

STATE OF NORTH DAKOTA
BEFORE THE
PUBLIC SERVICE COMMISSION

NORTHERN STATES POWER COMPANY)
2025 ELECTRIC RATE INCREASE)
APPLICATION)

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 *et seq.* or any other applicable disclosure laws, certain commercial and trade secret information, as defined by N.D.C.C. § 44-04-18.4, that may be provided to Commission staff or its consultants through discovery responses, examination at hearing, settlement discussions, or otherwise in the course of this Case.

In accordance with N.D.A.C. § 69-02-09-02, one copy of the trade secret material is provided in the enclosed sealed envelope, which is labeled: **PROTECTED INFORMATION – PRIVATE**.

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

The information for which the Company seeks protection includes the levelized cost of energy (LCOE) and anticipated production tax credit information for the Sherco Solar projects, and information regarding the estimated cost of a long-duration energy storage project. This information has been marked as “Trade Secret” in our resource planning and capital asset testimony supporting the case and in related schedules and work papers.

The Company states that this information is commercial information because it is “information pertaining to buying or 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 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).

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

The information described above, if disclosed, could have economic value to potential competitors, vendors, contractors, and suppliers who could use it to gain a competitive advantage on the Company in the future. For example, potential vendors and suppliers would know the Company’s costs for the Sherco Solar projects and the long-duration energy storage project and, consequently, knowledge of those prices could make it less likely that bidders would submit bids with pricing below those levels. The pricing information could also impact our long duration energy storage vendor in its sales efforts. Competitors might use insight into their pricing to seek to undercut the vendor in future solicitations and/or it could impact the vendor’s negotiations with potential purchasers of their goods and services.

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

Xcel Energy has maintained the confidentiality of this information. 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 or to third persons pursuant to nondisclosure agreements to maintain the confidentiality of the information. Xcel Energy is also aware that the long-duration energy storage vendor, Form Energy, has made consistent efforts to maintain the confidentiality of the costs of its goods and services.

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.

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

Entities that sell solar generation and/or energy storage products and services.

- 5. A specific description of known competitors and competitors' goods and services that are pertinent to the tariff or rate filing.**

See response to Nos. 2 and 4 above.

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

See response to No. 3 above.

Respectfully submitted this 2nd day of December, 2024.

Dorsey & Whitney, LLP

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