BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION
OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS
2016 ELECTRIC RESOURCE PLAN

PROCEEDING NO. 16A-0396E

MOTION FOR EXTRAORDINARY PROTECTION OF HIGHLY CONFIDENTIAL INFORMATION AND PARTIAL WAIVER OF COMMISSION RULE 3614

Pursuant to Rules 1101(b) and 1400 of the Colorado Public Utilities Commission's ("Commission") Rules of Practice and Procedure, 4 Code of Colorado Regulations 723-1, and Rules 3603(b), 3604(j) and 3614(b) of the Commission's Rules Regulating Electric Utilities, 4 Code of Colorado Regulations 723-3, Public Service Company of Colorado ("Public Service" or the "Company") respectfully moves that the Commission enter an order granting extraordinary protection for competitively sensitive and highly confidential information associated with the Company's 2016 Electric Resource Plan ("ERP"). Consistent with Commission Rule 3604(j), a description of the highly confidential information that is the subject of this Motion is set forth at Section 2.10 of Volume 2 of the Company's ERP filing, and is also provided here as Attachment A. The Company seeks to restrict access to seven categories of highly confidential information described herein, and seeks the same protections and level of access for this highly confidential information as the Commission previously ordered in the
Company’s 2011 ERP proceeding.\(^1\) In support of this Motion, Public Service states as follows:

**STATEMENT REGARDING RULE 1400(a) CONFERRAL**

1. Because this Motion is being filed contemporaneously with the Company's ERP Application no interested person has yet intervened as of right or been granted permissive intervention in this proceeding.

**MOTION**

**A. Background**

2. The Company has concurrently filed its ERP application, titled “Verified Application of Public Service Company for Approval of its 2016 Electric Resource Plan,” and the associated three Volumes of its ERP and Direct Testimonies of five witnesses in support thereof (“Application” or “ERP”).

3. Public Service seeks extraordinary protection for the seven categories of documents and information described herein, which we collectively refer to as the “Highly Confidential Information.” In support of its request for extraordinary protection for the Highly Confidential Information, Public Service provides the following information pursuant to Commission Rule 1101(b):

**B. Description of Highly Confidential Information (Rules 1101(b)(I) and 3604(j)):**

4. The documents and categories of information for which Public Service requests extraordinary protection are as follows: \(^2\)

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\(^2\) This request includes any documents referencing any of the indicated Highly Confidential Information, including testimony, discovery requests, discovery responses (including attachments), the Independent Evaluator’s Report and any other associate documents.
5. As explained in more detail herein, the Company seeks an order limiting party access to the first five categories of Highly Confidential Information (unit level delivered fuel costs; hourly market price data; unit level heat rate curves; unit detailed maintenance schedules; and bid information of any sort (from the Company and from other entities)) to a “reasonable number of attorneys” and a “reasonable number of subject matter experts,” representing a party to this proceeding, consistent with Commission Rule 3614(b). For the sixth category (any information protected by a confidentiality clause of a PPA), the Company is requesting to limit access to the Commission,\(^3\) Commission Trial Staff, the Office of Consumer Counsel (“OCC”) and the

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\(^3\) As we noted regarding our Motion for Extraordinary Protection in our 2011 ERP, the requested extraordinary protection for Strategist Files applies specifically to the individual Strategist Fortran databases (the .sav files) that comprise each individual Strategist simulation referenced in our ERP. We are prohibited by our license with Ventyx from sharing these files with non-licensed parties. Further, these files cannot be opened by any person who does not have a Strategist License and a current installed version of Strategist. As per Section 2.10 of Volume 2 of our ERP filing, both “Input Information” and “Output Information” Strategist Model Data will generally be available to parties as either public information or Confidential Information. It is this Input Information and Output Information that is pertinent to the issues that will be raised in this proceeding. Parties will have access to that information in accord with the classification given to each form of data when the Commission rules on this Motion. See Clarification of Motion for Extraordinary Protection filed by Public Service, Docket No. 11A-869E (filed December 19, 2011).

\(^4\) Throughout this motion, any reference to providing access to the “Commission” is meant to encompass Commissioners, Commission Administrative Law Judges, and Commission Advisory Staff and Advisory counsel. The Company acknowledges that such individuals, as well as Commission Trial Staff and
Independent Evaluator. For the seventh category (Strategist Files) we seek an order confirming that we cannot and need not provide this information to anyone who does not hold a Strategist license.

