

STATE OF NORTH DAKOTA  
BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION

IN THE MATTER OF A SERVICE )  
TERRITORY AGREEMENT BETWEEN )  
NORTHERN STATES POWER COMPANY )  
AND CASS COUNTY ELECTRIC )  
COOPERATIVE )

Case No. PU-24-\_\_\_\_

**APPLICATION FOR TRADE SECRET PROTECTION**

Northern States Power Company (Xcel Energy or the Company) respectfully requests that the North Dakota Public Service Commission (Commission) enter a trade secret protective order in the above-referenced Case pursuant to Chapter 69-02-09 of the North Dakota Administrative Code. The purpose of the requested protective order is to protect from public disclosure, pursuant to N.D.C.C. § 44-04-18 or any other applicable public disclosure laws, any trade secret and commercial information, as defined by N.D.C.C. § 44-04-18.4, that may be provided to the Commission, its staff, or staff consultants through supplemental filings, discovery responses, examination at hearing, settlement discussions, or otherwise in the course of this Case.

**1. A general description of the nature of the information sought to be protected.**

We request confidential treatment on the grounds that the material is proprietary and trade secret information, the disclosure of which would result in material damage to the Company's financial or competitive position. Attachment A to this response contains information that is trade secret. This information is related to a settlement agreement between the Company and Cass County Electric Cooperative. This information has independent economic and commercial value from not being generally known to, and not being readily ascertainable by other parties, who could obtain economic value from its disclosure or use.

The Company further states that the information sought to be protected meets the definition of "trade secret" 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," as provided in N.D.C.C. § 44-04-18.4(2)(d).

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

Attachment A contains confidential information related to a settlement agreement between the Company and the Cass County Electric Cooperative regarding the designation of a service location Fargo, North Dakota

**3. An explanation of why the information is not readily ascertainable by proper means by other persons.**

Xcel Energy has maintained the confidentiality of this information.

The information is not disclosed to the public or to persons other than employees or authorized agents who need to know the information to fulfill their responsibilities or to third persons pursuant to nondisclosure agreements to maintain the confidentiality of the information.

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.

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

Other entities that sell products and services in the same industry of the customers from whom the information was obtained.

**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.

In accordance with N.D.A.C. § 69-02-09-02, one copy of the trade secret material is provided in the enclosed sealed envelope, which is labeled: **PROTECTED INFORMATION – PRIVATE.**

Respectfully submitted this 3rd day of May, 2024.

Northern States Power Company,

/s/

Alex J. Nisbet  
Regulatory Policy Specialist