

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of
Northern States Power Company d/b/a
Xcel Energy for Certificates of Need for
Four Large High Voltage Transmission
Line Projects in Southwestern Minnesota

PROTECTIVE ORDER

This matter is pending before the undersigned. Appearances on behalf of each party are on file.

The Applicant has requested a determination that certain information presented in the course of this proceeding shall be treated as “trade secret information” as defined in Minn. Stat. §13.37, subd. 1(b).

Based on the information presented, the Applicant has demonstrated that it has made reasonable efforts to maintain the secrecy of its data, and that the Applicant derives economic value from the data not being generally known or readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use.

IT IS HEREBY ORDERED:

1. Data that is classified as “nonpublic” under Minn. Stat. §13.37, subds. 1(b) and 2, or other applicable law shall not be disclosed in the course of this proceeding except as set forth in this order.
2. The pleadings, hearing, and Judge’s orders and report in this matter shall be public provided that nonpublic data shall not be disclosed. Any pleadings filed or documents introduced after the date of this Order that refer to nonpublic data shall be marked “CONTAINS NONPUBLIC DATA” at the top of the initial page. The court reporter shall maintain exhibits designated as nonpublic in a separate file.
3. Portions of the hearing may be closed as necessary to protect nonpublic data and to permit its free discussion. Portions of the transcript containing nonpublic data shall be separated and marked “CONTAINS NONPUBLIC DATA”.
4. The nonpublic data will be subject to the following restrictions:

- A. The data will be used solely in conjunction with this proceeding and will not be disclosed outside these proceedings. When a party or party's counsel anticipates that there will be reference to nonpublic data, that person shall immediately notify the administrative law judge so that the proper steps may be taken to protect the privacy of the data.
- B. The data shall not be disclosed by the parties or parties' counsel during the course of this proceeding except to the following:
- (1) The parties, parties' counsel, and such employees of the parties or parties' counsel who assist in this proceeding, all of whom are bound by the terms of this Protective Order;
 - (2) Witnesses, experts or consultants working with the parties or parties' counsel who sign an agreement agreeing to be bound by the terms of this Protective Order, or agree on the record to be bound by its terms.
5. Each unrepresented party and each attorney bears full responsibility for explaining compliance with this Order to the persons with whom the nonpublic data is discussed.
6. Any party who seeks to use the information subject to this Protective Order in a manner inconsistent with the Order shall bring a motion before the Administrative Law Judge with notice to the other parties, requesting permission to use the information and detailing the reasons for seeking permission to do so.
7. This Protective Order may be modified or amended by agreement of the parties and notice to the Administrative Law Judge for good cause shown.
8. Nothing in this order is intended to limit full review of the record by the Public Utilities Commission, or any subsequent judicial review.

Dated this ____ day of May, 2002.

BEVERLY JONES HEYDINGER
Administrative Law Judge