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October 5, 2009

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DARRELL NITSCHKE
EXECUTIVE SECRETARY
PUBLIC SERVICE COMMISSION
600 EAST BOULEVARD, DEPT 408
BISMARCK ND 58505-0480

PUBLIC SERVICE COMMISSION

Re: TransCanada - Keystone Pipeline Project
Case No: PU-06-421
Our File No. 11815

Dear Mr. Nitschke:

Enclosed for filing is an original and seven copies of the Application for Trade Secret Protection by TransCanada Keystone Pipeline, LP, along with one set of Exhibit A (Private), and Exhibit B (Private).

If you have any questions, please feel free to contact me.

Sincerely,



Todd D. Kranda

TK:ls

Encs

c: TransCanada Keystone



699 PU-06-421 Filed: 10/5/2009 Pages: 3
Application for Trade Secret Protection

TransCanada Keystone Pipeline, LP

Todd Kranda, Atty. KelschKelschRuff&Kran

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

TransCanada Keystone Pipeline, LP
30-Inch Crude Oil Pipeline/Cavalier to Sargent
Counties
Siting Application

Case No. PU-06-421

Re: Filing required pursuant to February 21,
2008 Order

**APPLICATION FOR TRADE SECRET PROTECTION
BY TRANSCANADA KEYSTONE PIPELINE, LP**

Pursuant to ND Rules 69-02-09 Trade Secret Procedures, NDCC § 44-04-18.4, TransCanada Keystone Pipeline, LP (Keystone) hereby applies for trade secret protection for the following documents filed as part of Keystone's Siting Application pursuant to the February 21, 2008 Order issued by the Public Service Commission.

Keystone requests confidential treatment for the following information, which are filed in separately, sealed envelopes.

- Confidential Exhibit A - Operations and Maintenance Manual
- Confidential Exhibit B - Emergency Response Plan

Keystone believes that the aforesaid information is in the nature of trade secrets and exempt from public disclosure under the provisions of North Dakota Administrative Rule 69-02-09. This information, known only to Keystone, would cause economic hardship to Keystone if disclosed to the company's competitors and would adversely affect the pipeline operations. The manual and plan contain proprietary business and technical information that are entitled to protections as trade secrets because the information satisfies the requirements of the Administrative Rule.

In compliance with 49 CFR Part §195.402, Keystone has developed an Operations and Maintenance Manual, which is a procedural manual for operations, maintenance and emergencies for the Keystone pipeline. This operations and maintenance manual provides procedures for ensuring the safe and reliable operations and maintenance of the Keystone pipeline facilities. The procedures are written with the intent of protecting the safety of the public and facilities. This procedural manual for operations, maintenance and emergencies for the pipeline facility was developed from over 50 years of pipeline operational leanings, research and development funding.

Also, the contents of Keystone's Emergency Response Plan needs to be protected as it is intellectual property and contains confidential information. In addition, there is a value assessed with preparing the plan and there was a significant cost associated with the preparation of the plan. The plan was approved by PHMSA on January 22, 2009.

Other pipeline operators could obtain economic value from disclosure or use of the information in the manual and plan. Furthermore, disclosure of the manual of operations to the public could

potentially expose the pipeline to security risk if it came into the possession of parties seeking to do harm to the pipeline facilities.

In order to protect the proprietary value, Keystone guards the confidentiality of the procedural manual against public disclosure and does not make the contents of the manual available to third parties or the general public. Known competitors include the numerous oil pipelines currently providing transportation service, or planned competitor pipelines. These competitors include but are not limited to the Enbridge and Express-Platte pipeline systems, among others.

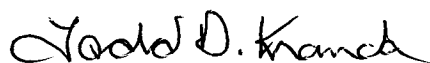
The information is subject to efforts reasonable under the circumstances to maintain its secrecy. Keystone maintains this information as secret by refusing to disclose the information outside the company or to those employees who do not need to have access to the information. Even within the company, those who have access to the proprietary information are held to the highest ethical standards. The material is filed within TransCanada's document management system which requires privileged access protected by corporate security.

The manual and plan are not readily ascertainable by proper means. This information is not available in any public sources, and cannot be legally obtained from Keystone without an adequate showing of legal mandate or need for appropriate use in Keystone's business.

Furthermore, the information derives independent economic value from its secrecy or a competitive advantage is derived from its secrecy. Maintaining this information as secret is necessary for Keystone to maintain the competitive advantage of its competitors not knowing its pipeline activity. Without this information, competitors would not have access to any perceived vulnerabilities in the company's pipeline operations.

For the reasons cited above, Keystone respectfully requests confidential treatment of the attached documents, the Operations and Maintenance Manual and the Emergency Response Plan. Confidential treatment does not prohibit disclosure, but simply assures compliance with Section 69-02-09-07 regarding confidentiality and non-disclosure protective agreements.

Dated this 2nd day of October, 2009.



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