

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
Advance Prudence – Sherco Solar 3 Project
Application

Case No. PU-23-182

AFFIDAVIT OF SERVICE BY REGULAR AND ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Erica J. Getz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **10th day of January 2024**, she deposited in the United States Mail at Bismarck, North Dakota, **two** envelopes by first class mail, fully prepaid, securely sealed each containing a photocopy of:

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

The envelopes were addressed as follows:

Zev Simpser
Dorsey & Whitney LLP
50 S 6th St Ste 1500
Minneapolis MN 55402-1498

Christine Schwartz
Records Administrator
Xcel Energy
414 Nicollet Mall 401 – 7th Fl
Minneapolis MN 55401

Erica J. Getz further deposes and says that on the **10th day of January 2024**, she sent an electronic message to **three** addressees, each including an electronic copy in portable document format of the same document.

The electronic mail was addressed as follows:

Regulatory Records
Xcel Energy
regulatory.records@xcelenergy.com

Alex Nisbet
Northern States Power Company
alex.j.nisbet@xcelenergy.com

Timothy J. Dawson
Office of Administrative Hearings
OAH File No. 20230203
tjdawson@nd.gov

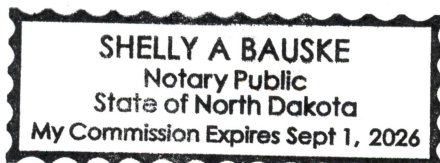
Each address shown is the respective addressee's last reasonably ascertainable post office and electronic address.

Subscribed and sworn to before me
this **10th day of January 2024**.



Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
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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

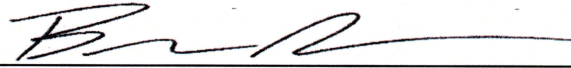
reasonable under the circumstances to maintain the secrecy of the information,” as provided in N.D.C.C. § 44-04-18.4(2)(d). The Company further states that the information sought to be protected meets the definition of “trade secret” set forth in N.D.C.C. § 47-25.1-01(4).

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.



Brian Johnson
Special Assistant Attorney General Bar ID 07937
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck, ND 58505
701-328-2407