

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



NORTHERN STATES POWER COMPANY
ADVANCE PRUDENCE – BIOMASS PPAS
APPLICATION

CASE No. PU-17-_____

NORTHERN STATES POWER COMPANY
DEFERRED ACCOUNTING – BIOMASS PPAS
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 Cases 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 detailed cost and Company resource information which was developed in support of Xcel Energy's Advance Determination of Prudence (ADP) Application which was submitted in the above captioned Cases, as well as other highly sensitive information. Such information can also include power purchase agreement terms, including pricing; costs to the Company from vendors or other third parties; resource planning assumptions based on proprietary data; and information provided by third parties as confidential and for which the Company has an obligation to keep confidential. Such information has been or will be marked as **TRADE SECRET** in our responses to data requests and in the pre-filed testimony submitted by the Company, or may arise or be discussed in the hearing or hearings in this matter.

2 **PU-17-271** Filed: 6/30/2017 Pages: 3
Application for Protection of Information

Northern States Power Company
Zeviel Simpser, Briggs & Morgan, P.A.

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Application for Protection of Information

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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 provide services to the Company in the future; to analysts, investors, and potential investors in the Company; and other entities who may compete with the Company for available resources; and to similarly situated vendors or power project developers who seek to do business with the Company. Furthermore, cost and resource information may have independent value in the marketplace, and if left unprotected, could be harmful for the Company's customers in North Dakota.

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.

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 investors and potential investors in the Company; entities with which Xcel Energy currently conducts or may conduct business, including other entities from which Xcel Energy purchases power; 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 30th day of June, 2017

BRIGGS AND MORGAN, P.A.

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