C. **Specific relief requested and why the information is entitled to extraordinary protection (Rule 1101(b)(II) and (IV)), including “protections proposed for bid prices, other bid details, information concerning a new resource that the utility proposes to build and own as a rate base investment, other modeling inputs and assumptions, and the results of bid evaluation and selection” (Rule 3604(j)):**

6. Due to the highly sensitive and confidential nature of the Highly Confidential Information, Public Service requests that the Commission afford extraordinary protection for this information, and order that it be treated as highly confidential, with access limited as follows:

a) With respect to the first five categories of Highly Confidential Information (unit level delivered fuel costs; hourly market price data; unit level heat rate curves; unit detailed maintenance schedules; and bid information of any sort (from the Company and from other entities)), Public Service requests an order, consistent with Commission Rule 3614(b), limiting party access to a “reasonable number of attorneys” and a “reasonable number of subject matter experts” representing a party to this proceeding, and subject to such individuals executing a non-disclosure agreement consistent with Commission Rule 3614(b), in the form of Attachment B (counsel) or Attachment C (subject matter expert).

b) With respect to the sixth category of Highly Confidential Information (any information protected by a confidentiality clause of a PPA), Public Service seeks an order, and an associated waiver of Commission Rule 3614(b), to the extent
necessary, limiting access to the Commission, Commission Trial Staff, OCC,\(^5\) and the Independent Evaluator.

c) With respect to the seventh category of Highly Confidential Information (Strategist Files, as described in footnote 3, \textit{supra}), we seek an order confirming that we cannot and need not provide this information to anyone who does not hold a Strategist license. We also request an associated waiver of Commission Rule 3614(b), to the extent necessary.

7. These are the same categories of Highly Confidential Information that the Commission previously determined warranted extraordinary protection and highly confidential treatment in our 2011 ERP.\(^6\) In addition, our request here to limit access as described, particularly as to information protected by a confidentiality clause of a PPA and Strategist Files, is identical to what we requested, and what the Commission ordered, in that prior ERP.\(^7\)

8. In our 2011 ERP, we explained that disclosure of each of these categories of Highly Confidential Information could cause irreparable harm to the Company’s trading operations, the Company’s ability to solicit cost-effective resources and, ultimately, the Company’s customers. The same remains true for this ERP proceeding.

9. In particular, as we explained in our 2011 ERP, if information on unit level delivered fuel costs, hourly market price data, unit-level heat rate curves, and unit detailed maintenance schedules were released, such disclosure could seriously harm our traders who buy and sell energy in short term markets to reduce our energy costs.

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\(^5\) OCC recipients would be required to execute a non-disclosure agreement for Highly Confidential Information.


\(^7\) \textit{Id.}
Such inappropriately disclosed information on proprietary and sensitive plant and system operations can be used by other trading organizations to raise the cost of power sold to Public Service to the detriment of customers. For instance, if a trader has non-public knowledge of scheduled outage periods and durations of outages, the trader would know whether Public Service is likely to be long or short on capacity in any given day, which could adversely affect Public Service’s bargaining position when negotiating short term power sales or purchases. If we can buy power at a lower cost than we can produce it, then the savings are passed through, dollar for dollar, to our customers through cost adjustment clauses. If we are able to sell surplus energy for a price greater than it costs us to produce, our customers received the vast majority of the profits earned from those transactions. It is therefore not in the public interest for detailed market intelligence of this type to be released. Further, the Commission agreed in our previous ERP that such information should be treated as highly confidential and subject to limited disclosure to only a reasonable number of attorneys and a reasonable number of subject matter experts for each party, as per Commission Rule 3614(b).  

10. With respect to any bid information, including but not limited to “bid prices, other bid details, information concerning a new resource that the utility proposes to build and own as a rate base investment, other modeling inputs and assumptions, and the results of bid evaluation and selection” as described in Commission Rule 3604(j), we request that such bid information similarly be treated as highly confidential and subject to limited disclosure to only a reasonable number of attorneys and a reasonable number of subject matter experts for each party, as per Commission Rule 3614(b). Again, this

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8 Decision No. C11-1193 at 6, ¶ 18.
is the protection we requested, and that the Commission ordered, in our previous ERP.\textsuperscript{9} Certain data used to evaluate bids and proposals will be made publicly available when the different costs of various resource portfolios are reported. However, the actual bids themselves contain a wealth of proprietary, commercially sensitive information. This is particularly true for bids that are not selected, because those projects may be rebid to Public Service or another utility in a subsequent solicitation. Bidders generally have significant investment in acquiring their sites, equipment, financing, and other project contracts and do not want their competitors to know their trade secrets. Consistent with Commission Rule 3613, such information should be treated as highly confidential until the completion of the resource acquisition process (i.e. until the last contract for a resource that meets a portion of the 2016 ERP resource need is signed). Upon completion of the resource acquisition process, Public Service will post on its website the bid information required by Commission Rule 3613(k).

