

STATE OF NORTH DAKOTA
BEFORE THE
NORTH DAKOTA PUBLIC SERVICE COMMISSION

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NORTHERN STATES POWER COMPANY,
A MINNESOTA CORPORATION

PUBLIC SERVICE COMMISSION

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

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

ORDER GRANTING TRADE SECRET PROTECTION

1. Northern States Power Company, a Minnesota corporation (“Xcel Energy” or the “Company”), applied for trade secret protection on January 31, 2012, and October 4, 2012, pursuant to N.D. Admin. Code § 69-02-09-01, and requested a protective order in accordance with the provisions of the N.D. Admin. Code.

2. The trade secret information identified by the Company’s October 4, 2012 application, including information in responses to data requests and in pre-filed testimony that may be offered as evidence or may be discussed in the hearing of the captioned case now before the commission, includes cost information, contract terms, internal modeling results, and other information regarding a Power Purchase Agreements (“PPA”) with Geronimo Wind Energy, LLC (“Geronimo Wind”). It also includes certain other information with respect to the Company’s 2010 Wind Request for Proposal (“2010 RFP”).

3. Commission staff, as required by N.D. Admin. Code § 69-02-09-03, have 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 “commercial information” as provided in N.D.C.C. § 44-04-18.4(2)(a), has been kept confidential by all relevant parties, would be of advantage to competitors if not protected, and could have economic value to potential vendors, contractors and suppliers of the Company. Certain information for which trade secret protection is requested also has independent value to third parties who supplied it to the Company as confidential information. The information is not readily ascertainable by such competitors or other persons via other proper means.

5. If competitors or others had access to such confidential information, it could adversely affect prices for future contracts by driving up costs to the ultimate disadvantage of consumers and rate payers.

6. This Hearing Officer has fully reviewed and considered the application and the recommendations of commission staff, and determines that the information is relevant for the hearing of this case, that the information is a trade secret as defined by N.D.C.C. § 47-25.1-01(4), and that the information is entitled to 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, all set forth above;


IT IS, THEREFORE,

ORDERED the Company 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 in this Order; 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.

Dated: 10/10/12, 2012

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

By: 
Patrick J. Ward
Administrative Law Judge

