

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

**Northern States Power Company  
2021 Power Purchase Agreement Costs  
Compliance**

**Case No. PU-22-311**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On December 20, 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 cost and pricing information and other confidential commercial terms associated with three Power Purchase Agreements (PPA) less than 50 MW in size that the Company entered into in 2021.

The Company states that this information is Proprietary and Commercial information because it is technical and financial information from a private and independent third party who owns and controls the information as provided in N.D.C.C. § 44-04-18.4(2)(a) and .

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).

The application further states that the PPA pricing and contract information redacted from our filings could have economic value to potential vendors, contractors, and suppliers who may desire to bid for PPAs, repowerings, or other generation resources to the Company in the future. Moreover, potential suppliers would know what the Company has paid under the three PPAs included in this Case and, consequently, this price could potentially serve as a floor below which no bidder would submit a price. Further, knowledge of certain noneconomic contract terms would provide potential vendors the opportunity to identify non-cost items of importance to the Company. 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 subject matter 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.

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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