11. Regarding our few existing PPAs where the Company has contractually committed to keep certain terms and conditions confidential, we are bound to maintain such confidentiality, absent an order from this Commission to the contrary. This request includes PPAs where, even though the PPA itself is public, Public Service has committed to the power producer to keep confidential various data with respect to the performance by the producer under the PPA and other projects to which the producer is party (that we may have reviewed under our project due diligence). For this category of Highly Confidential Information, we seek to limit access to such PPA provisions to the Commission, Commission Trial Staff, the OCC, and the Independent Evaluator, and

\textsuperscript{9} Id.
seek an associated waiver of Commission Rule 3614(b), to the extent necessary. In our previous ERP, the Commission agreed that such limited access for this information was appropriate, as the relevance of such data, if any, was unclear. The Commission indicated that if this changed, parties could petition for a reversal of these restrictions for good cause shown. The Commission should apply the same reasoned approach here.

12. In our previous ERP, as well as other proceedings, the Commission granted our request to protect Strategist Files (as defined at footnote 3, supra) as highly confidential information. In particular, the Commission has noted that, with respect to proprietary software like Strategist, Commission Rule 3614:

[A]pplies only to the extent that the utility is permitted to provide information in accordance with the terms of its license. However, if the utility proposes to use any licensed software and associated information in the resource plan proceeding, the utility must provide reasonable information to parties so that they can understand and critique the inputs and assumptions relied upon in the utility’s case. It may be possible for parties to obtain a license for such software, or the utility may need to provide the information in a different format to avoid licensing restrictions.

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10 An order restricting access as requested, and as the Commission previously ordered for this same category of Highly Confidential Information in Docket No. 11A-869E (Decision No. C11-1391) might make an express waiver of Rule 3614(b) unnecessary, but out of an abundance of caution the Company requests such a waiver. With regard to the information required by Commission Rule 1003(c) for waiver requests, the requested partial waiver of Rule 3614(b) would limit access to the Commission, Commission Trial Staff, the OCC and the Independent Evaluator (Rule 1003(c)(i)(ii)). The facts and circumstances relied upon for the waiver are as explained herein (Rule 1003(c)(iii)). The waiver of rule 3614(b) would be permanent as to this category of Highly Confidential Information (Rule 1003(c)(iv)), and would represent only a partial waiver specific to this category of Highly Confidential Information (Rule 1003(c)(v)).

12 Id.
13 Decision No. C11-1391 at 9, ¶ 27.
Consistent with this application of Commission Rule 3614 to proprietary software, in our prior ERP the Commission granted our request to protect our Strategist Files\textsuperscript{15} as highly confidential information and limit disclosure only to eligible persons who sign the appropriate non-disclosure agreements established by Rule 3614 and who have a current licensed version of Strategist.\textsuperscript{16} We seek the same restricted access here, and an associated waiver of Commission Rule 3614(b), to the extent necessary. In our previous ERP the Commission also noted that any problems caused by Strategist licensing restrictions should be creatively resolved through the cooperation of parties consistent with the Commission’s directives in Decision No. C11-0934, and that, in the event of unresolved problems, the Commission would address these disputes on a case-by-case basis as is our standard practice.\textsuperscript{17} The Commission should employ the same approach here.

**D. Advising parties of the request for highly confidential treatment (Rule 1101(b)(III)):**

13. Public Service has e-filed a copy of this Motion, which includes a description of the highly confidential nature of the Highly Confidential Information. Therefore, all parties will be advised of the subject matter of the information at issue, as contemplated by Commission Rule 1101(b)(III).

**E. Form of nondisclosure agreement (Rule 1101(b)(V)):**

14. The specific form of nondisclosure agreement for counsel and subject matter experts, similar to those previously approved by the Commission and consistent

\textsuperscript{15} As we previously noted, both “Input Information” and “Output Information” Strategist Model Data will generally be available to parties as either public information or Confidential Information. It is this Input Information and Output Information that is pertinent to the issues that will be raised in this proceeding.

