

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Advance Prudence - Sherco Solar 3 Project
Application**

Case No. PU-23-182

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

JANUARY 10, 2024

On May 19, 2023, Northern States Power Company (Xcel Energy or the Company) 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, capacity, forecasting, and project schedule information, including levelized cost of energy (LCOE) information, for the 250 MW Sherco Solar 3 Project as well as other resources that were analyzed as part of the Company's August 1, 2022, request for proposals (RFP) for 900 MW of solar and solar-plus-storage resources.

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, capacity, forecasting, and project schedule 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

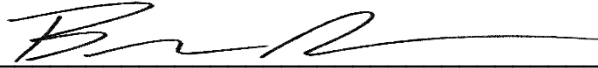
reasonable under the circumstances to maintain the secrecy of the information,” as provided in N.D.C.C. § 44-04-18.4(2)(d). The Company further states that the information sought to be protected meets the definition of “trade secret” set forth in N.D.C.C. § 47-25.1-01(4).

The information described above, if disclosed, could have economic value to potential competitors, vendors, contractors, and suppliers who could use it to gain a competitive advantage on the Company in the future. For example, potential vendors and suppliers would know what the Company has paid for Sherco Solar 3 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 the information described above 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, or to third persons pursuant to nondisclosure agreements to maintain the confidentiality of the information.

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 10th day of January 2024.



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