



414 Nicollet Mall
Minneapolis, MN 55401

February 20, 2017

–VIA FEDERAL EXPRESS–

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 CONSIDERATION OF A RESOURCE TREATMENT FRAMEWORK TO ADDRESS JURISDICTIONAL COST ALLOCATION ISSUES
CASE NOS. PU-12-813, PU-13-706, PU-13-707, PU-13-708, PU-13-742, PU-13-743, PU-13-194, AND PU-13-195

Dear Mr. Nitschke:

Northern States Power Company, doing business as Xcel Energy (Xcel Energy or the Company), respectfully submits an original and eleven (11) copies of the enclosed Application for Trade Secret Protection for the above-referenced cases; and one (1) copy of the trade secret version of responses to NDPSC Data Requests NDPSC-1 (EL-16-037 SDPSC DR 2-7 Non-Public) in the above-referenced cases, which have been placed in a sealed envelope and labeled **PROTECTED INFORMATION – PRIVATE**, in accordance with Section 69-02-09-02 of the North Dakota Administrative Code.

The purpose of our request for Trade Secret Protection is to protect against public disclosure of trade secret, personnel, and other commercially-sensitive information that may be provided to the North Dakota Public Service Commission (Commission or NDPSC), 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.

174 PU-13-743 Filed: 2/20/2017 Pages: 6
Application for protection of information

162 PU-13-742 Filed: 2/20/2017 Pages: 6
Application for protection of information

158 PU-13-708 Filed: 2/20/2017 Pages: 6
Application for protection of information

159 PU-13-707 Filed: 2/20/2017 Pages: 6
Application for protection of information

159 PU-13-706 Filed: 2/20/2017 Pages: 6
Application for protection of information

301 PU-12-813 Filed: 2/20/2017 Pages: 6
Application for protection of information

160 PU-13-194 Filed: 2/20/2017 Pages: 6
Application for protection of information

177 PU-13-195 Filed: 2/20/2017 Pages: 6
Application for protection of information

Darrell Nitschke, Executive Director

February 20, 2017

Page 2 of 2

Portions of the enclosed responses to NDPSC Data Requests NDPSC-1 (EL-16-037 SDPSC DR 2-7 Non-Public) have been marked as TRADE SECRET as they contain information that could have economic value to potential vendors, contractors, and suppliers who may desire to provide services to the Company in the future; to analysts, investors, and potential investors in the Company; and other entities who may compete with the Company for available resources. Furthermore, cost and resource information may have independent value in the marketplace, and if left unprotected, could be harmful for the Company's customers in North Dakota.

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

Sincerely,

A handwritten signature in blue ink that reads "David H. Sederquist". The signature is written in a cursive style with a large initial "D".

DAVID H. SEDERQUIST
SENIOR REGULATORY AND FINANCIAL CONSULTANT

cc: Sara Cardwell
Amanda Rome

Enclosures

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

Northern States Power Company 2013 Electric Rate Increase Application	Case No. PU-12-813
Northern States Power Company Advanced Determination of Prudence – Courtenay Wind Application	Case No. PU-13-706
Northern States Power Company Advanced Determination of Prudence – Odell Wind Application	Case No. PU-13-707
Northern States Power Company Advanced Determination of Prudence – Pleasant Valley Application	Case No. PU-13-708
Northern States Power Company Advanced Determination of Prudence – Border Winds Application	Case No. PU-13-742
Northern States Power Company 150 MW Border Winds Project – Rolette County, ND Public Convenience & Necessity	Case No. PU-13-743
Northern States Power Company Advanced Determination of Prudence – NG Generators Application	Case No. PU-13-194
Northern States Power Company Red River Valley NG Unites 1&2 – Hankinson, ND Public Convenience & Necessity	Case No. PU-13-195

APPLICATION FOR TRADE SECRET PROTECTION

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

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

The information for which the Company seeks protection includes detailed cost and Company resource information which was developed in support of Xcel Energy's Resource Treatment Framework submitted in the above-captioned Cases, as well as other highly-sensitive information. Such information can also include power purchase agreement terms, including pricing; costs to the Company from vendors or other third parties; salary and other personal information; resource planning assumptions based on proprietary data; and 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 the pre-filed testimony submitted by the Company, or may arise or be discussed in the hearing or hearings in this matter.

The Company states that this information is commercial information because it 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," as provided in N.D.C.C. § 44-04-18.4(2)(a).

The Company further states that this information is trade secret because it is information that "(1) [d]erives 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) [i]s the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information," as provided in N.D.C.C. § 44-04-18.4(2)(d). The Company also states that the information sought to be protected meets the definition of "trade secret" set forth in N.D.C.C. § 47-25.1-01(4).

- 2. An 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; to analysts, investors, and potential investors in the Company; and other entities who may compete with the Company for available resources. Furthermore, cost and resource information may have independent value in the marketplace, and if left unprotected, could be harmful for the Company's customers in North Dakota.

- 3. An explanation of 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 nondisclosure 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 in North Dakota or other states.

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

The persons or entities that would obtain economic value from disclosure or use of the information include investors and potential investors in the Company; entities in which Xcel Energy currently conducts or may conduct business with, and other utilities. Disclosure of the information sought to be protected would provide these persons and entities prior foreknowledge of information not readily available to the public.

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

See response to No. 4 above.

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

See response to No. 3 above.

In accordance with Section 69-02-09-02 of the North Dakota Administrative Code, one copy of the trade secret material is provided in the enclosed sealed envelope which is labeled: **PROTECTED INFORMATION – PRIVATE**.

Respectfully submitted this 13th day of February, 2017

BRIGGS AND MORGAN, P.A.

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