

STATE OF NORTH DAKOTA  
BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION

Northern States Power Company  
Advance Prudence – 151.2 MW Dakota Range III  
Application

Case No. PU-18-430

**ORDER GRANTING TRADE SECRET PROTECTION**

1. Northern States Power Company, a Minnesota corporation, doing business as Xcel Energy, (“NSP”, “Xcel” or the “Company”), applied for trade secret protection on December 27, 2018, 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 by their application may be offered as evidence for the hearing regarding the company’s proposed Power Purchase Agreement to add a 151.2 MW wind facility known as Dakota Range III Wind Project.

3. Commission staff on February 20, 2019, 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), except for portions of the Brian Shea testimony on page 9, lines 4-15.

4. The information for which 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 which entitles it to trade secret protection as provided in N.D.C.C. § 44-04-18.4(2)(a). This information could be of unfair advantage to competitors if not protected or could have economic value to potential suppliers, vendors, contractors, or other competitors. The information is not readily

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

5. If competitors, vendors, contractors 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. Cent. Code § 44-04-18.4.

6. NSP replied to Commission staff's response on February 26, 2019, that it does not object to making page 9, lines 4-15 of the Brian Shea testimony public.

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 (not including page 9, lines 4-15 of Shea testimony) 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;

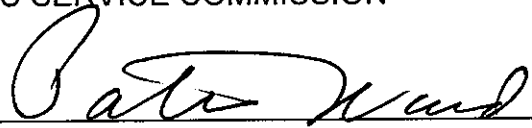
**IT IS, THEREFORE,**

**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: 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:

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