\textsuperscript{16} Decision No. C11-1391 at 9, ¶ 27.

\textsuperscript{17} Decision No. C11-1391 at 10, ¶ 28.
with the requirements of Commission Rule 3614(b), are attached hereto as Attachment B (counsel) and Attachment C (subject matter experts).

F. **Affidavit (Rule 1101(b)(VI)):**

15. Attachment D to this Motion is an affidavit, signed by Alice K. Jackson for Xcel Energy Services Inc., identifying all persons with access to the Highly Confidential Information and the period of time for which the information must remain subject to highly confidential protection, subject to the limitations in Commission Rule 3613 regarding disclosure of certain bid information subsequent to completion of the competitive resource acquisition process.

G. **Filing procedures (Rule 1101(b)(VII)):**

16. Commission Rule 1101(b)(VII) requires that we file the documents for which we seek highly confidential treatment as an exhibit prepared in a form that comports with Commission Rule 1101(a), unless the subject information would be overly burdensome, impractical, or too sensitive for disclosure. Given that the Highly Confidential Information here is highly competitive and highly sensitive as described herein, Public Service has not attached these documents as an exhibit with this Motion.

H. **Retention of highly confidential documents (Rules 1101(l)):**

17. Public Service requests that all parties and their counsel either destroy or return to Public Service the Highly Confidential Information described herein that is provided to them during the course of this proceeding at its conclusion.
WHEREFORE, because the above listed Highly Confidential Information is highly sensitive and should be granted extraordinary confidential treatment by the Commission, Public Service respectfully requests that the Commission enter a Highly Confidential Protective Order affording the extraordinary protections requested in this motion. Specifically, Public Service requests that the Commission’s order provide that:

1) With respect to the first five categories of Highly Confidential Information (unit level delivered fuel costs; hourly market price data; unit level heat rate curves; unit detailed maintenance schedules; and bid information of any sort (from the Company and from other entities)), party access will be limited to a “reasonable number of attorneys” and a “reasonable number of subject matter experts” representing a party to this proceeding, consistent with Commission Rule 3614(b). Individuals accessing this information, with the exception of the Commission and Commission Trial Staff, would be required to execute the appropriate highly confidential non-disclosure agreement set forth in Commission Rule 3614(b), provided as Attachment B (counsel) and Attachment C (subject matter expert) to this Motion;

2) With respect to the sixth category of Highly Confidential Information (any information protected by a confidentiality clause of a PPA), access will be limited to the Commission, Commission Trial Staff, OCC\(^{18}\) and the Independent Evaluator, and Public Service is granted a partial waiver of Commission Rule 3614(b) to limit access as described.

3) With respect to the seventh category of Highly Confidential Information (Strategist Files), access will be limited to eligible persons who sign the appropriate non-disclosure agreements established by Rule 3614 and who have a current licensed version of Strategist, and Public Service is granted a partial waiver of Commission Rule 3614(b) to limit access as described.

4) These same protections and restrictions on access to all of the Highly Confidential Information shall apply to any documents referencing any of the indicated Highly Confidential Information, including testimony, discovery requests, discovery responses (including attachments), and the Independent Evaluator’s Report.

\(^{18}\) OCC recipients would be required to execute a non-disclosure agreement for Highly Confidential Information.
In addition, Public Service notes that Commission Rule 3603(b ) requires that we request that response time to this Motion run concurrently with the intervention deadline established in the 2016 ERP proceeding.

Dated this 27th day of May, 2016

Respectfully submitted,

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ATTORNEYS FOR PUBLIC SERVICE
COMPANY OF COLORADO
CONFIDENTIAL AND HIGHLY CONFIDENTIAL INFORMATION

Public Information

The following Public Service information that is relevant to the 2016 ERP is, or will be, public information as the result of Public Service’s either filing the information in Phase I or Phase II of the 2016 ERP or as the result of a prior filing with the Commission, the State of Colorado or with federal agencies:¹

Public Service Company of Colorado Information
- Sales by Customer Class
- Revenue by Customer Class
- Number of Customers by Customer Class
- Sales by Tariff
- Revenue by Tariff
- Sales per Customer by Tariff
- Revenue per kWh by Tariff
- Sales Made to Wholesale Customers
- Revenue from Sales to Wholesale Customers
- Affiliate Transactions
- Reserve Margin
- Contingency Plan
- Resource Need for Resource Acquisition Period
- Renewable Energy Standard
- RES Compliance Position
- Renewable Energy Standard Adjustment
  - Balance
  - Forecast
- Sales and Demand Forecast
  - Total Sales
  - Total Demand
  - Sales by Customer Class
  - Demand by Customer Class
- Aggregate CO₂ Cost Projection

