

Lyle W. Kirmis
Lance D. Schreiner, P.C.
Patrick J. Ward++
Lawrence E. King, P.C.***
Constance N. Hofland**
John E. Ward++
Justin M. Balzer

John A. Zuger
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316 North Fifth Street
P.O. Box 1695
Bismarck, ND 58502-1695
p: 701.223.2711
f: 701.223.9619
www.zkslaw.com
pward@zkslaw.com

August 2, 2017

Darrel Nitschke
Public Service Commission
600 East Boulevard Avenue, Dept. 480
Bismarck, ND 58505-0480

RE: Northern States Power Company
Case No. PU-17-120

Dear Mr. Nitschke:

Enclosed for filing is the original Order Granting Trade Secret Protection along with a Certificate of Service with regard to the above matter.

Sincerely,

A handwritten signature in cursive script that reads "Val Leapaldt".

Val Leapaldt
Secretary to Patrick J. Ward

Enclosures

c: John Hamre

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
Advance Prudence – 1550 MW Wind
Application

Case No. PU-17-120
OAH File No. 20170204

ORDER GRANTING TRADE SECRET PROTECTION

1. On March 29, 2017, Northern States Power (NSP), filed an application for trade secret protection pursuant to North Dakota Administrative Code Section 69-02-09, requesting a protective order to protect trade secret and commercial information as defined by North Dakota Century Code Section 47-25.1-01(4) and 44-04-18.4.

2. The information for which NSP seeks trade secret protection includes cost information, contract terms, confidential bid information, internal modeling results and cost estimates, engineering judgment and interconnection data, as well as information from which such information may be derived. 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.

3. The above referenced information is confidential commercial and business information and prepared specifically for NSP. The Company states that the information

is not publicly available and the confidentiality of this information has been maintained. If publicly available, vendors, contractor and suppliers could use the information to their advantage in competing for project procurement opportunities, while competitors could use the information to leverage their prices or bid positions to NSP's detriment. Disclosure to vendors and competitors if allowed, could be harmful to the Company's customers in North Dakota.

4. In accordance with N.D. Admin. Code § 69-02-09-02, one copy of the trade secret material has been provided in a sealed envelope labeled PROTECTED INFORMATION – PRIVATE.

5. North Dakota Century Code Section 44-04-18.4(1) authorizes protection for commercial, financial, proprietary, and trade secret information if privileged and if the information has not been previously publicly disclosed. 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)-(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)-(d).

6. Commission staff has responded that the Company's application satisfies the requirements of the North Dakota Century Code for protection of the information which is the subject of this request and staff does not oppose this request.

7. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

8. This hearing officer has fully reviewed and considered the application of NSP and the recommendations of Commission staff, and determines that the information is both relevant for the hearing of this case and that the information is entitled to the protection sought in the application.

IT IS, THEREFORE,

ORDERED that NSP is hereby granted the confidential trade secret protection that it seeks.

Dated: 8/2, 2017

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

By: 

Patrick J. Ward
Administrative Law Judge
PO Box 1695
Bismarck, ND 58502-1695
701-223-2711
pward@zkslaw.com

CERTIFICATE OF SERVICE

The undersigned certifies that complete and correct copies of the ORDER GRANTING TRADE SECRET PROTECTION were sent by email on August 2, 2017, to:

Illona Jeffcoat-Sacco
Public Service Commission
ijs@nd.gov

John Schuh
Public Service Commission
jschuh@nd.gov

Victor Schock
Public Service Commission
vschock@nd.gov

Sara Cardwell
Public Service Commission
scardwell@nd.gov

Mitchell Armstrong
marmstrong@smithporsborg.com

Sarah Kuntz
skuntz@smithporsborg.com

Zeviel Simpser
zsimpser@briggs.com

Amanda Rome
Amanda.rome@excelenergy.com

John Hamre
jghamre@nd.gov

/s/ Patrick J. Ward
Patrick J. Ward
Administrative Law Judge