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May 2, 2019

VIA ELECTRONIC MAIL and
U.S. CERTIFIED MAIL RETURN RECEIPT

Public Service Commission
Attention: Steve Kahl
600 East Boulevard Avenue, Dept. 480
Bismarck, ND 58505-0480

Re: Northern States Power Company
Advanced Prudence – 151.2 MW Dakota Range III
PU-18-430

Dear Mr. Kahl:

Enclosed for filing is Northern States Power Company's "First Supplement to Application for Trade Secret Protection" in the above-referenced case.

If you have any questions, please feel free to give me a call.

Respectfully,



Zeviel Simpson

ZS/tjb

Enclosure

cc: Patrick J. Ward, Administrative Law Judge (w/encl.)
Mitchell D. Armstrong (w/encl.)
Zachary Pelham (w/encl.)
Jack M. Shuh (w/encl.)
Victor Schock (w/encl.)

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First Supplement to Application for Trade Secret Protection - data request 2-3
Northern States Power Company
Zeviel Simpson, Briggs and Morgan, P.A.

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

NORTHERN STATES POWER COMPANY
ADVANCE PRUDENCE – 151.2 MW
DAKOTA RANGE III WIND FACILITY

CASE NO. PU-18-430

**FIRST SUPPLEMENT TO
APPLICATION FOR TRADE SECRET PROTECTION**

On December 27, 2018, Northern States Power Company (Xcel Energy or the Company) submitted its Application for Trade Secret Protection in the above-referenced Case (Initial Trade Secret Application) for certain information related to the power purchase agreement (PPA) between the Company and Dakota Range III, LLC. On March 19, 2019, Administrative Law Judge (ALJ) Ward issued an Order Granting Trade Secret Protection for the information identified in the Initial Trade Secret Application.

On January 11, 2019, the Company submitted in this Case a redacted version of its application to the Minnesota Public Utilities Commission for approval of certain contracts for electric service to Google’s Minnesota data center project (Minnesota Petition).¹ Through the course of discovery, and based on a review of the Minnesota Petition, the Parties have agreed that some of the redacted information (and data underlying such information) in the Minnesota Petition is relevant for this Case.

To that end, the Company respectfully requests the North Dakota Public Service Commission (Commission) enter a second trade secret protective order in this Case, pursuant to Chapter 69-02-09 of the North Dakota Administrative Code, to protect information and underlying data in the Minnesota Petition reasonably requested by the Parties to this proceeding. 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—and the disclosure of which could harm the Company and its customers—from public disclosure pursuant to N.D.C.C. § 44-04-18 *et seq.* or any other applicable disclosure laws.

The Company notes that some of the information for which it seeks protection through this Application is particularly sensitive and that it has withheld such information from all parties—other than government entities—in the Minnesota

¹ See Docket Item 14 in Case No. PU-18-430.

Public Utilities Commission proceeding reviewing the Minnesota Petition. The Company respectfully requests that, in this Case, the dissemination of information and underlying data in the Minnesota Petition similarly be restricted to only Advocacy Staff, Advisory Staff, and their consultants. (At this time, Advocacy Staff and the Company are the only parties to the instant proceeding.)

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 cost information and contract terms for the Retail Electric Service Agreement, Competitive Response Rider Agreement, and Interconnection Agreement for Retail Electric Service at Transmission Voltage proposed by the Company in the Minnesota Petition. Additionally, the Company seeks to protect certain modeling and cost/benefit information it has performed with respect to electric service to Google’s Minnesota data center project.

The Company states that this information is commercial information, under N.D.C.C. § 44-04-18.4(2)(a), because it is “information pertaining to buying and 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.”

The Company further states that the information is trade secret, under N.D.C.C. § 44-04-18.4(2)(d) and § 47-25.1-01(4), 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.”

2. An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.

The information has economic value to potential vendors, contractors, and suppliers who could use it to locate large load in the Company’s NSP System territory. Moreover, potential suppliers would know what price, terms and conditions the Company has agreed to with Google and, consequently, that information could be used to create a ceiling above which no entity would contract with the Company.

Further, non-economic contract terms will provide potential vendors the opportunity to identify non-cost items of importance to the Company and Google. Last, information regarding the economic impact of the transaction to the Company could impact future negotiations with Google as well as other potential large load customers.

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 has not been 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 Company's proposal, or to third persons pursuant to nondisclosure agreements to maintain the confidentiality of the information. The Company has restricted access to its modeling and other financial data from its transactional counterpart, Google.

The Company has requested that this information be treated as trade secret in all of its regulatory filings and other instances of sharing this information with governmental entities. Further, the Company has limited disclosure of this information in such filings in Minnesota to only government entities in those proceedings, namely the Minnesota Public Utilities Commission, the Minnesota Department of Commerce, and the Minnesota Office of Attorney General.

4. A general description of known competitors and competitors' goods and services that are pertinent to the tariff or rate filing.

Google itself, as well as other entities seeking to develop large load facilities in the Company's NSP System territory. Other utilities would also obtain economic value from disclosure of this information.

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 2nd day of May, 2019.

DORSEY & WHITNEY LLP

By: /s/ Zeviel Simpser

Zeviel Simpser (ND ID # 06794)

50 South Sixth Street

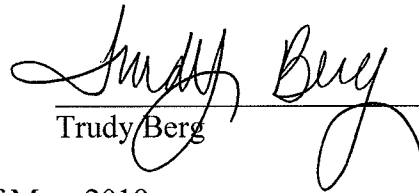
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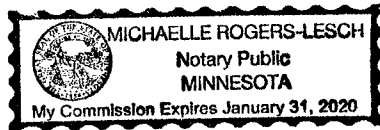
Telephone: (612) 492-6129


Attorney for Northern States Power Company

and depositing the same, with postage prepaid, in the United States mail at Minneapolis,
Minnesota.


Trudy Berg

Subscribed and sworn before me this 2nd day of May, 2019.




Notary Public
Hennepin County, Minnesota