

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

**Northern States Power Company  
2022 Power Purchase Agreement Costs  
Compliance**

**Case No. PU-23-261**

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

**April 11, 2024**

On July 7, 2023, Northern States Power Company (the Company) filed an application for protection of information in the above captioned case.

The information the Company is seeking protection for includes cost and pricing information and other confidential commercial terms associated with two Power Purchase Agreements (PPAs) less than 50 MW in size that the Company entered into in 2022. In accordance with Section I.B.1 of the Comprehensive Settlement in Case No. PU-12-813, the Company filed project descriptions, contract justifications, expected annual costs over the life of each PPA, and the initial estimated monthly bill impact to residential customers. Certain PPA pricing and other information was marked as trade secret in our initial filing in the above-referenced Case on June 30, 2023.

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 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. 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 two 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 non-economic 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 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 agreements to maintain the confidentiality of the information.

The Company has requested that this information be treated as trade secret in all of its regulatory filings and other instances of sharing this information with governmental entities.

Staff has reviewed the information for which the company seeks protection and finds it meets the requirements of the applicable North Dakota Century Code, and North Dakota Administrative Code.

Staff recommends the Commission grant the Company's Application for Protection of Information in the above captioned case.

Dated this 11th day of April, 2024.



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