

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Northern States Power Company
Customer Credit – DOE Settlement 2022
Application**

Case No. PU-23-364

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On March 7, 2024, Northern States Power Company (NSP) filed an Application for Protection of Information to protect certain information in the captioned case.

The information for which the company seeks protection includes attachment A, which includes a settlement agreement between NSP and Prairie Island Indian Community regarding the Prairie Island Nuclear Generating Plant and Prairie Island Independent Spent Fuel Storage Installation.

The company states that this information has independent economic and commercial value from not being generally known to, and not being readily ascertainable by other parties, who could obtain economic value from its disclosure or use.

The company further states that the information sought to be protected meets the definition of “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 application further states that Attachment A contains confidential data related to a settlement agreement between the company and the Prairie Island Indian Community

regarding the Prairie Island Nuclear Generating Plant and Prairie Island Independent Spent Fuel Storage Installation.

The confidentiality of this information has been maintained by NSP. 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 subject matter of the information.

NSP has requested that this, and similar types of this information, be treated as trade secret in all of NSP's regulatory filings and other sharing of this information with governmental entities.

The persons or entities that would obtain economic value from disclosure or use of the information include other entities that sell products and services in the same industry of the customers from whom the information was obtained.

Staff does not believe that NSP's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

First, no redacted public version has been made available. Second the amounts in the settlement agreement are publicly available and can be searched on the internet and were contained in a bill before the Minnesota Legislature. Additionally, while NSP has treated the settlement agreement as confidential, there is no mention that the tribe has treated the settlement as confidential. NSP has not identified how the remaining information would be harmful and would derive independent economic and commercial value when the dollar amounts are already publicly available.

NSP states that other entities that sell products and services in the same industry as the customers from whom the information was obtained would derive economic and

commercial value from the agreement. Staff cannot identify, and NSP did not identify, any competing entities that would benefit from the information not being granted protection by the North Dakota Public Service Commission.

The amounts to be paid to the Prairie Island Indian Community are publicly known, and the DOE settlement amounts are publicly known. NSP has not identified any other information in the settlement agreement that if known would allow a competing company economic advantage and a disadvantage to NSP.

For reasons set forth above, Staff recommends that the Commission deny the application of NSP to protect certain information filed in the captioned case.

Dated this 26th day of April 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