



414 Nicollet Mall
Minneapolis, MN 55401

November 6, 2018

**NOT-PUBLIC DOCUMENT
CONTAINS PRIVILEGED DATA
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 INVESTIGATION AND REMEDIATION OF
FORMER FARGO MANUFACTURED GAS PLANT SITE
CASE NO. PU-15-514

Dear Mr. Nitschke:

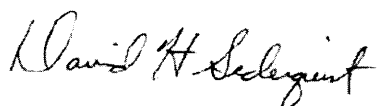
Northern States Power Company, doing business as Xcel Energy (Xcel Energy or the Company), respectfully submits an original and eleven (11) copies of the enclosed Application for Trade Secret Protection for the above-referenced case; and one (1) copy of the trade secret version of the Third Quarter Update in the above-referenced case, 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.

Portions of the enclosed quarterly update have been marked as TRADE SECRET as they contain information that could have economic value to the Company's insurers; 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; entities with which the Company currently conducts or may conduct business; and other utilities.

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 cursive script that reads "David H. Sederquist".

DAVID H. SEDERQUIST
SENIOR REGULATORY AND FINANCIAL CONSULTANT

cc: Pat Fahn

Enclosures

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

INVESTIGATION AND REMEDIATION OF FORMER
FARGO MANUFACTURED GAS PLANT SITE
NORTHERN STATES POWER COMPANY

CASE NO. PU-15-514

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 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 *et seq.* or any other applicable public disclosure laws.

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**.

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

The information for which the Company seeks protection includes information related to confidential settlement agreements with the Company's insurers and a confidential settlement and purchase agreement with Heartland, Inc. This information is subject to confidentiality clauses in each of the applicable agreements. The Company, moreover, is in active litigation with several insurance companies, and disclosing the terms of any settlements could have materially adverse effects on the Company in those litigations and in other circumstances..

Such information has been or will be marked as **TRADE SECRET** in our 3rd quarter 2018 update of progress submitted by the Company.

The Company 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 has economic value to the Company from not being generally known. Other entities, including insurance companies, with whom the Company is involved in litigation or other transactions, could use the information against the Company. If this information were made publicly available, it could have a materially adverse effect against the Company in such circumstances.

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 subject to confidentiality clauses and has not been 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.

The Company has requested that this – and similar types of 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.

The persons or entities that would obtain economic value from disclosure or use of the information include the Company’s insurers; potential vendors, contractors, and suppliers who may desire to provide services to the Company in the future; analysts, investors, and potential investors in the Company; entities with which Xcel Energy currently conducts or may conduct business; 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.

Respectfully submitted this 6th day of November, 2018

NORTHERN STATES POWER
COMPANY or XCEL ENERGY

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