

Kelsch Kelsch Ruff & Kranda

C.F. Kelsch
1890-1987

Attorneys at Law
Mandan, North Dakota

William C. Kelsch
Retired

THOMAS F. KELSCH
ARLEN M. RUFF, P.C.
THOMAS D. KELSCH, P.C.
TODD D. KRANDA, P.C.*
WILLIAM J. DELMORE
DANIEL NAGLE, P.C.
GARRETT D. LUDWIG

 MERITAS LAW FIRMS WORLDWIDE

103 Collins Avenue
P.O. Box 1266
Mandan, ND 58554-7266
Phone (701) 663-9818
1-888-663-9818
Fax (701) 663-9810
Website www.kelschlaw.com

*Also Licensed in Minnesota

December 18, 2009

RECEIVED

DEC 18 2009

HAND DELIVERED

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

PUBLIC SERVICE COMMISSION

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 a Supplemental Application for Trade Secret Protection by TransCanada Keystone Pipeline, LP, along with one set of a Leak Detection Manual which is to be filed as part of the 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



713 PU-06-421 Filed: 12/18/2009 Pages: 3
Supplemental Application for Trade Secret
Protection

TransCanada Keystone Pipeline, LP

Todd Kranda, Kelsch Kelsch Ruff & 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

**SUPPLEMENTAL
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 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 being filed as part of the previously filed Hazardous Liquid Integrity Management Program for High Consequence Areas document and which is filed in a separately, sealed envelope.

- Computerized Leak Detection System Governance Manual

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 contains proprietary business and technical information that are entitled to protections as trade secrets because the information satisfies the requirements of the Administrative Rule.

Keystone has developed an Hazardous Liquid Integrity Management Program for High Consequence Areas, which refers to a Computerized Leak Detection System Governance Manual used for operation and management of the Keystone pipeline. This LDM provides the operational practices for management of the leak detection system for ensuring the safe and reliable operations of the Keystone pipeline facilities. The manual was developed and written with the intent of protecting the safety of the public and facilities. This manual was developed from years of pipeline operational leanings, research and development funding.

Also, the contents of the Computerized Leak Detection System Governance Manual 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.

Other pipeline operators could obtain economic value from disclosure or use of the information in the manual. Furthermore, disclosure of the manual 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 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 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.

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.

For the reasons cited above, Keystone respectfully requests confidential treatment of the attached document, the Computerized Leak Detection System Governance Manual. 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 19th day of December, 2009.



Todd D. Kranda
Thomas D. Kesch
Kesch, Kesch, Ruff & Kranda
Counsel for TransCanada Keystone Pipeline, LP
PO Box 1266
Mandan ND 58554