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PUBLIC SERVICE COMMISSION

November 20, 2009

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

HAND DELIVERED

PATRICK FAHN  
PUBLIC SERVICE COMMISSION  
600 EAST BOULEVARD, DEPT 408  
BISMARCK ND 58505-0480

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

Dear Mr. Nitschke and Mr. Fahn:

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 Hazardous Liquid Integrity Management Program for High Consequence Areas.

Thank you for your attention to this matter.

Sincerely,



Todd D. Kranda

TK:ls

Encs

c: TransCanada Keystone



711 PU-06-421 Filed: 11/20/2009 Pages: 3

Application for Trade Secret Protection for  
Hazardous Liquid Integrity Mgmt Prog. For High  
Conseq. Areas

TransCanada Keystone Pipeline, LP

Todd Kranda, Atty, KelschKelschRuff&Kranda

**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 L.P. (Keystone) hereby applies for trade secret protection for the following document 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 is filed in a separately, sealed envelope.

- Hazardous Liquid Integrity Management Program for High Consequence Areas

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 integrated management program (IMP) contains proprietary business and technical information that is entitled to protections as trade secrets because the information satisfies the requirements of the Administrative Rule.

In compliance with 49 CFR Part §195.452, Keystone has developed an IMP for high consequence areas on the Keystone pipeline. The IMP 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, facilities and the environment.

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 IMP needs to be protected as it is intellectual property and contains confidential information. In addition, there is a value assessed with preparing the manual and there was a significant cost associated with the preparation of the manual. The IMP has been submitted to PHMSA.

Other pipeline operators, persons who wish to cause harm to the pipeline facilities or to use the facilities to do harm to the public could obtain information and economic value from disclosure or

use of the information in the manual. Furthermore, disclosure of the manual of operations to the public could potentially expose the pipeline facilities to security risk if it came into the possession of parties seeking to do harm to the pipeline facilities.

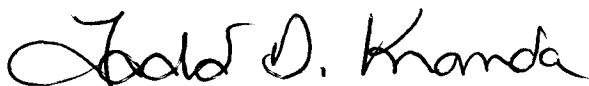
In order to protect the proprietary value, Keystone guards the confidentiality of the procedural manual against public disclosure and does not make the contents of the manual available to third parties or the general public. Known competitors include the numerous oil pipelines currently providing transportation 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 internal document control 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 is 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.

For the reasons cited above, Keystone respectfully requests confidential treatment of the attached document, the Hazardous Liquid Integrity Management Program for High Consequence Areas. 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 20<sup>th</sup> day of November, 2009.



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