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October 4, 2012

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Darrell Nitschke, Executive Director  
North Dakota Public Service Commission  
State Capitol Building, Dept 408  
600 East Boulevard  
Bismarck, ND 59505-0480

**Re:** *Northern States Power Company, a Minnesota corporation*  
*Advance Determination of Prudence – Geronimo Wind Energy, LLC Application*  
PSC Docket No. PU-12-59

Dear Mr. Nitschke:

Northern States Power Company, a Minnesota corporation operating in North Dakota (“Xcel Energy” or the “Company”), respectfully submits: (1) an original and seven (7) copies of the enclosed Application for Trade Secret Protection; (2) an original and seven (7) copies of the public version of our Rebuttal Testimony for the proposed Power Purchase Agreement (“PPA”) with Geronimo Wind Energy, LLC; and (3) one (1) copy of the trade secret version of the Rebuttal Testimony, which has been placed in a sealed envelope and labeled “**TRADE SECRET – PRIVATE.**”

The Company’s testimony and responses to data requests in this matter contain confidential bid and vendor cost information, contract terms, proprietary utility data, and internal modeling results as discussed in our rebuttal testimony. We believe that disclosure of this information would provide an unfair economic advantage to potential vendors, contractors and suppliers, and as a result could result in higher costs for our customers if this information is disclosed. We believe disclosure of bid information could likewise be damaging to those who provided confidential pricing information to the Company.

Furthermore, the Company has provided, and will likely continue to provide, responses to Staff data requests that contains trade secret information. Staff and its consultants have executed the requisite non-disclosure agreements to protect this information. Likewise, it may become necessary to discuss Trade Secret data at the hearing in this matter. The Company seeks, through this trade secret application, to ensure continued protection of this information via order of the Administrative Law Judge in this proceeding.

B R I G G S   A N D   M O R G A N

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As a result, we believe it is important that our request for trade secret protection be granted. We look forward to working with the Commission to answer any questions that may exist. Thank you in advance for your review of this filing.

Sincerely,

*/s/ Elizabeth M. Brama*

Elizabeth M. Brama

EMB/jy

Enclosures

cc:     Zeviel Simpser (w/enc.)(via email)  
          Mark Gruman (w/enc.)(via email)  
          Ilona Jeffcoat-Sacco (w/enc.)(via email)  
          Administrative Law Judge Patrick J. Ward (w/enc.)(via email)

STATE OF NORTH DAKOTA  
BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION

NORTHERN STATES POWER COMPANY,  
A MINNESOTA CORPORATION

*ADVANCE DETERMINATION OF  
PRUDENCE — GERONIMO WIND  
ENERGY, LLC APPLICATION*

CASE NO. PU-12-059  
OAH CASE NO. 20120129

**APPLICATION FOR TRADE SECRET PROTECTION**

Northern States Power Company, a Minnesota corporation (“Xcel Energy” or the “Company”), respectfully requests the North Dakota Public Service Commission (the “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 cost information, contract terms, confidential bid information and internal modeling results regarding the power purchase agreement (“PPA”) with the Geronimo Wind Energy, LLC (“Geronimo Wind”) and any and all other responses to the Company’s 2010 Request for Proposal (“RFP”). Such information has been or will be marked as **TRADE SECRET** in our responses to data requests and in the pre-filed testimony submitted by the Company, or may arise or be discussed in the 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 bid for PPAs or other generation resources to the Company in the future. Confidential bid information is also particularly proprietary and has independent economic value to those who provided it. Moreover, potential suppliers would know what the Company has paid under this PPA and bids received in the RFP and, consequently, the price could potentially serve as a floor, below which no bidder would submit a price. 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 resource planning, the PPA 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.**

Other entities from which Xcel Energy purchases power (or could purchase power in the future) and other utilities would obtain economic value from disclosure of this information. Confidential bid information is also particularly proprietary and has independent economic value to those who provided it.

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.**

The Company has agreed to maintain the confidentiality of certain provisions of the PPA and 2010 wind RFP bids. 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 4th day of October, 2012

BRIGGS AND MORGAN, P.A.

By: /s/ Zeviel Simpser  
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