

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

NORTHERN STATES POWER COMPANY
ADVANCE PRUDENCE – 1,550 MW WIND PORTFOLIO
APPLICATION

CASE NO. PU-17-___

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 cost information, contract terms, confidential bid information, and internal modeling results and cost estimates, engineering judgment and interconnection data, as well as information from which the foregoing may be derived, regarding the Company's proposal to add 1,550 MW of additional wind resources to the Company's system. Specifically, the Company seeks protection of information addressing project in-service dates, the levelized cost of energy for each proposed wind resource addition, net capacity factors, annual energy production information, capital cost estimates, transmission network upgrades, network upgrade estimates, interconnection cost estimates, third-party bid information, contract terms, equipment used to construct certain projects, and project-specific information related to the Midcontinent Independent System Operator, Inc. (MISO) interconnection study cycle evaluation and completion of System Impact Studies or Facility Studies dates. Such information has been marked as **TRADE SECRET** in our Application for Advance Determination of Prudence and accompanying Direct Testimonies in the above-referenced Case.

The Company states that this information is commercial information because it is “information pertaining to buying or 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 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 could have economic value to potential vendors, contractors, and suppliers who may desire to bid for Power Purchase Agreements (PPAs), Build-Own-Transfer Agreements (BOTs), or 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 its PPAs, BOTs, or other agreements and bids received in the Request for Proposals, 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.

Information regarding interconnection of generators to the MISO system also has value as it is not publicly known and could be used to determine the Company’s estimates of interconnection matters. Further, information of this type may have been obtained from third parties who also wish to keep it from being publicly known.

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 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 subject matter of the information 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. To the extent that Xcel Energy has disclosed this information in the past, it has not been identified as protected information in the documents for which Xcel Energy request protection.

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 and independent power producers would obtain economic value from disclosure of this information. Confidential bid information is also particularly proprietary and has independent economic value to those who provide it.

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 29th day of March, 2017

BRIGGS AND MORGAN, P.A.

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