

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
FOR JAMES HEIDELL TESTIMONY**

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. Thereafter, 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. This Hearing Officer fully reviewed and considered the application of Northern States Power and the recommendations of commission staff, and determined 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.

5. On May 30, 2019, staff advised it had entered into a Non-Disclosure Agreement with NSP to expedite discovery.

6. Staff now requests Trade Secret Protection for the testimony of its expert, James Heidell, because portions of Mr. Heidell's testimony and the attached exhibits include information previously designated as trade secret.

IT IS, THEREFORE,

ORDERED that Advocacy Staff is hereby granted trade secret protection to file the testimony of James Heidell 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 my earlier Order dated March 19, 2019; 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: 7/1, 2019

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

By: _____

Patrick J. Ward

Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certified that complete and correct copies of the ORDER GRANTING TRADE SECRET PROTECTION FOR JAMES HEIDELL TESTIMIONY were sent by email on July 1, 2019, to:

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

John Hamre
Public Service Commission
jghamre@nd.gov

Zeviel Simpser
simpser.zev@dorsey.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