Company-Owned Generation Resource Information
- Aggregate Cost of Production
- Energy Production
- Depreciation and Amortization Expense
- Estimated Average Service Life
- Peak Load

¹ Information listed is not all inclusive.
• Plant Hours Connected to Load
• Capacity
• Plant Production Costs
• Average Cost per kWh
• Average Heat Rate
• Total Fuel Consumed
• Fuel Types
• Capacity Factor
• Availability Factor
• Estimated Remaining Useful Lives
• Total Emissions by Type
• Plant Emissions by Type
• Total Fuel Used by Type
• Fuel Cost
  ▪ Historical Coal Cost
  ▪ Historical Gas Cost
  ▪ Coal Cost Projection
  ▪ Gas Cost Projection

Purchased Generation Resource Information
• Capacity
• Energy Purchased
• Cost of Energy Purchased
• Contract Duration
• Contract Modification Terms

Transmission Resource Information
• Operating Costs
• Wheeled Energy
• Wheeled Capacity
• Wheeling Revenue
• Purchase and Sale of Ancillary Services
• Peak Load
• Line Size and Length
• Capacity from Wheeling and Coordination Agreements
• Planned Additions
• Injection Capability

Strategist Model Data

Input Information
• Inflation Rate
• Federal Tax Rate
• State Tax Rate
• Discount Rate
• Weighted Average Cost of Capital
- Variable O&M Escalation Rate
- Fixed O&M Escalation Rate
- Construction Cost Escalation Rate
- SO2 Pricing
- NOx Pricing
- CO2 Pricing
- Wind Integration Costs
- Wind Related Coal Cycling Costs
- Solar Integration Costs
- Natural Gas Price Volatility Mitigation Adder (PVM)
- Annual / Monthly Peak Demand
- Annual / Monthly Total Energy Demand
- Line Loss Assumptions
- DSM Forecast
- Load Management Resources
- Reserve Margin Requirements
- Spinning Reserve Requirement
- Wind Curtailment Pricing
- System Average Colorado Coal Prices
- System Average PRB Coal Prices
- Blended Natural Gas Prices – not proprietary forecasts
- Oil Prices
- Capacity Credit Pricing
- Capacity Credit Limits
- In-Service Dates
- Retirement Dates
- Unit Capacities
- PPA In-service Dates
- PPA Retirement Dates
- PPA Capacities
- Generic Resources
  - Name Plate Capacity
  - Summer Peak Capacity
  - Capital Costs
  - Transmission Interconnection Costs
  - Transmission Grid Upgrade Costs
  - Firm Fuel Supply Costs
  - Book Life
  - Fixed O&M
  - Variable O&M
  - Heat Rate Curves
  - Forced Outage Rates
  - Typical Annual Maintenance Requirements
  - CO2 Emission Rate
  - NOX Emission Rate
- SO\textsubscript{2} Emission Rate
- PPA Pricing if applicable

Output Information
- Annual System Peak
- Annual System Capacity Obligation
- Total System Capacity
- Capacity Additions (Expansion Plans)
- Capacity Retirements
- System Capacity Mix Aggregated Into the Following Categories
  - Load Management
  - Coal
  - Carbon Free Baseload
  - Biomass
  - Gas Combined Cycle
  - Gas Combustion Turbine
  - Oil
  - Hydro
  - Pumped Storage
  - Wind
  - Solar
  - Geothermal
  - System Purchases / Sales
  - SPS Interchange

- System Emissions
  - CO\textsubscript{2}
  - SO\textsubscript{2}
  - NO\textsub{x}
  - PM
  - Mercury

- System Fuel Burn
  - Natural Gas
  - Coal
  - Oil

- Revenue Requirements for Capital Projects (not all Public Service capital projects are modeled) Aggregated Into the Following Categories
  - Coal
  - Carbon Free Baseload
  - Biomass
  - Gas Combined Cycle
  - Gas Combustion Turbine
  - Oil
  - Hydro
  - Pumped Storage
  - Wind
- Solar
- Geothermal

- **Fixed Costs Including Fixed O&M and PPA Capacity Payments**
  - Aggregated Into the Following Categories
  - Coal
  - Carbon Free Baseload
  - Biomass
  - Gas Combined Cycle
  - Gas Combustion Turbine
  - Oil
  - Hydro
  - Pumped Storage
  - Wind
  - Solar
  - Geothermal
  - Capacity Credits

