

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Northern States Power Company  
Advanced Determination of Prudence –  
Nobles  
Application**

**Case No. PU-08-907**

**Northern States Power Company  
Advanced Determination of Prudence –  
Merricourt  
Application**

**Case No. PU-08-908**

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Janet Marquart** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 27<sup>th</sup> day of **February, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

**Order Granting Trade Secret Protection**

The envelopes were addressed as follows:

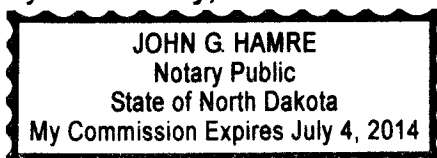
Mr. James Alders  
Director, Regulatory Administration  
Northern States Power Company  
dba Xcel Energy  
414 Nicollet Mall  
Minneapolis MN 55401-1993  
**Cert. No. 7008 2810 0000 4606 6415**

Mr. Dave Sederquist  
Xcel Energy  
Northern States Power Co.  
2302 Great Northern Drive  
Fargo ND 58107  
**Cert. No. 7008 2810 0000 4606 2592**

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this 27<sup>th</sup> day of **February, 2009**.

SEAL



*Janet Marquart*  
\_\_\_\_\_  
*John G. Hamre*  
\_\_\_\_\_  
Notary Public

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**Affidavit Cert – Order Granting Trade Secret  
Protection**

Public Service Commission

**15** **PU-08-908** Filed: 2/27/2009 Pages: 4  
**Affidavit Cert – Order Granting Trade Secret  
Protection**

Public Service Commission

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

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Advanced Determination of Prudence –  
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Application**

**Case No. PU-08-907**

**Northern States Power Company  
Advanced Determination of Prudence –  
Merricourt  
Application**

**Case No. PU-08-908**

**ORDER GRANTING TRADE SECRET PROTECTION**

**February 25, 2009**

On December 3, 2008, and January 30, 2009, Northern States Power Company (NSP) filed applications for a trade secret protective order under North Dakota Administrative Code Chapter 69-02-09-01 for protection against public disclosure of trade secret information as defined by North Dakota Century Code (NDCC) Section 47-25.1-01(4). Northern States Power Company provided the following general description of the nature of the information sought to be protected:

Cost information, contract terms, and internal modeling results regarding the Nobles Wind Project and the Merricourt Wind Project; and information relating to costs for purchased energy.

Northern States Power Company states that the information for which trade secret protection is sought is relevant to their applications because the information is used to calculate revenue requirements for NSP. The information could be used against NSP by potential vendors, contractors, and suppliers who may desire to bid projects to the Company in the future.

Northern States Power Company states that the confidentiality of the information has been maintained by the company. The information is not disclosed to the public or to persons other than employees or authorized agents who need to know the information to fulfill their responsibilities in connection with the Nobles and the Merricourt Projects, or to third persons under an agreement to maintain the confidentiality of the information.

Under North Dakota Century Code (NDCC) Section 47-25.1-01(4) :

“Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

- a. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Under NDCC Section 44-04-18.4(2)(d), which is almost identical to NDCC Section 47-25.1-01(4):

“Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, technical know-how, or process that:

1. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and
2. Is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.

On February 11, 2009, Commission staff (Staff) filed a response to NSP's request for trade secret protection. Staff believes that NSP's application satisfies the requirements of NDCC Chapter 47-25.1-01, which allows the Commission to grant trade secret protection in this proceeding, and that the information NSP seeks to protect qualifies as “trade secret” as that term is defined in NDCC Section 47-25.1-04 and NDCC Section 44-04-18.4(2)(d).

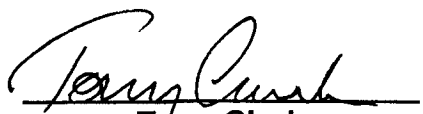
The Commission's process provides a means for interested parties to review trade secret documents upon signing a nondisclosure agreement.

## Order

The Commission Orders:

1. Northern States Power Company's application for trade secret protection is GRANTED.
2. This Order does not constitute precedent for subsequent trade secret decisions by the Commission.

### PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
**Tony Clark**  
Commissioner

  
\_\_\_\_\_  
**Kevin Cramer**  
President

  
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**Brian P. Kalk**  
Commissioner