

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Northern States Power Company  
200 MW Courtenay Wind Project  
Advance Determination of Prudence

Case No. PU-15-181

Northern States Power Company  
200 MW Courtenay Wind Project  
Certificate of Public Convenience and Necessity

Case No. PU-15-175

Northern States Power Company  
200 MW Courtenay Wind Project  
Transfer of Certificate of Site

Case No. PU-15-174

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Geralyn R. Schmaltz** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **13th day of July, 2015**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

**Cover Letter  
Staff Response To The Request Of Northern States Power Company  
For Company For Trade Secret Protection**

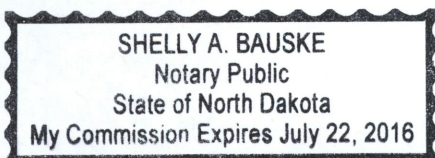
The envelope was addressed as follows:

David H Sederquist  
Senior Consultant, Regulation & Finance  
Xcel Energy  
2302 Great Northern Drive  
Fargo, ND 58102  
**Cert. No. 7014 1820 0001 3262 8313**

The address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **13th day of July, 2015**.

SEAL



*Geralyn R. Schmaltz*  
*Shelly A. Bauske*  
Notary Public



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
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600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

July 13, 2015

Mr. Dave Sederquist  
Senior Consultant - Regulation & Finance  
Xcel Energy  
2302 Great Northern Drive  
Fargo, ND 58102

RE: Northern States Power Company Case No. PU-15-181  
Northern States Power Company Case No. PU-15-175  
Northern States Power Company Case No. PU-15-174

Dear Mr. Sederquist:

Attached please find the Staff Response to the above cases for the Request of Northern States Power Company for Trade Secret Protection.

Sincerely,

A handwritten signature in black ink, appearing to read "John Schuh".

John Schuh  
Legal Counsel

**STATE OF NORTH DAKOTA**

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**STAFF RESPONSE TO THE REQUEST OF NORTHERN STATES POWER  
COMPANY FOR TRADE SECRET PROTECTION**

On 30 April 2015, and 6 May 2015, Northern States Power Company (Xcel Energy or Company), filed applications for a trade secret protective order under North Dakota Administrative Code Section 69-02-09 for protecting against public disclosure trade secret information as defined by North Dakota Century Code Section 47-25.1-01(4).

The information for which the Company seeks protection includes Cost information as well as contract terms regarding the Company's proposal to construct, own and operate the 200 MW Courtenay Project.

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 North Dakota Century Code Section 44-04-18.4(2)(a).

- 19 PU-15-181 Filed 07/10/2015 Pages: 4  
Staff Response to Request for Trade Secret Protection
- 20 PU-15-175 Filed 07/10/2015 Pages: 4  
Staff Response to Request for Trade Secret Protection
- 16 PU-15-174 Filed 07/10/2015 Pages: 4  
Staff Response to Request for Trade Secret Protection

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 North Dakota Century Code Section 44-04-18.4(2)(d). As a result, the Company states that the information sought to be protected meets the definition of "trade secret" as set forth in North Dakota Century Code Section 47-25.1-01(4).

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. 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.

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 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.

North Dakota Administrative Code Section 69-02-09-03 requires that the Commission staff examine the information and applications and make a recommendation to the Commission. Staff has reviewed the request of Xcel for protection of information.

North Dakota Century Code Section 44-04-18.4(2) authorizes protection for commercial, financial, proprietary, and trade secret information if privileged and if the information has not been previously publically disclosed. North Dakota Century Code Section 44-04-18.4(1). Commercial and financial information can be protected from disclosure if the information has not been previously disclosed and disclosure would impair the Commission's ability to obtain similar information in the future or would cause competitive injury to the person providing the information. North Dakota Century Code Sections 44-04-18.4(2)(a) and 44-04-18.4(2)(b). Proprietary and trade secret information can be protected when the information derives independent economic value from not being generally known to or readily ascertainable by other persons, and is the subject of reasonable efforts to maintain its secrecy. North Dakota Century Code Sections 44-04-18.4(2)(c) and 44-04-18.4(2)(d).

Staff believes that Xcel's applications satisfy the requirements of the North Dakota Century Code for protection of the information which is the subject of this request. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

For reasons set forth above, Staff recommends that the Commission grant the applications of Northern States Power Company to protect certain filed information in this case.

Dated this 10<sup>th</sup> day of July, 2015

A handwritten signature in black ink, appearing to read 'John M. Schuh', written over a horizontal line.

John M. Schuh  
Staff Attorney  
North Dakota Public Service Commission