- **Energy Costs Including Fuel, Variable O&M, and Energy Payments**
  - Aggregated Into the Following Categories
  - Coal
  - Carbon Free Baseload
  - Biomass
  - Gas Combined Cycle
  - Gas Combustion Turbine
  - Oil
  - Hydro
  - Pumped Storage
  - Wind
  - Solar
  - Geothermal
  - Short-term Energy Purchases

- **Total Emission Costs**
  - CO₂
  - NOX
  - SO₂
  - PM
  - Mercury

- **Total PVM Costs**
- **Total Wind Integration Costs**
- **Total Wind Related Coal Cycling Costs**
- **Total Wind Curtailment Costs**
- **Total DSM Costs**
Concerning the Strategist model that the Company used to represent the Public Service system, the model has millions of discrete data points that it uses to represent the Public Service system. The model is very much an organic model whose inputs are not in discrete files that can be provided or that would be easily understood or manipulated. Specific questions concerning Strategist inputs will likely receive a specific and useful response. Public Service cautions that the Company cannot answer all non-specific Strategist input questions. An example of a non-specific question would be: “Provide all Strategist input files,” or “Provide all Strategist input files and assumptions.” There are no such files and the assumptions are too numerous to list in a productive manner.

**Confidential Information**

Public Service will seek to protect the following proprietary information as confidential information:

**Strategist Model Data**

**Input Information**

- Hourly Load Patterns
- DSM Hourly Patterns
- Monthly On/Off Peak Market Prices
- Market Emission Assumptions
- Market Import Constraints
- Unit Seasonal Deration Profiles
- Unit Variable O&M
- Unit Fixed O&M
- System Annual Fixed Gas Delivery Charges
- Unit Average Maintenance Requirements
- Unit Average Forced Outage Rate
- Unit Contribution to Spinning Reserve
- Unit Level Economic Minimum
- Unit Level Emergency Minimum
- Unit Emission Rates
  - $SO_2$
  - NOX
  - CO$_2$
  - PM
  - Mercury
- PPA Capacity Pricing (to the extent the counter party agrees to allow contract terms to be divulged)
- PPA Energy Pricing (to the extent the counter party agrees to allow contract terms to be divulged)

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2 The model was used to produce alternative plans for the Phase 1 filing and will be used to evaluate the bids in a solicitation.
• PPA Energy Schedules (to the extent the counter party agrees to allow contract terms to be divulged)
• PPA Contribution to Spinning Reserves
• PPA Seasonal Capacity Derate Profiles
• PPA Emission Rates
  ▪ CO₂
  ▪ SO₂
  ▪ NOₓ
  ▪ PM
  ▪ Mercury
• Hourly Wind Patterns
• Hourly Solar Patterns

Output Information
• Unit Level Maximum Capacity
• Unit Level Summer Accredited Capacity
• Unit Level Generation
• Unit Level Fuel Consumed
• Unit Level Average Heat Rate
• Unit Level Total Variable O&M
• Unit Level Fixed O&M
• DSM Hourly Patterns
• Unit Level Capital Expenditures (note not all Public Service capital expenditures are modeled)
• Unit Level Rate Base (note rate base not modeled for all Public Service units)
• Unit Level Revenue Requirements (note revenue requirements not modeled for all Public Service units)
• Unit Level Emissions
  ▪ NOₓ
  ▪ SO₂
  ▪ CO₂
  ▪ PM
  ▪ Mercury
• PPA Maximum Capacities
• PPA Summer Accredited Capacities
• PPA Generation
• PPA Capacity Factors
• PPA Total Energy Payments (to the extent the counter party agrees to allow contract terms to be divulged)
• PPA Total Capacity Payments (to the extent the counter party agrees to allow contract terms to be divulged)
• PPA Emissions
  ▪ NOₓ
  ▪ SO₂
• CO₂
• PM
• Mercury

**Highly Confidential Information**

Public Service will seek to protect the following proprietary information as highly confidential information:

- Unit Level Delivered Fuel Costs
- Hourly Market Price Data
- Unit Level Heat Rate Curves
- Unit Detailed Maintenance Schedules
- Bid Information of any Sort (from the Company and from other entities)
- Any information protected by confidentiality clause of a PPA
- Strategist Files

