

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

IN THE MATTER OF THE PETITION OF
NORTHERN STATES POWER COMPANY
FOR APPROVAL OF THE 2024-2040
NORTH DAKOTA RESOURCE PLAN

CASE NO. PU-24-____

APPLICATION FOR TRADE SECRET PROTECTION

Northern States Power Company (Xcel Energy or the Company) respectfully requests that the North Dakota Public Service Commission (Commission) enter a trade secret protective order in the above-referenced Case pursuant to Chapter 69-02-09 of the North Dakota Administrative Code. The purpose of the requested protective order is to protect from public disclosure pursuant to N.D.C.C. § 44-04-18, any trade secret and commercial information as defined by N.D.C.C. 44-04-18.4 or any other applicable public disclosure laws that may be provided to the Commission, its staff, or staff consultants through the initial filing, supplemental filings, discovery responses, prefilled testimony, examination at hearing, settlement discussions, or otherwise in the course of the above referenced case.

1. A general description of the nature of the information sought to be protected.

The information for which the Company seeks protection includes the following, marked as trade secret in the above-referenced case:

- Contingency information related to or proposed to critical electric infrastructure, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters;

The Company states that the above-noted critical electric infrastructure information is protected as not-public information that is exempt from the provisions of N.D.C.C. § 44-04-18. Access to public records – Electronically stored information pursuant to N.D.C.C. §§ 44-04-24(1)(2)(a)(b)(1).

- Sensitive forecasted production and load location data;
- Cost data that could provide an unfair economic advantage to other persons considering constructing projects or performing upgrades in the vicinity of the Company's nuclear plants;

- Purchase Power Agreements (PPAs), the terms of which require the information be protected as not-public. Other information marked as Trade Secret relates to specific production from specific customer facilities.
- Wind facility curtailment and congestion costs the Company treats as confidential pursuant to purchase power agreements with facility owners.

The Company states that the above-noted forecasted production and load location data, construction and upgrade cost data, PPA terms, specific customer facility production data, and wind facility curtailment and congestion costs are trade secret because it is information that “(1) derives 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) is 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).

2. Explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.

The information could have economic value to potential vendors, contractors, and suppliers as well as participants in organized energy and capacity markets. Additionally, customer information could have economic value to vendors or services to utilities and their customers. Such a result could be harmful for the Company's customers in North Dakota.

3. An explanation of why the information is not readily ascertainable by proper means by other persons.

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 sharing of this information with governmental entities.

4. **A general description of the persons or entities that would obtain economic value from disclosure or use of the information.**

Other entities from which Xcel Energy purchases power and generation facilities (or could purchase power and generation facilities in the future) and other utilities would obtain economic value from disclosure of this information. Additionally, any entity that could derive value from customer information such as vendors of utility related services, behind-the-meter generation and other entities interested in marketing to utility customers.

5. **A specific description of the persons or entities that would obtain economic value from disclosure or use of the information.**

See response to No. 4 above.

6. **A description of the efforts used to maintain the secrecy of the information.**

See response to No. 3 above.

In accordance with Section 69-02-09-02 of the North Dakota Administrative Code, one copy of the trade secret material is provided in the enclosed sealed envelope which is labeled: **PROTECTED INFORMATION – PRIVATE.**

Respectfully submitted this 8th day of April 2024.

Northern States Power Company,

/s/

By: Alex J. Nisbet
Regulatory Policy Specialist
NSPM Regulatory