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October 26, 2012

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**VIA FEDERAL EXPRESS**

Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
Department 408  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

**RE: APPLICATION FOR TRADE SECRET PROTECTION  
NORTHERN STATES POWER COMPANY  
INTEGRATED RESOURCE PLAN  
CASE NO. PU-10-580**

Dear Mr. Nitschke:

Northern States Power Company, a Minnesota corporation operating in North Dakota, respectfully submits: (1) an original and seven (7) copies of the enclosed Application for Trade Secret Protection; (2) copies of each of the public versions of our responses to Information Request numbers 3 and 4; and (3) two (2) copies of each of the trade secret versions of our responses to Information Request numbers 3 and 4, which have been placed in a sealed envelope and labeled “**TRADE SECRET – PRIVATE.**”

These IR responses contain information related to resource planning that can be highly sensitive. Such information includes, but is not limited to, pricing forecasts, load forecasts, fuel supply and pricing information, fuel availability, resource needs, capacity constraints, transmission capacity, expansion plans, quoted prices for resources, construction plans, and generally other competitive or confidential information that the Company uses to plan, develop, and construct resource additions to its system. Such information can also include information provided by third parties as confidential and for which the Company has an obligation to keep confidential. Such information has been or will be marked as **TRADE SECRET** in our responses

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to data requests and in any other submissions by the Company, or as may arise or be discussed in any hearing in this matter.

Furthermore, the Company will likely continue to provide responses to Staff data requests that contain trade secret information. The Company seeks, through this trade secret application, to ensure continued protection of this information via order of the Commission.

We look forward to working with the Commission to answer any questions. Thank you in advance for your review of this filing.

Sincerely,

*/s/ Zeviel Simpser*

Zeviel Simpser  
ATTORNEY FOR NORTHERN STATES  
POWER COMPANY

ZS/ts  
Enclosures

STATE OF NORTH DAKOTA  
BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION

NORTHERN STATES POWER COMPANY,  
A MINNESOTA CORPORATION

INTEGRATED RESOURCE PLAN

CASE NO. PU-10-580

**APPLICATION FOR TRADE SECRET PROTECTION**

Northern States Power Company, a Minnesota corporation doing business in North Dakota (Xcel Energy or the Company), respectfully requests the North Dakota Public Service Commission enter a trade secret protective order pursuant to § 69-02-09-01 et seq. of the North Dakota Administrative Code in the above referenced case. The purpose of the requested protective order is to protect against public disclosure of trade secret and commercial information as defined by N.D.C.C. § 44-04-18.4 from disclosure pursuant to N.D.C.C. § 44-04-18 and any other public disclosure laws as may be applicable.

**1. A general description of the nature of the information sought to be protected.**

The information for which the Company seeks protection includes information related to resource planning that can be highly sensitive. Such information includes, but is not limited to, pricing forecasts, load forecasts, fuel supply and pricing information, fuel availability, resource needs, capacity constraints, transmission capacity, expansion plans, quoted prices for resources, construction plans, and generally other competitive or confidential information that the Company uses to plan, develop, and construct resource additions to its system. Such information can also include information provided by third parties as confidential and for which the Company has an obligation to keep confidential. Such information has been or will be marked as **TRADE SECRET** in our responses to data requests and in any other submissions by the Company, or as may arise or be discussed in any hearing in this matter.

The Company states the information sought to be protected, as described above, is “information pertaining to buying and selling of goods and services that has not been previously publicly disclosed and that if the information were to be disclosed ... would cause substantial competitive injury to the person from which the information was obtained” and is therefore “commercial information” as provided in N.D.C.C. § 44-

04-18.4(2)(a) and consequently “is confidential” because “it is of a privileged nature and it has not been previously publicly disclosed” pursuant to N.D.C.C. § 44-04-18.4(1).

The Company further states that the information sought to be protected, as described above, is “information ... that: (1) derives independent economic value ... 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; and (2) is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information” and is therefore “trade secret” as provided in N.D.C.C. § 44-04-18.4(2)(d) and consequently “is confidential” because “it is of a privileged nature and it has not been previously disclosed” pursuant to N.D.C.C. § 44-04-18.4(1). The Company further states that the information sought to be protected meets the definition of “trade secret” as set forth in N.D.C.C. § 47-25.1-01(4).

**2. Explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.**

The information could have economic value to potential vendors, contractors and suppliers who may desire to provide services to the Company in the future as well as to other entities that may compete with the Company for resource development, or available resources such as pipeline capacity and transmission capacity. Potential suppliers may learn what the Company has paid under a PPA and bids received in an RFP and, consequently, the prices could potentially serve as a floor, below which no bidder would submit a price. Furthermore, resource planning information may have independent value in the marketplace where resources and capacity for certain products may be in limited supply. Such a result could be harmful for the Company’s customers in North Dakota.

**3. An explanation why the information is not readily ascertainable by proper means by other persons.**

The confidentiality of this information has been maintained by Xcel Energy. 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 subject matter of the information or to third persons pursuant to agreement to maintain the confidentiality of the information.

The Company has requested that this information be treated as trade secret in all of its regulatory filings and other sharing of this information with governmental entities.

4. **A general description of the persons or entities that would obtain economic value from disclosure or use of the information.**

Entities from which Xcel Energy purchases services and other utilities and independent power producers would obtain economic value from disclosure of this information.

5. **A specific description of known competitors and competitor's goods and services that is pertinent to the tariff or rate filing.**

See response to No. 4.

6. **A description of the efforts used to maintain the secrecy of the information.**

See also the response to No. 3.

In accordance with Section 69-02-09-02 of the North Dakota Administrative Code, one copy of trade secret material not previously filed is enclosed in a sealed envelope that is labeled: **TRADE SECRET - PRIVATE.**

Respectfully submitted this 26th day of October, 2012

BRIGGS AND MORGAN, P.A.

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