

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

NORTHERN STATES POWER COMPANY
IMPLEMENTATION OF A COMPETITIVE
RESPONSE RIDER TARIFF

CASE No. PU-22-185

APPLICATION FOR TRADE SECRET PROTECTION

Northern States Power Company (Xcel Energy or the Company) respectfully requests the North Dakota Public Service Commission (Commission) enter a trade secret protective order in the above-referenced Case pursuant to Chapter 69-02-09 of the North Dakota Administrative Code. The purpose of the requested protective order is to protect trade secret and commercial information as defined by N.D.C.C. § 44-04-18.4 from public disclosure pursuant to N.D.C.C. § 44-04-18 *et seq.* or any other applicable disclosure laws.

In accordance with Section 69-02-09-02 of the North Dakota Administrative Code, one copy of the trade secret material is provided in the enclosed sealed envelope which is labeled: **PROTECTED INFORMATION – PRIVATE**.

1. A general description of the nature of the information sought to be protected.

The information for which the Company seeks protection includes cost information, as well as other commercial information and contract terms associated with the Company's proposed Competitive Response Rider, which has been marked as trade secret in our Application and supporting testimony in the above-referenced Case.

The Company states that this 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 states that the cost information is trade secret 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,” as provided in N.D.C.C. § 44-04-18.4(2)(d). The Company further states that the information sought to be protected meets the definition of “trade secret” set forth in N.D.C.C. § 47-25.1-01(4).

2. An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.

The information could have economic value to our competitors, vendors, and/or counterparties, as it provides details on the Company’s costs and how the Company may calculate the proposed competitive rates. If not protected, the information could provide an unfair advantage to our competitors. Disclosure of this information could adversely affect prices for future material or services thereby increasing costs to the ultimate disadvantage of our customers.

3. An explanation of why the information is not readily ascertainable by proper means by other persons.

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

The Company requests that this information be treated as trade secret in all of its regulatory filings and other instances of sharing this information with governmental entities.

4. A general description of known competitors and competitors’ goods and services that are pertinent to the tariff or rate filing.

This information has independent economic value from not being generally known to, and not being readily ascertainable by, other parties who could obtain economic value from its disclosure or use. Specifically, any entity who would qualify for service under these proposed tariffs would have a material negotiation advantage with the Company for any competitive rates. This information is particularly proprietary as it has never been shared with any third party other than state regulators. The Company’s incremental cost

test is particularly proprietary and has independent economic value to those who provided it.

- 5. A specific description of known competitors and competitors' goods and services that are pertinent to the tariff or rate filing.**

See response to No. 4 above.

- 6. A description of the efforts used to maintain the secrecy of the information.**

See response to No. 3 above.

Respectfully submitted this 4th day of August, 2022.

By: /s/ Christopher Shaw
Christopher Shaw
Xcel Energy
414 Nicollet Mall – 401 7th Floor
Minneapolis, Minnesota 55401
Telephone: (612) 215-4517
Email: christopher.j.shaw@xcelenergy.com