

STATE OF NORTH DAKOTA
BEFORE THE
NORTH DAKOTA PUBLIC SERVICE COMMISSION

Northern States Power Company –
Advance Prudence – Acquisition of 375 MW & 345 NW
Mankota Energy Center
Mankota Energy Center II

Case No. PU-18-403

ORDER GRANTING TRADE SECRET PROTECTION

1. Northern States Power Company, a Minnesota corporation, doing business as Xcel Energy (“Xcel”, “NSP” or the “Company”), applied for trade secret protection in this matter on December 7, 2018, pursuant to N.D. Admin. Code § 69-02-09-01, and requested a protective order in accordance with its provisions.

2. The trade secret information identified by the application includes detailed cost information, as well as contract terms, regarding the Company’s proposal to acquire the 375 MW Mankato Energy Center and the 345 MW Mankato Energy Center II, Case No. PU-18-403.

3. Commission staff on February 20, 2019, answered that protection sought for the material designated in the request for protection is not contested by staff.

4. The information for which trade secret protection is sought includes “cost information, as well as contract terms, pertaining to buying and selling of goods and services” which have not been previously publicly disclosed and merits protection as trade secret as provided in N.D.C.C. § 44-04-18.4(2)(a).

5. The company further states unfair advantage to competitors and others could result. It could have economic value to potential suppliers, vendors, contractors, and other entities doing business with Xcel in the future. The information is not readily

ascertainable by other proper means to such competitors, vendors, contractors, or other persons.

6. If competitors, vendors or other suppliers had access to such confidential information, it could result in future bidders using the information as a floor below which no bidder would submit a bid price. This could affect prices for future material or services and drive up costs to the ultimate disadvantage of North Dakota consumers and rate payers. N.D. Cent. Code § 44-04-18.4. The confidentiality of the information has been maintained by Xcel Energy.

7. 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 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 (Xcel) 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: March 19, 2019

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

By: 
Patrick J. Ward
Administrative Law Judge

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CERTIFICATE OF SERVICE

The undersigned certified that complete and correct copies of the ORDER GRANTING TRADE SECRET PROTECTION were sent by email on March 19, 2019, to:

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

Zeviel Simpser
zsimpser@briggs.com

Zachary Pelham
#zepefile@pearce-durick.com

Mitchell Armstrong
marmstrong@smithporsborg.com

Brian Schmidt
bschmidt@smithporsborg.com

Sara Wall
swall@smithporsborg.com

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