**Information that Public Service will Provide Bidders**

Public Service will provide the following Public Service developed information to bidders with respect to their own bids after initial bid screening and before Strategist modeling:

- Levelized Cost of Energy
- Transmission Interconnection Costs
- Gas Supply Costs
- Wind Integration Costs
- Benefit of Geographic Diversity of Wind Generation Resource
- Benefit of Energy Storage Resource

**Protection of Bid Information, Modeling Inputs and Assumptions, and Bid Evaluation Results**

Public Service will seek to protect all bid information and bid evaluation results (including Company self-build proposals) that would reveal specific bid pricing or other bid information, as highly confidential information in accordance with the Commission’s rules, until completion of the resource acquisition process, i.e. until the last contract for a resource that meets a portion of the 2016 ERP resource need is signed. Upon completion of the resource acquisition process, Public Service will post on its website the following bid information:

- Bidder Name

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3 Public Service can only provide Strategist Files to Interveners that hold a Strategist License
• Bid Price (Utility Cost for Utility–Owned Proposals)
• Generation Technology Type
• Size of Facility
• Contract Duration (Expected Useful Life of Utility Resource)
• Purchase Option Details as relevant

In accord with Rule 3613(j) within fourteen months after completion of the resource acquisition process, Public Service will make public any confidential information that was redacted from Public Service’s testimony and reports by re-filing the testimony or report in an un-redacted form.

If any Public Service highly confidential modeling inputs and assumptions, listed above under highly confidential information are entered into the record in any manner, Public Service will seek to indefinitely continue the protection ordered by the Commission.
 BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO PROCEEDING NO. 16A-0396E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2016 ELECTRIC RESOURCE PLAN

HIGHLY CONFIDENTIAL – ATTORNEY – NON-DISCLOSURE AGREEMENT

I [attorney name] state that I have read the protective provisions relating to confidential information contained in 4 Code of Colorado Regulations 723-1-1100 through 1103. With respect to all information claimed to be confidential and all information claimed to be highly confidential that is produced in, or arises in, the course of this proceeding in Proceeding No. 16A-0396E, I agree to be bound by the terms of the protective provisions contained in 4 Code of Colorado Regulations 723-1-1100. I hereby state that I will oversee the processes that any subject matter expert to whom I have authorized access to highly confidential information uses in order to assure that extraordinary confidentiality provisions are properly implemented and maintained. I hereby state that I will assure that extraordinary confidentiality provisions are properly implemented and maintained within my firm. I agree that all highly confidential information shall not be used or disclosed for purposes of business or competition, or for any other purpose other than for purposes of the proceeding in which the information is produced. I hereby state that I will not disclose or disseminate any highly confidential information in this Proceeding No. 16A-0396E to any third party other than those specifically authorized to review such highly confidential information, including any third party who is or may become a bidder responding to future electric resource planning solicitations or otherwise relating to the acquisition of, contracting for, or retirement of electric generation facilities in Colorado.

Name: ____________________________
Title: ____________________________
Employer or Firm: __________________
Business Address: __________________
Party in Case: ______________________
Date: _____________________________
Signature: _________________________
Signature of Counsel: ________________
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO PROCEEDING NO. 16A-0396E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2016 ELECTRIC RESOURCE PLAN

HIGHLY CONFIDENTIAL – SUBJECT MATTER EXPERT – NON-DISCLOSURE AGREEMENT

I [subject matter expert’s name] state that I have read the protective provisions relating to confidential information contained in 4 Code of Colorado Regulations 723-1-1100 through 1103. With respect to all information claimed to be confidential and all information claimed to be highly confidential that is produced in, or arises in the course of this proceeding in Proceeding No. 16A-0396E, I agree to be bound by the terms of the protective provisions contained in 4 Code of Colorado Regulations 723-1-1100. I hereby state that I will work with my attorney, [attorney name], to assure that extraordinary confidentiality provisions are properly implemented and maintained. I hereby state that I did not and will not develop or assist in the development of any power supply proposals associated with this proceeding. I agree that all highly confidential information shall not be used or disclosed for purposes of business or competition, or for any other purpose other than for purposes of the proceeding in which the information is produced. I hereby state that I will not disclose or disseminate any highly confidential information in this Proceeding No. 16A-0396E to any third party other than those specifically authorized to review such highly confidential information, including any third party who is or may become a bidder responding to future electric resource planning solicitations or otherwise relating to the acquisition of, contracting for, or retirement of electric generation facilities in Colorado.

