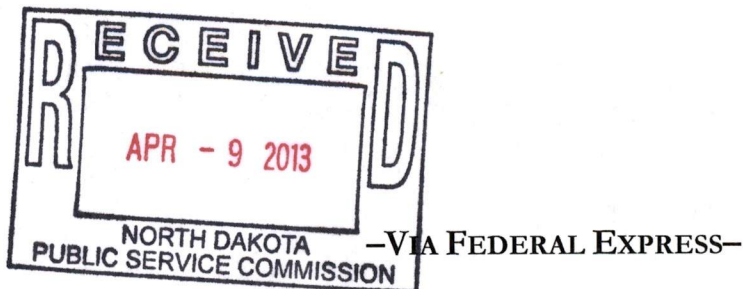




414 Nicollet Mall
Minneapolis, MN 55401

April 9, 2013



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

RE: APPLICATION OF NORTHERN STATES POWER COMPANY FOR TRADE
SECRET PROTECTION FOR THE 2013 ELECTRIC RATE CASE
CASE NO. PU-12-813

Dear Mr. Nitschke:

Northern States Power Company operating in North Dakota, respectfully submits: an original and eight (8) copies of the enclosed Application for Trade Secret Protection for the above referenced case.

The purpose of the requested protective order is to protect against public disclosure of trade secret, personnel and other commercially sensitive information that may be provided to the Commission, its staff or staff consultants either via responses to data requests, in pre-filed testimony, that may arise at hearing, as may be required in any settlement discussion, or as otherwise would need to be provided in the course of the case.

Upon issuance of the requested protective order, the Company will provide information that contains Trade Secret Data but which have not yet been provided pending issuance of a protective order.

Darrell Nitschke, Executive Director

April 9, 2013

Page 2 of 2

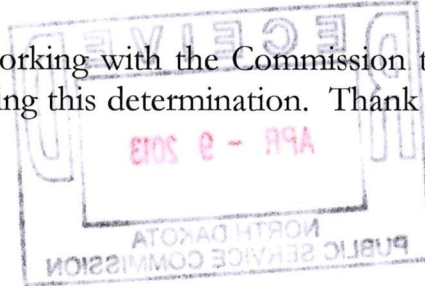
We look forward to working with the Commission to answer any questions they may have in granting this determination. Thank you in advance for your review of this filing.

Sincerely,

/s/

James P. Johnson
Assistant General Counsel
(ND ID # P012233)

Enclosure



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

**NORTHERN STATES POWER COMPANY
2013 ELECTRIC RATE INCREASE
APPLICATION**

CASE No. PU-12-813

APPLICATION FOR TRADE SECRET PROTECTION

Northern States Power Company, doing business as Xcel Energy (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, personnel and other commercially sensitive information as defined by N.D.C.C. § 44-04-18.4 (and any other public disclosure laws as may be applicable) that may be provided to the Commission, its staff or staff consultants either via responses to data requests, in pre-filed testimony, that may arise at hearing, as may be required in any settlement discussion, or as otherwise would need to be provided in the course of the above referenced case.

The Company recognizes that not all information it provides will be made publicly available on the Commission's website. However, pursuant N.D.C.C. § 44-04-18, any responses to data requests held by the Commission or its staff would be subject to disclosure as a "public record" if requested by a third-party, absent the protection requested in this Application. For the convenience of the parties to this case, as well as the Commission and the Administrative Law Judge, the Company is seeking a protective order for all sensitive information the Company may provide in this case, or which the Commission staff or staff's consultants may submit in this case. The Company's request is consistent with the Company's Trade Secret Application and the Commission's *Order Granting Trade Secret Protection* in Case No. PU-10-580 (Nov. 19, 2012).

Upon issuance of the requested protective order, the Company would provide information that contains Trade Secret Data but which have not yet been provided pending issuance of a protective order.

