

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Northern States Power Company  
2021 Electric  
Annual Report

Case No. PU-22-183

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **24th day of February 2023** she deposited in the United States Mail at Bismarck, North Dakota one envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

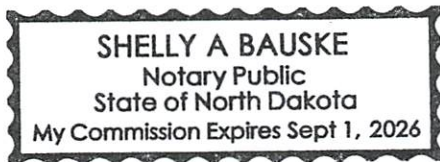
- **Order on Protection of Information**

The envelope was addressed as follows:

Christine Schwartz  
Regulatory Administrator  
Xcel Energy  
414 Nicollet Mall, 401-7  
Minneapolis, MN 55401  
Cert. No. 7021 2720 0000 4438 6958

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **24th day of February 2023**.



Notary Public

SEAL

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Northern States Power Company  
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**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