Name: ______________________________________
Title: ______________________________________
Employer or Firm: __________________________
Business Address: __________________________
Party in Case: ______________________________
Date: __________________________
Signature: _________________________________
Signature of Counsel: ______________________________
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION )
OF PUBLIC SERVICE COMPANY OF ) PROCEEDING NO. 16A-____E
COLORADO FOR APPROVAL OF ITS )
2016 ELECTRIC RESOURCE PLAN )

AFFIDAVIT OF ALICE K. JACKSON

COUNTY OF DENVER )
) ss.
STATE OF COLORADO )

Alice K. Jackson, being duly sworn, upon oath, deposes and says:

1. My name is Alice K. Jackson. My business address is 1800 Larimer Street, Suite 1400, Denver, CO 80202. I am Regional Vice President, Rates and Regulatory Affairs for Xcel Energy Services Inc., representing Public Service Company of Colorado ("Public Service") in this proceeding. Xcel Energy Services, Inc. is the service company affiliate of Public Service.

2. I am submitting this affidavit on behalf of Public Service in compliance with Commission Rule 1101(b)(VI) to support the Company’s request for an order granting extraordinary protection for Highly Confidential Information provided in connection with the Company’s Verified Application in this matter, as detailed in the Company’s Motion for Extraordinary Protection of Highly Confidential Information ("Motion").
3. To the best of my knowledge, the following persons within Public Service and/or Xcel Energy Services Inc. have had access to the Highly Confidential Information for which we seek protection in the Motion:

Xcel Energy employees who have access to the Unit Level Delivered Fuel Costs, Hourly Market Price Data, Unit Level Heat Rate Curves and the Unit Detailed Maintenance Schedules work within the following work units at Xcel Energy Services, Inc.:

- Commercial Operations
- Risk
- Resource Planning
- Energy Supply
- Gas Planning
- Fuels
- Xcel Energy employees who have access to the Bid Information work within the following work units at Xcel Energy Services, Inc.:
  - Commercial Operations
  - Risk
  - Resource Planning
  - Energy Supply
  - Gas Planning
  - Purchased Power
  - Transmission Planning
  - Transmission Access
  - Siting and Land Rights
  - Tax Accounting
  - Environmental Permitting
  - Regulatory

Xcel Energy employees who have participated in the evaluation or have access to the Highly Confidential Information protected by confidentiality terms of PPAs work within the following work units at Xcel Energy Services, Inc.:

- Commercial Operations
- Risk
- Resource Planning
- Energy Supply
- Gas Planning
- Purchased Power
- Transmission Planning
- Transmission Access
• Siting and Land Rights
• Tax Accounting
• Environmental Permitting
• Regulatory

Xcel Energy employees who have access to the Strategist model work within the following work units at Xcel Energy Services, Inc.:

• Commercial Operations
• Risk
• Resource Planning
• Gas Planning
• Regulatory

Xcel Energy legal counsel who have access to the information on a need to know basis:

• William Dudley, Assistant General Counsel
• Chris Irby, Assistant General Counsel

Xcel Energy Executives and Financial Council who have access to the information on a need to know basis:

• David Eves, President, Public Service Company of Colorado
• Ben Fowke, Chairman, President and CEO, Xcel Energy Inc.
• Christopher Clark, President NSP Minnesota
• Kent Larson, EVP Operations
• Frank Prager, VP Policy and Federal Affairs
• Timothy O’Connor, SVP and CNO
• Bob Frenzel, EVP and CFO
• Brian Van Abel, VP Treasurer
• Scott Wilensky, EVP and General Counsel
• Marvin McDaniel, EVP Utilities Group and CAO
• David Hudson, President, SPS
• Michael Swenson, President, NSP-WI
• Judy Poferl, SVP Secretary and Services
• Alice K. Jackson, Regional Vice President, Rates and Regulatory Affairs

4. Public Service requests that the extraordinary protection of this Highly Confidential Information remain in place for two years, or for such longer time as provided in subsequent Commission protective orders.
5. Further affiant sayeth naught.

I sign this affidavit on the ___ day of May, 2016, at Denver, Colorado.

[Signature]

Affiant name

SUBSCRIBED AND SWORN TO before me this ___ day of May, 2016, by

[Signature]

WITNESS my hand and official seal.

[Signature]

Notary Public

[Notary Stamp]

BARBARA HAMBLIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19674007694
MY COMMISSION EXPIRES JULY 30, 2018