

STATE OF NORTH DAKOTA
BEFORE THE
PUBLIC SERVICE COMMISSION



IN THE MATTER OF THE APPLICATION OF
NORTHERN STATES POWER COMPANY
FOR AN ADVANCE DETERMINATION OF
PRUDENCE FOR THREE NATURAL GAS
COMBUSTION TURBINE GENERATORS

Case No. PU-13-194

IN THE MATTER OF THE APPLICATION OF
NORTHERN STATES POWER COMPANY, A
MINNESOTA CORPORATION, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY FOR TWO NATURAL GAS
COMBUSTION TURBINE GENERATORS

Case No. PU-13-195

APPLICATION FOR TRADE SECRET PROTECTION

Northern States Power Company (Xcel Energy or Company) respectfully requests the North Dakota Public Service Commission (Commission) enter a trade secret protective order in the above referenced case pursuant to Chapter 69-02-09 of the North Dakota Administrative Code. The purpose of the requested protective order is to protect from public disclosure pursuant to N.D.C.C. § 44-04-18, any trade secret and commercial information as defined by N.D.C.C. § 44-04-18.4 or any other applicable public disclosure laws that may be provided to the Commission, its staff, or staff consultants through supplemental filings, discovery responses, prefiled testimony, examination at hearing, settlement discussions, or otherwise in the course of the above referenced cases.

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 regarding the Company's proposal to add three combustion turbine (CT) generators to the Company's system, which has been marked as trade secret in our Application for Advance Determination of Prudence in the above-referenced case. Two of the proposed generators would be constructed in North Dakota.

The Company states the cost 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 the cost information is trade secret because it is information that “(1) derives 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; and (2) is 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 further 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. 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 to provide material or services for the Company’s proposal to add three CT generators to the Company’s system. In particular, potential suppliers would know what the Company has determined to be the cost range for certain components of its proposal, and consequently the cost range could potentially serve as a floor below which no bidder would submit a bid price. Such a result could be harmful for the Company’s customers.

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 and Xcel Energy Services Inc., the service company for the Company. 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 Company proposal, 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.

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 construction material and services could 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 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: **TRADE SECRET – PRIVATE**.

Respectfully submitted this 24th day of May, 2013

Northern States Power Company,

/s/

By: DAVID H. SEDERQUIST
SR. CONSULTANT, REGULATION & FINANCE