

CALIFORNIA ENERGY COMMISSION

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April 15, 2009

Ms. Marcie A. Milner
Vice President, Regulatory Affairs
Shell Energy North America
4445 Eastgate Mall, Suite 100
San Diego, CA 92121

DOCKET	
09-IEP-1B	
DATE	APR 15 2009
RECD.	APR 15 2009

**RE: Application for Confidentiality—Shell Energy North America
Electricity Resource Plan Forms
Docket No. 09-IEP-1B**

Dear Ms. Milner:

On March 19, 2009, Shell Energy North America (US), L.P. (Shell Energy) submitted a revised Application for Designation of Confidential Records related to a revised set of electricity resource plans in the above-captioned Docket, replacing the original application and resource plan submitted by Shell Energy on February 18, 2009. The application seeks confidentiality for certain information contained in Shell Energy's filing as a load-serving entity, submitted in connection with the *2009 Integrated Energy Policy Report*.

Shell Energy is seeking to protect from public disclosure data and information on the following forms:

- Form S-1 and S-1 Monthly Capacity Resource Accounting Tables (CRATS), and
- Form S-2 and S-2 Monthly Energy Balance Tables

In support of its request for confidentiality, the Application from Shell Energy states, in part:

Applicant requests that the Commission provide a confidential designation for the referenced information in Form S-1 and Form S-2 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 total historical and forecast retail load in the service territories of the California electric utilities. Disclosure of this information would reveal Applicant's net short position and would place Applicant at a competitive

disadvantage in the wholesale and retail electricity markets.
(Application at p. 2.)

In addition, the Shell Energy requests that the Energy Commission keep the information confidential:

Applicant requests that the historical information in Form S-1 and Form S-2 that is designated as confidential be maintained on a confidential basis for a period no less than one (1) year, and that forecast information in Form S-1 and Form S-2 that is designated as confidential be maintained on a confidential basis for a period of no less than three (3) years. (Application at p. 2.)

A properly filed application for confidentiality shall be granted under the California Code of Regulations, Title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Energy Commission to keep the record confidential. "

Shell Energy's confidentiality application makes a reasonable claim to grant confidentiality for the described S-1 and S-1 Monthly forms, except for the information contained on line 8 and line 28. Line 8 is the sub-total of the adjustments to peak hour demand as shown on lines 2 through 7. Since Shell Energy did not request confidentiality for any data on lines 2 through 7, the information on line 8 cannot be confidential. Line 28 is the specified planning reserve margin. All energy service providers (ESPs) have a 15 percent planning reserve margin as publicly determined by the California Public Utilities Commission; this information is widely and commonly known.

Information on the S-2 and S-2 Monthly forms are also granted confidentiality based on trade secret, except for the information contained on line 28 of the S-2 form which calculates renewable energy purchases as a percent of retail sales for each year. The percentage numbers on line 28 do not disclose the amount of renewable energy procurement or retail sales. The information contained on Form S-2, line 28 would not disclose any confidential load, open position, or contract information. Consequently, information contained on Form S-2, line 28 does not rise to the level of a trade secret and is not granted confidentiality.

The Energy Commission may use the information submitted by Shell Energy in publicly available reports and presentations, but without disclosing confidential information to market participants. To prevent disclosure, confidential data that may be used in reports and presentations will be aggregated with resource plan information from other load-serving entities in order to conceal the confidential specifics of Shell Energy's load forecasts, resource portfolio, or individual supply contracts.

Ms. Marcie A. Milner

April 15, 2009

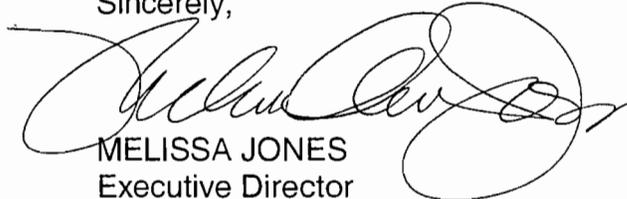
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The Energy Commission appreciates the efforts by Shell Energy staff to answer technical questions related to its resource plan filing, and to provide Energy Commission staff with additional data deemed necessary to make this filing complete and adequate in accordance with the adopted forms and instructions.

Forecast information, contained on the S-1, S-1 Monthly, S-2, and S-2 Monthly forms, relates to years 2009 through 2013 and will be kept confidential until December 31, 2011. Historical information contained on these forms relates to years 2007 and 2008 and will be kept confidential until December 31, 2009.

Persons may petition to inspect or copy the records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. Finally, an appeal of this decision must be filed within fourteen days from the date of this decision. The procedures and criteria for appealing any part of this decision are set forth in the California Code of Regulations, title 20, section 2505. If you have any questions concerning this matter, please contact Kerry Willis, Senior Staff Counsel, at (916) 654-3967.

Sincerely,



MELISSA JONES
Executive Director

cc: Dockets Office
Jim Woodward