

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 200 MW
COURTENAY WIND FARM PROJECT

Case No. PU-15-_____

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 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 cost information as well as contract terms regarding the Company's proposal to construct, own and operate the 200 MW Courtenay Project, a wind generating facility located north of Jamestown, North Dakota which has been marked as trade secret in our Application for Advance Determination of Prudence in the above-referenced Case.

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 the cost 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 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 to 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. Further, non-economic contract terms will provide potential vendors the opportunity to identify non-cost items of importance to the Company. 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 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 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 6th day of May, 2015

Northern States Power Company,

/s/

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