

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-22-016

ORDER ON PROTECTION OF INFORMATION

MAY 4, 2022

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 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).

Staff reviewed the request of Xcel for protection of information. Staff believes that the application satisfies the requirements of the law, which allows the Commission to limit access to and release of the information.

Having reviewed the Application and Staff response, the Commission concludes that it is in the public interest to limit access to the information according to Staff's recommendations.

Order

The Commission orders:

1. The specified information be withheld from public disclosure and the Public Service Commission website.
2. That availability to the specified information be limited to the administrative law judge, the Commission, counsel, and staff assigned to the captioned case.

PUBLIC SERVICE COMMISSION



Randy Christmann Julie Fedorchak Sheri Haugen-Hoffart
Commissioner Chair Commissioner