

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
Advance Prudence – Brookings Second Circuit Project
Application

Case No. PU-23-66
OAH File No. 20230369

ORDER GRANTING TRADE SECRET PROTECTION

1. Northern States Power Company, (“Xcel Energy” or the “Company”), filed an Application for Trade Secret Protection on August 29, 2023, to prevent the disclosure of certain commercial information.

2. The identified information to be protected includes forecasted congestion charges for 2023 and 2024.

3. Commission staff, as required by N.D. Admin. Code § 69-02-09-03, has recommended that the Commission grant the protection of this information.

4. Under N.D.C.C. § 44-04-18.4(2)(a), commercial information is defined as information pertaining to the buying and selling of goods and services that has not been previously disclosed, and if disclosed would provide competitive injury to the person who from which the information was obtained.

6. The Company further states that the historical and forecasted congestion-charge information is trade secret because it is information “(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” in N.D.C.C. § 44-25.1-01(4).

7. This Hearing Officer has fully reviewed and considered the application of Xcel and the recommendations of Commission staff and determines that the information is relevant for the hearing of this case, that the information is entitled to protection as commercial information because the information has not been previously publicly disclosed and is not readily ascertainable by proper means. The confidentiality of the information has been maintained by Xcel Energy. In addition, if the forecasted congestion charges for 2023 and 2024 were known to potential competitors, vendors, contractors, and suppliers, they could use the information to reveal how Xcel Energy models its future congestion charges. In addition, this release of information could impact market costs of congestion management strategies and could increase the price and affect the terms of suppliers’ bids because they would know the scope of the congestion charges that could be relieved through their supply.

8. **IT IS, THEREFORE, ORDERED** that the Northern States application for protection of the information herein is otherwise protected information pursuant to and in accordance with the provisions N.D.C.C. § 44-04-18.4 and N.D. Admin. Code ch. 69-02-09 for the information identified in this Order; and it is further

9. **ORDERED** that this order shall not constitute precedent for a determination of entitlement to the protection of information for any information submitted upon any subsequent application.

Dated in Bismarck, North Dakota, this 18th day of January 2024.

State of North Dakota
Public Service Commission



By: _____

Timothy J. Dawson
Administrative Law Judge
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CERTIFICATION OF SERVICE

The undersigned certifies that the original of the **ORDER GRANTING TRADE SECRET PROTECTION** was mailed, inside mail, at the State Capitol, on the 18 day of January 2024, to:

John Schuh
General Counsel
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

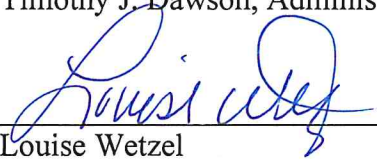
and that a true and correct copy of the above document was mailed, regular mail, on the 18 day of January 2024, to

Zeviel Simpser
Dorsey & Whitney LLP
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402-2157

and that a true and correct copy of the above document was mailed, inside mail, at the State Capitol on the 18 day of January 2024, to:

Brian Johnson
General Counsel
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

OFFICE OF ADMINISTRATIVE HEARINGS
Timothy J. Dawson, Administrative Law Judge



Louise Wetzel