

**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 4th 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 7<sup>th</sup> day of February, 2019

NORTHERN STATES POWER  
COMPANY or XCEL ENERGY

By: /s/ Ryan Long

Ryan Long  
414 Nicollet Mall  
401-8  
Minneapolis, Minnesota 55401  
Telephone: (612) 215-4659