

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
THE 150 MW BORDER WINDS
PROJECT

Case No. PU-13-_____

IN THE MATTER OF THE APPLICATION
OF NORTHERN STATES POWER
COMPANY FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND
NECESSITY FOR THE 150 MW BORDER
WINDS PROJECT

Case No. PU-13-_____

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 cases 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, contract terms, confidential bid information and internal modeling results, as well as information from which the foregoing may be derived, regarding the Company's proposal to purchase the Borders Wind Project, which has been marked as trade secret in our Application for Advance Determination of Prudence and Application for a Certificate of public Convenience and Necessity in the above-referenced Cases.

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 for 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 the applicable agreements 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 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’s 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 power and generation facilities (or could purchase power and generation facilities 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 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 13th day of August, 2013

Northern States Power Company,



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