those who provided it.

The confidentiality of this information has been maintained by Xcel. 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.

Staff believes that Xcel'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 Xcel to protect certain information filed in the captioned case.

Dated this 8th day of March, 2022.



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