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 all of our different operations and personnel utilized to set the Company's electric rates. Such information includes, but is not limited to:

- (a) Employee compensation and other employee information that is not publicly disclosed by the Company in other proceedings or forums;
- (b) Contract terms including prices paid for certain resources under power purchase agreements, natural gas contracts, coal contracts, nuclear fuel contracts, and other bi-lateral or multi-party transactions which the Company may have contractual obligations to keep confidential or which the Company does not normally disclose except under some form of protective order or other legal protection;
- (c) Pricing forecasts that may be considered proprietary information by the Company or that are proprietary information of third parties which is purchased or otherwise obtained by the Company;
- (d) Customer-specific load or sales information to the extent such information is required to be kept confidential under state privacy laws or that the Company does not normally disclose without some form of protective order;
- (e) Sensitive internal data, including meeting minutes, audit reports, tax returns and associated working papers, and other internal, non-privileged correspondence which contains information related to the Company's management, decisions or available pricing. This information includes request for proposal (RFP) responses, available pricing and other competitive information which the Company uses to make decisions;
- (f) Information received by third parties for which the Company has a contractual obligation to maintain its non-public nature;
- (g) Information with respect to vendor or supplier services or costs, including legal services, or availability which may have an impact on markets for such vendor or supplier services;
- (h) pricing information such as wholesale energy, capacity, and fuel;
- (i) the availability of certain fuels in certain locations;
- (j) resource needs that are contemplated but not yet public;

- (k) capacity or transmission constraints; and
- (l) in-service dates for certain projects to the extent such information is not publicly disclosed and could affect relevant markets.

Each involves a type of information that is either (i) competitive or confidential information that the Company uses to plan, develop, and construct resource additions as well as operate and maintain its system, or (ii) if made publicly available in this case, would (or could) need to be publicly disclosed in other forums under federal law or the laws of other states. Such information can also include information provided by third parties as confidential, or involves personal employee or customer information, for which the Company has an obligation to keep confidential.

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).

To the extent any such information is related to employee compensation, it is also “information pertaining to monetary resources of a person 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 “financial information” as provided in N.D.C.C. § 44-04-18.4(2)(b) 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).

Such information has been or will be marked as **TRADE SECRET** or **NON-PUBLIC DATA** in our responses to data requests, in testimony, and at the hearing

or in post hearing filings. Establishing a Protective Order will provide the Commission, staff and consultants with access to appropriate information that may be necessary for the Commission to make an informed decision in this rate case, while preserving the confidentiality of the information consistent with Commission practices in prior cases.

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 who may compete with the Company for available resources such as pipeline capacity, transmission capacity and generation resources. Potential suppliers would know what the Company has paid under certain agreements and bids received in requests for proposals and, consequently, the price could potentially serve as a floor, below which no bidder would submit a price.

Additionally, some information could relate to matters currently, or likely to be, the subject of litigation, thereby providing advantages to the Company's counterparty in any current or pending suit.

Further, knowledge of the Company's compensation for its employees (other than executive compensation information disclosed as required by federal or state regulations) or other information about employees could provide significant value to other utilities looking to hire away Company employees.

Last, the Company maintains information that could be of significant value to third party participants in energy and transmission markets that, if disclosed in this case, the Company would be required to disclose publicly under applicable federal law. This information, merely by not being publicly known, is key to the orderly operation of energy markets and compliance with other federal laws.

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 the Company, Xcel Energy Services Inc. and their affiliates. 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 both in North Dakota with other state and federal 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. In addition, other utilities competing for key employees would obtain value in knowing information about employees; and vendors, contractors or suppliers (or prospective entities) would benefit from knowing the pricing or terms of the Company's existing arrangements or competing bids.

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 response to No. 3.

Respectfully submitted this 9th day of April, 2013

BRIGGS AND MORGAN, P.A.

By: /s/ Zeviel Simpser

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Xcel Energy Services Inc.

By: /s/ James P. Johnson

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Attorneys for Northern States Power Company