

**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  
REGARDING JAMES HEIDELL TESTIMONY**

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. Docket #4.

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, 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). ALJ Dawson, assigned to the case at that time, granted the requested trade secret protection on June 12, 2018. Docket # 31. Now, staff, on July 30, 2018, requested Trade Secret Protection to file the complete testimony of its expert James Heidell as trade secret.

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), and could be of unfair advantage to competitors if not protected or could have economic value to potential suppliers, vendors, or other competitors vendors. The information is not readily ascertainable by other proper means to such competitors, vendors, suppliers, or other persons.

5. The reason for this is that Heidell's testimony contains several portions relating to the trade secret information which he has reviewed and many of the Exhibits do as well. 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 of the Company. N.D.C.C. § 44-04-18.4.

6. This Hearing Officer has fully reviewed and considered the application of Staff and consistent with the June 12 order, determines that the Heidell 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 Commission Staff is hereby granted trade secret protection 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 15<sup>th</sup> day of August 2018.

State of North Dakota  
Public Service Commission

By: 

Patrick Ward  
Administrative Law Judge  
P.O. Box 1695  
Bismarck, ND 58503

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the ORDER GRANTING TRADE SECRET PROTECTION REGARDING JAMES HEIDELL TESTIMONY was mailed, at the State Capitol, on the 15th day of August, 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 15th day of August 2018, to

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