

**DOCKETED**

<b>Docket Number:</b>	19-PSDP-01
<b>Project Title:</b>	Power Source Disclosure Program - 2018
<b>TN #:</b>	228441
<b>Document Title:</b>	Shell Energy Application for Confidential Designation
<b>Description:</b>	Shell Energy Application for Confidential Designation
<b>Filer:</b>	Heather Karlstad
<b>Organization:</b>	Dentons US LLP
<b>Submitter Role:</b>	Applicant Representative
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## APPLICATION FOR CONFIDENTIAL DESIGNATION (Title 20 Cal. Code. Regs., § 2505 et seq.)

CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

**All confidential filings:** Individual documents may not exceed 30 MB<sup>1</sup> or be password protected.<sup>2</sup> The application must be a separate document from the confidential materials. The application itself is not confidential and is a public record. The application will be reviewed and acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a))

If you have questions, contact the Docket Unit at (916) 654-5076 or email: [docket@energy.ca.gov](mailto:docket@energy.ca.gov).

**Existing proceedings:** Applications for confidentiality and the confidential documents must be uploaded directly to the Docket Unit through the e-filing system. Paper copies or CDs do not need to be submitted. Links to the e-filing system are provided on most proceeding webpages labeled “**Submit e-filing.**” Alternatively, go to: <http://www.energy.ca.gov/e-filing/index.html>. Registration is necessary the first time documents are uploaded. Once registration is complete, to submit a confidential filing click on **Quick Actions** from the **DASHBOARD** and select **Submit Confidential e-filing** from the dropdown list. The application must be uploaded first followed by one or more confidential files.

**Filings not associated with any proceeding:** Applications for confidentiality and the confidential materials must be submitted directly to the **Docket Unit** in paper form or on a CD, but not by email. Two copies must be submitted, on separate media if electronic, each marked with a descriptive title and “Confidential.” (§ 1208.1)

### TO: Energy Commission Docket Unit

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

Address: 4445 Eastgate Mall, Suite 100, San Diego CA 92121

Phone and E-mail: (858) 526-2106 [marcie.milner@shell.com](mailto:marcie.milner@shell.com)

Proceeding or Project Name: Power Source Disclosure Annual Report

Docket Number: 19-PSDP-01

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

2018 Power Source Disclosure Annual Report of Shell Energy North America (US), L.P. dated May 31, 2019. Data to be maintained confidentially detailed in 1(b) below.

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- 1(b). Specify the part(s) of the information or data for which you request confidential designation.

See Attachment 1(b).

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<sup>1</sup> Contact the Docket Unit if you cannot reduce the size of your file.

<sup>2</sup> If you wish to protect the files while in transit, you may combine them in a password-protected .zip file..



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2. State and justify the length of time the Energy Commission should keep the information or data confidential.

Applicant requests that all of the identified information contained in Attachment A be designated as confidential for a period of not less than one (1) year, concluding December 31, 2020. See Attachment 2.

3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

See Attachment 3(a).

3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

See Attachment 3(b).

4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

See Attachment 4.

5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

The information for which Applicant seeks a confidential designation 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.

I certify under penalty of perjury under the laws of the State of California that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Dated: May 31, 2019

Signed: Marcie Milner



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CALIFORNIA ENERGY COMMISSION

Name (print or type): Marcie Milner

Title: (print or type) Vice President

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

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.

## ATTACHMENT 1(b)

The information for which Shell Energy seeks confidential treatment is as follows:

A. Schedule 1: Power Procurement and Retail Sales.

Applicant's Schedule 1 contains the following confidential information:

1. Lines 10-24, Columns N and P (Gross MWh Procured; and Net MWh Procured).
2. Line 26, Column O (Total Net Purchases).
3. Line 29, Column O (Total Retail Sales).

B. Schedule 2: Annual Power Content Label Calculation.

Applicant's Schedule 2 contains the following confidential information:

1. Lines 13 through 24, Columns C and D (Percent of Total Retail Sales).
2. Line 26, Columns C and D (Unspecified Power (MWh), and Percent of Total Retail Sales).
3. Line 28, Column C (Total: Net Purchases (MWh)).
4. Line 30, Column C (Total Retail Sales (MWh)).

## ATTACHMENT 2

A confidentiality period of one (1) year prevents the disclosure of Shell Energy's most recent annual procurement and retail sales information. This one (1) year confidentiality period for "historical" information is consistent with the CPUC's confidentiality rules under D.06-06-066.

### ATTACHMENT 3(a)

Applicant requests a confidential designation for the information identified in Attachment 1(b) because this information constitutes proprietary trade secret information under Government Code section 6254.15. This information reveals confidential market share, procurement and RPS compliance strategy.

### ATTACHMENT 3(b)

Public disclosure of this information could competitively harm Applicant because the information reflects Applicant's total historical retail load in the service territories of the California investor-owned electric utilities for the year 2018. Public disclosure of this information would reveal Applicant's net short position in the immediate past period, including its RPS net short position, thereby placing Applicant at a competitive disadvantage in the wholesale and retail electricity markets. A confidentiality period of one (1) year prevents the disclosure of Shell Energy's most recent annual procurement and retail sales information. This one (1) year confidentiality period for "historical" information is consistent with the CPUC's confidentiality rules under D.06-06-066.



#### ATTACHMENT 4

The confidential information submitted by Applicant in the attached PSDP Schedules 1 and 2 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 retail load and purchases in PSDP Schedules 1 and 2 should be aggregated with the historical retail load and purchases information of all electric service providers (“ESPs”).