

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
2021 Electric
Annual Report

Case No. PU-22-183

ORDER ON PROTECTION OF INFORMATION

February 22, 2023

Preliminary Statement

On May 23, 2022, Northern States Power Company (NSP) filed an Application for Protection of Information to protect certain information in the captioned case.

On January 3, 2023, Staff reviewed the request of NSP for protection of information.

Discussion

The information for which the Company seeks protection includes Company price data and IHN Market 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 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.

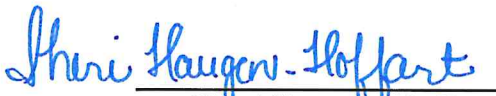
Staff believes that the application satisfies the requirements of the law, which allows the Commission to grant protection of information in this proceeding.

The Commission concludes NSP's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

Order

The Commission orders the May 23, 2022, application of Northern States Power Company for protection of information is GRANTED.

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner