

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

**Northern States Power Company**  
**2026 Cogeneration and Small Power Production**  
**Report**

**Case No. PU-26-18**

**STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

On January 2, 2026, Northern States Power Company (Xcel Energy 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 information regarding the calculation of net annual avoided capacity costs, which has been marked as trade secret in our filing of supporting work papers. The Company states the avoided capacity cost information is commercial information 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 avoided capacity cost information is 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; 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).

The information could have economic value to potential vendors, contractors, and suppliers who may desire to bid for the construction of a new combustion turbine plant. Confidential bid information is also particularly proprietary and has independent economic value to those who provided it. Moreover, potential suppliers would know what the Company has paid under this Power Purchase Agreement (PPA) and bids received in the Request for Proposal (RFP) and, consequently, the price could potentially serve as a floor, below which no bidder would submit a price. Such a result could be harmful for the Company's customers in North Dakota.

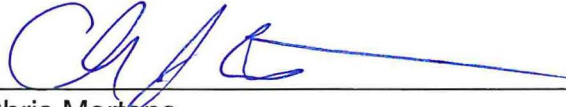
The confidentiality of this information has been maintained by the Company. The information is not disclosed to the public or to persons other than employees or authorized agents who need to know the information to fulfill their responsibilities in connection with the Company's proposal, or to third persons pursuant to nondisclosure agreement 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.

Other entities from which the Company 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. Confidential bid information is also particularly proprietary and has independent economic value to those who provided it.

Staff believes that the Company's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

For reasons set forth above, Staff recommends that the Commission grant the application of Northern States Power Company to protect certain information filed in the captioned case.

Dated this 13th day of March 2026.



---

Chris Martens  
Special Assistant Attorney General Bar ID 09229  
North Dakota Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck ND, 58505-0480  
701-328-7660