

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Northern States Power Company  
Cogeneration – Small Power Production  
Rates

Case No. PU-22-419

AFFIDAVIT OF SERVICE BY ELECTRONIC 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 **21st day of March 2024**, she sent an electronic message to **one** address, each including an electronic copy in portable document format of:

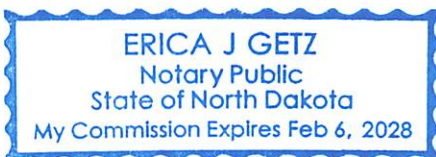
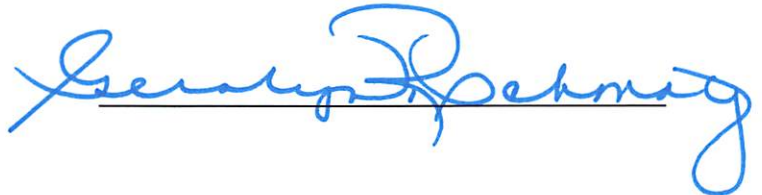
- **Staff Response to Application for Protection of Information**

The electronic mail was addressed as follows:

Alex Nisbet  
Regulation Policy Specialist  
Northern States Power Company  
[alex.nisbet@xcelenergy.com](mailto:alex.nisbet@xcelenergy.com)

The addresses shown are the respective addressee's last reasonably ascertainable electronic mail addresses.

Subscribed and sworn to before me  
this **21st day of March 2024**.



Notary Public

SEAL

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

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**Case No. PU-22-419**

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

**MARCH 21, 2024**

On January 3, 2023, 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 information regarding the calculation of net annual avoided capacity costs, which has been marked as trade secret in our filing of supporting work papers. The Company states the avoided capacity cost 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 avoided capacity cost information is trade secret because it is information that “(1) derives 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; and (2) is 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 information could have economic value to potential vendors, contractors, and suppliers who may desire to bid for the construction of a new combustion turbine plant. Confidential bid information is also particularly proprietary and has independent economic value to those who provided it. Moreover, potential suppliers would know what the Company has paid under this Power Purchase Agreement (PPA) and bids received in the Request for Proposal (RFP) and, consequently, the price could potentially serve as a floor, below which no bidder would submit a price. Such a result could be harmful for the Company's customers in North Dakota.

The confidentiality of this information has been maintained by the Company. 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 agreement to maintain the confidentiality of the information.

Other entities from which the Company purchases power and generation facilities (or could purchase power and generation facilities in the future) and other utilities would obtain economic value from disclosure of this information. Confidential bid information is also particularly proprietary and has independent economic value to those who provided it.

Staff has reviewed the information the company requests be treated as confidential information and believes that it complies with North Dakota Century Code and North Dakota Administrative Code and is generally the type of information that is granted protection.

Dated this 21<sup>st</sup> day of March 2024.



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Brian Johnson  
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