

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Renewable Resource Cost Recovery (2023)
Rates**

Case No. PU-22-368

ORDER ON PROTECTION OF INFORMATION

February 22, 2023

Preliminary Statement

On September 19, 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 capital cost estimates that previously were granted trade secret protection by an August 2, 2017, Order Granting Trade Secret Protection in Case No. PU-17-120, a June 13, 2018, Order Granting Trade Secret Protection in Case No. PU-17-372, and a January 29, 2021, Order Granting Trade Secret Protection in Case No. PU-20-425.

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 information could have economic value to potential vendors, contractors, and suppliers who may desire to bid for power purchase agreements (PPAs), Build-Own Transfer Agreements (BOTs), or other generation resources to the Company in the future. Moreover, potential suppliers would know what the Company has paid for certain

resources under its agreements, and, consequently, the pricing could potentially serve as a floor below which no bidder would submit a price. Further, noneconomic contract terms will 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 in North Dakota.

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.

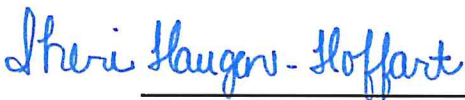
Staff believes that the application satisfies the requirements of the law, which allows the Commission to grant protection of information in this proceeding.

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 September 19, 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