

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
2021 Electric
Annual Report

Case No. PU-22-183

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On May 23, 2022, 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 includes Company price data and IHN Markit data.

The Company states that this information is commercial information, under N.D.C.C. § 44-04-18.4(2)(a), 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 cost information is trade secret, under N.D.C.C. § 44-04-18.4(2)(d) and § 47-25.1-01(4), 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 2 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.”

The application further states that the information could have economic value to potential vendors, contractors, and suppliers who may use it to gain a competitive advantage on the Company in the future. Potential vendors and suppliers would know what the Company has paid for Sherco Solar and other resources and, consequently,

these prices could potentially serve as a floor below which no bidder would submit a price. Additionally, if pricing and forecasting information were publicly disclosed, potential competitors would have the ability to undercut the Company for generation resources or large loads. 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 Company's proposal, or to third persons pursuant to nondisclosure agreements to maintain the confidentiality 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 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.

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 3rd day of January 2023.

A handwritten signature in black ink, appearing to read 'Brian Johnson', written over a horizontal line.

Brian Johnson
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