

STATE OF NORTH DAKOTA
BEFORE THE
PUBLIC SERVICE COMMISSION

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

Case No. PU-24-376
OAH File No. 20240494

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 certain portions of the Supplemental Direct Testimony and Exhibit Schedules of Company Witness Christopher J. Shaw, including the levelized cost of energy (LCOE) at certain Company-owned facilities (Pleasant Valley, Border Winds, Nobles Wind, Grand Meadow, and Dakota Range I and II), the anticipated results of repowering of those facilities, and the results of modeling of the proposed repowering of certain wind facilities which embody Company estimates of future energy costs. This information has been marked as “Trade Secret.”

The Company further seeks protection for information contained in certain discovery responses previously submitted and yet to be submitted in the above-referenced

docket, also marked “Trade Secret.” The Company’s initial Trade Secret Application already encompassed much of the information for which the Company seeks trade secret protection, including live files and work papers, as referenced in NDPSC Nos. 1-001, 2-007, 3-001, 3-002, 3-010, 7-001, 7-002, and 8-076, and WALMART No. 1-005. However, to the extent not covered by the Company’s initial Trade Secret Application, the Company seeks protection for information provided in certain discovery responses as follows.

The Company seeks protection for information contained in discovery responses incorporating certain cost and project schedule information, including the LCOE, anticipated production tax credit information, investment tax credit information, tax deductions, deferrals, salvage amounts, plant balances, retirement costs, and total costs for certain wind and solar projects, including but not limited to NDPSC Nos. 7-021, 8-014, 8-028, 8-056, and 8-074. This information has been marked as “Trade Secret.”

The Company seeks protection for information contained in discovery responses incorporating certain service transformer costs, such as for the Larimore Substation, including but not limited to NDPSC No. 8-014. This information has been marked as “Trade Secret.”

The Company seeks protection for information contained in discovery responses incorporating certain overhaul, outage, refueling, and operations and maintenance costs for thermal overhaul and the Prairie Island and Monticello facilities, including but not limited to NDPSC Nos. 2-004, 2-005, 8-017, and 8-076. This information has been marked as “Trade Secret.”

The Company seeks protection for information contained in discovery responses incorporating certain cost, capacity, forecasting, and project schedule information, including modeling inputs and output files such as Present Value Revenue Requirement (PVR) results, EnCompass modeling assumptions, CCOS, and the outputs on the financial viability of projects, including but not limited to NDPSC Nos. 2-005, 3-002, 6-003, 6-004, 7-002, and 10-001. The information for which the Company seeks protection includes actual and projected cost and pricing information as provided in the assumptions underlying the Company’s modeling for its Integrated Resource Plan. This information has been marked as “Trade Secret.”

The Company seeks protection for information contained in discovery responses incorporating certain service reports and external vendor costs associated with the

design, sourcing, and implementation of the AGIS initiative, including but not limited to NDPSC No. 8-063. This information has been marked as “Trade Secret.”

The Company seeks protection for information contained in discovery responses incorporating credit rating reports, credit facility agreements, equity financing, and associated information, including but not limited to NDPSC Nos. 10-012 and 10-020. This information has been marked as “Trade Secret.”

The Company seeks protection for information contained in discovery responses incorporating customer information, including but not limited to NDPSC No. 8-015. This information has been marked as “Trade Secret.”

The Company is seeking to maintain the protection of the information within the specific testimony and discovery responses in question, and also future references to information within these categories in other filings and discovery responses in the above-referenced docket.

2. The specific law or rule on which the protection is based.

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). 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).

3. 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. Potential suppliers would know the Company's LCOE for certain existing resources, what the Company has paid under existing power purchase agreements (PPAs) and the Company's assumptions for future wholesale energy costs underlying its future resource planning. Knowledge of the Company's costs for specific goods and services and PPA pricing could allow bidders to potentially determine a floor below which no bidder would submit a price. Such a result could be harmful for the Company's customers. Additionally, information related to expected savings of any particular project could influence third-party bid pricing and contract negotiations, now and in the future. Competitors to the Company's vendors might also use insight into a vendor's pricing to undercut bids in future solicitations and/or it could impact the vendor's negotiations with potential purchasers of their goods and services. Such a result could be harmful for the Company's vendors, now and in the future.

The information described above, regarding resource planning, if disclosed, could further reveal how the Company utilizes economic models to prioritize investments and operations. Such modeling information has economic value to the Company, its customers, suppliers, and competitors. For example, providing counterparties with the Company's forecasts and modeling inputs could impact market costs of congestion management strategies. Such a result could be harmful for the Company's customers, now and in the future.

The information related to credit reporting, if disclosed, implicates the efforts of the rating agencies that provide such information to make and maintain the confidentiality of their products. Such a result could be harmful for the Company's vendors, now and in the future.

The information secured from electric utility customers, if disclosed, could impinge on the privacy interests of customers. Such a result could be harmful to the customers in question and damage the Company's relationship with those and other customers, now and in the future.

4. 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, as applicable, its vendors make consistent efforts to maintain the confidentiality of their confidential information.

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.

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

Potential PPA vendors, potential contractors for new or repowered generation resources, suppliers of equipment and services to the Company, competitors to credit reporting agencies, and other utilities could all potentially obtain economic value from disclosure or use of this information.

6. 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.

7. A description of the efforts used to maintain the secrecy of the information.

See response to No. 3 above.

Respectfully submitted this 9th day of May, 2025.

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