

<b>DOCKETED</b>	
<b>Docket Number:</b>	21-IEPR-03
<b>Project Title:</b>	Electricity and Natural Gas Demand Forecast
<b>TN #:</b>	238580
<b>Document Title:</b>	SENA Application for Designation of Confidential Records and Officer Verification Form
<b>Description:</b>	Application for Designation of Confidential Records and Officer Verification Form
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<b>Organization:</b>	Dentons US LLP
<b>Submitter Role:</b>	Applicant Representative
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<b>Docketed Date:</b>	6/30/2021

**STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

In the Matter of:

The 2021 Integrated Energy Policy Report  
(IEPR)

Docket No. 21-IEPR-03

**APPLICATION OF SHELL ENERGY NORTH AMERICA  
(US) L.P. FOR DESIGNATION OF CONFIDENTIAL RECORDS**

Pursuant to Section 25322 of the Public Resources Code (“PRC”) and Section 2505(a) of Title 20 of the California Code of Regulations (“CCR”), Shell Energy North America (US) L.P. (“Shell Energy” or “Applicant”) hereby requests that the Commission designate as confidential certain information contained in the attached Electricity Demand Forecast Forms (Form 7.1 and Form 8.1a (ESP)) being submitted by Applicant this date (June 30, 2021).

Form 7.1 contains information about the actual and forecasted retail sales, peak demand and customer count for the years 2019-2032. The historical and forecast information from years 2020-2024 on Form 7.1 has not been released to the public, is based on contracts Applicant has in place at the time of the forecast's creation, and is considered proprietary and confidential information.

Form 8.1a (ESP) contains historical and estimated power supply costs (bilateral contracts and residual market transactions) for the years 2019-2032. The information for all years has not been released to the public, is competitively sensitive trade secret information and is considered proprietary and confidential information.

A. Form 7.1 and Form 8.1a (ESP)

Applicant’s Form 8.1a (ESP) contains the following confidential cost information:

1. Applicant’s actual historical and forward procurement power supply costs (bilateral contracts and residual market transactions) for each year 2019-2032 (Columns B-N, Lines 9-12).

Applicant’s Form 7.1 contains the following confidential load information:

1. Applicant’s actual historical retail sales, peak demand, and customer count for 2020, and forecast retail sales, peak demand, and customer count for each year 2021-2024 (Columns C-P, Lines 11-15).

B. Request for Confidential Designation

Applicant requests that all of the identified confidential historical and confidential forecast retail sales, peak demand, and customer count information contained in Form 7.1 and all identified confidential power supply costs (bilateral contracts and residual market transactions) in Form 8.1a (ESP) be designated as confidential for three (3) years.

C. Grounds for Confidential Designation

Applicant requests that the Commission provide a confidential designation for the referenced information in Form 7.1 and Form 8.1a (ESP) because this information constitutes proprietary trade secret information under Government Code Section 6254.15. Public disclosure of this information could competitively harm Applicant because the information reflects Applicant's immediately past year's actual demand, Applicant's forecast demand for the next three years, and Applicant's historical and forecast power supply costs to serve retail load in the service territories of the California investor-owned electric utilities. Public disclosure of this confidential information would reveal Applicant's actual and projected demand (including customer count), its power purchase costs, as well as a breakdown between bilateral contract costs and residual market transaction costs, thereby placing Applicant at a competitive disadvantage in the wholesale and retail electricity markets.

The Public Records Act exempts "trade secrets" from public disclosure, including "any formula, plan, ... production data, or compilation of information ... , which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service ... and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it." Gov. Code Section 6254.7(d).

The Commission's regulations provide for information to be designated as confidential if it "contains a trade secret or its disclosure would otherwise cause a loss of a competitive advantage." 20 CCR Section 2505(a)(1)(D). The identified information in Form 7.1 and Form 8.1a (ESP) contains trade secrets or otherwise commercially sensitive data. If publicly disclosed, this information could be used by Applicant's competitors to adjust their business strategies to gain a competitive advantage, and thus damage Applicant. This information also could be used by Applicant's suppliers and/or customers, and cause a disadvantage to Applicant when negotiating the price and terms of procurement transactions or retail contract terms.

In addition, the information designated by Applicant as confidential is treated as confidential by the California Public Utilities Commission ("CPUC") in connection with load-serving entities' reports, plans and other submissions. Pursuant to a series of CPUC decisions (see, e.g., D.18-10-019, D.08-04-023, and D.06-06-066), load information for one year prior and three years forward is treated as confidential. LSEs' procurement cost information is treated as confidential as well.

In light of the potential competitive harm that could befall Applicant in the event of public disclosure of the identified information, Applicant requests that all of the identified information in Form 7.1 and Form 8.1a (ESP) be designated as confidential. Applicant further requests that the designation of confidentiality extend for a 3-year period.

The information has not been disclosed publicly and is treated as confidential by Applicant. The public interest in nondisclosure of this information outweighs the public interest in disclosure.

D. Aggregation of Data

The confidential information submitted by Applicant in the attached Form 7.1 and Form 8.1a (ESP) may be released to the public if first aggregated with the data and information submitted by other load-serving entities (“LSEs”), as follows:

Information about historical and forecasted demand information and power supply costs in Form 7.1 and Form 8.1a (ESP) should be aggregated with the historical and forecasted demand information of all electric service providers (“ESPs”).

E. Length of Time for Which Information Should Be Maintained on a Confidential Basis

Applicant requests that the historical and forecast information in Form 7.1 and Form 8.1a (ESP) that is designated as confidential be maintained on a confidential basis for a period no less than three (3) years.

F. Penalty of Perjury Certification

The information that is eligible for an automatic confidentiality designation has not been previously released publicly and the information falls within category B2 and B3(a) of Section 2505(a)(5) of the CCR. In accordance with Section 2505(a)(1)(G), Applicant attaches hereto a certificate under penalty of perjury executed by the person primarily responsible for preparing the application.

Dated: June 30, 2021

Respectfully submitted,



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**PENALTY OF PERJURY CERTIFICATION**

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct and complete to the best of my knowledge. I also certify that I am authorized to make the application and certification on behalf of Shell Energy North America (US), L.P.

Marcie Milner, VP, Regulatory Affairs  
Printed Name and Title

June 30, 2021  
Date



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Signature

Shell Energy North America (US), L.P.