

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
Renewable Resource Cost Recovery (2024)
Rates**

Case No. PU-23-312

APRIL 11, 2024

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On September 20, 2023, Northern States Power Company (NSP 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 capital cost estimates that previously were granted trade secret protection by an August 2, 2017, Order Granting Trade Secret Protection in Case No. PU-17-120, a June 13, 2018, Order Granting Trade Secret Protection in Case No. PU-17-372, and a January 29, 2021, Order Granting Trade Secret Protection in Case No. PU-20-425.

The Company states that this information is commercial information, under N.D.C.C. § 44-04-18.4(2)(a), 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, under N.D.C.C. § 44-04-18.4(2)(d) and § 47-25.1-01(4), 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.”

The information could have economic value to potential vendors, contractors, and suppliers who may desire to bid for power purchase agreements (PPAs), Build-Own-Transfer Agreements (BOTs), or other generation resources to the Company in the future. Moreover, potential suppliers would know what the Company has paid for certain resources under its agreements and, consequently, the pricing could potentially serve as a floor below which no bidder would submit a price. Further, noneconomic contract terms will 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 in North Dakota.

The confidentiality of this information has been maintained by the Company, including by previously seeking protective orders related to the information.

Staff has reviewed the information and notes that this information has met the criteria of North Dakota Century Code and North Dakota Administrative Code 69-02-09 and recommends the Commission approve the application for protection of information.

Dated this 11th day of April, 2024.



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