

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-06-421

ORDER ON TRADE SECRET PROTECTION

September 12, 2012

Preliminary Statement

1. TransCanada Keystone Pipeline, LP (TransCanada) applied for trade secret protection on October 5, 2009, November 20, 2009, December 18, 2009 and July 20, 2012, pursuant to N.D. Admin. Code § 69-02-09-01, requesting a protective order in accordance with the provisions of the N.D. Admin. Code.
2. The information identified by their application includes an operations and maintenance manual, a hazardous liquid integrity management program for high consequence areas, a computerized leak detection system governance manual, and an emergency response plan. This information is known only to TransCanada.
3. Commission staff as required by N.D. Admin. Code § 69-02-09-03 have on September 10, 2012 made a prima facie recommendation that the information is relevant for the hearing of this case and is a trade secret as defined by N.D.C.C. § 47-25.1-01(4).
4. The information for which trade secret protection is sought is highly confidential and of a propriety and financial nature and as provided in N.D.C.C. § 44-04-18.4, has been kept confidential by TransCanada and would be of advantage to competitors if not protected.
5. If competitors had access to such confidential information, it could create could economic hardship to TransCanada and would adversely affect pipeline operations. Additionally TransCanada indicates that the information confidential information and was created at significant cost to TransCanada. TransCanada indicates that disclosure of the information 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.
6. The Commission, in consideration of Staff's prima facie recommendation, determines both that the information is relevant for the hearing of this case and that the

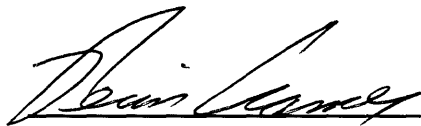
information is a trade secret as defined by N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09;

IT IS, THEREFORE,

ORDERED that TransCanada is hereby granted trade secret protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09 for the information identified by the application; and it is further

ORDERED that this order shall not constitute precedent for a determination of entitlement to trade secret protection for any information upon any subsequent application.

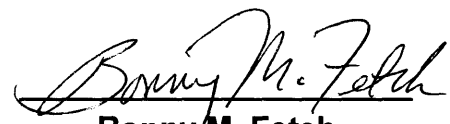
PUBLIC SERVICE COMMISSION



**Kevin Cramer
Commissioner**



**Brian P. Kalk
Chairman**



**Bonny M. Fetch
Commissioner**