

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



Northern States Power Company
Advance Prudence -
Acquisition of 302.4 MW Wind Generation Application

Case No. PU-17-372

OAH File No. 20170547

ORDER GRANTING TRADE SECRET PROTECTION

1. Northern States Power Company, a Minnesota corporation (“Xcel Energy” or the “Company”), applied for trade secret protection on October 10, 2017, pursuant to N.D. Admin. Code § 69-02-09-01, and requested a protective order in accordance with the provisions of the N.D. Admin. Code.

2. The trade secret information identified in the application relates to cost information; contract terms; confidential bid information; internal modeling results and cost estimates, engineering judgement and interconnection data; and information from which the foregoing may be derived. This trade secret information may be offered as evidence for the hearing, including during discovery, in filed testimony, in settlement discussions, or as otherwise provided in this case, and in particular regards:

- a. Project in-service dates;
- b. The levelized cost of energy for proposed resource additions;
- c. Net capacity factors;
- d. Annual energy production information;
- e. Capital cost estimates;
- f. Transmission network upgrades;
- g. Network upgrade estimates;
- h. Interconnection cost estimates;
- i. Third-party bid information;

- j. Contract terms;
- k. Equipment used to construct certain projects, and
- l. Project-specific information related to the MISO interconnection study cycle evaluation and completion of System Impact Studies or Facility Studies dates.

3. Commission staff, as required by N.D. Admin. Code § 69-02-09-03, have made a prima facie recommendation that the information is relevant for the hearing of this case and is a trade secret as defined by N.D.C.C. § 47-25.1-01(4).

4. The information for which trade secret protection is sought is “cost information pertaining to buying and selling of goods and services which has been kept confidential and has not been previously publicly disclosed” as provided in N.D.C.C. § 44-04-18.4(2)(a), and could be of unfair advantage to competitors if not protected or could have economic value to potential suppliers, vendors, or other competitors. The information is not readily ascertainable by other proper means to such competitors, vendors, suppliers, or other persons.

5. If competitors, vendors or other suppliers had access to such confidential information, it could adversely affect prices for future material or services and drive up costs to the ultimate disadvantage of consumers and rate payers. N.D.C.C. § 44-04-18.4.

6. This Hearing Officer has fully reviewed and considered the application of Northern States Power and the recommendations of Commission staff, and determines that the information is relevant for the hearing of this case, that the information is not a public record under N.D.C.C. § 44-04-18 because the information is a trade secret as defined by N.D.C.C. § 47-25.1-01(4), and that the information is entitled to protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09, all as set forth above;

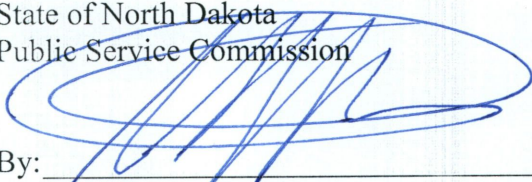
IT IS, THEREFORE, ORDERED that Northern States Power is hereby granted trade secret protection pursuant to and in accordance with the provisions of N.D.C.C. ch. 47-25.1 and N.D. Admin. Code ch. 69-02-09 for the information identified in this Order; and it is further

ORDERED that this order shall not constitute precedent for a determination of entitlement to trade secret protection for any information submitted upon any subsequent application.

Dated in Bismarck, North Dakota, this 12th day of June 2018.

State of North Dakota
Public Service Commission

By: _____


Timothy J. Dawson
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, North Dakota 58503

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CERTIFICATION OF SERVICE

The undersigned certifies that the original of the **ORDER GRANTING TRADE SECRET PROTECTION** was mailed, inside mail, at the State Capitol, on the 12 day of June 2018, to:

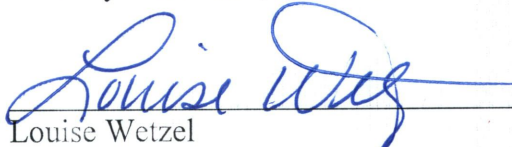
John Hamre
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

and that true and correct copies of the above document were mailed, regular mail, on the 12 day of June 2018, to

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OFFICE OF ADMINISTRATIVE HEARINGS
Timothy J. Dawson, Administrative Law Judge



Louise Wetzel