

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



May 24, 2013

California Energy Commission

DOCKETED

13-IEP-1B

TN 70967

MAY 24 2013

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

RE: Shell Energy North America's Application for Confidentiality for the 2013
Integrated Energy Policy Report Electricity Resource Plan Submission
Docket No. 13-IEP-1B

Dear Ms. Milner:

On April 29, 2013, the California Energy Commission (Energy Commission) received an application for confidentiality from Shell Energy North America (Shell Energy) dated April 26, 2013. This application and a set of electricity resource plans were filed in the above-captioned Docket in connection with the 2013 *Integrated Energy Policy Report*.

Shell Energy requests that specific information be held confidential. Form S-1, the Capacity Resource Accounting Table, contains information about actual and forecasted capacity purchases for the years 2011-2017, including annual historical and forecasted peak loads for these years.

Form S-2, the Energy Balance Accounting Table, contains information about actual and forecasted energy purchases for the years 2011-2017, including historical and forecasted annual energy demand by direct access customers served by Shell Energy.

Form S-5, listing Bilateral Contract and Power Purchase Agreements, contains information including the Supplier/Seller, Starting and Expiration Dates, Contract Capacity, and Scheduling Coordinator.

These designations correspond to previous applications dated March 3, 2009, and May 2, 2011. These designations on the above-named forms also correspond to previous grants of confidentiality by the Executive Director dated April 15, 2009, and May 25, 2011.

Shell Energy asserts that this information be designated confidential:

... 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 investor-owned electric utilities, as well as the supply quantities acquired by Applicant to serve this retail load, and the energy supply procurement strategy employed by the Applicant. Public disclosure of this information would reveal Applicant's net short position and its procurement strategy, thereby placing Applicant at a competitive disadvantage in the wholesale and retail electricity markets.

Shell Energy requests that historical information for 2011-2012 in Form S-1 and Form S-2 be granted confidentiality for a period of no less than one year, and that forecast information for 2013-2015 on Form S-1 and S-2 be designated as confidential for a period of no less than three years. Shell Energy states that information in Forms S-1 and S-2 can be released immediately if aggregated with data submitted on electricity resource plans by all other electric service providers.

A properly filed application for confidentiality shall be granted under California Code of Regulations, Title 20, Section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the California 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 data identified above. The peak demand calculations, annual capacity purchases, annual energy demand, and annual bilateral contracted generation as described above are granted confidentiality based on trade secret. This information and data could place Shell Energy at a competitive disadvantage if disclosed.

To prevent disclosure that would cause harm, confidential data that may be used in publicly available reports and presentations will be aggregated with resource plan information from other load serving entities in order to protect the confidential specifics of Shell Energy's load forecasts, resource portfolio, or individual non-renewable supply contracts.

The identified confidential forecast information contained in Form S-1, Form S-2, and all the confidential information in Form S-5 will be kept confidential until December 31, 2016. The identified confidential historical information for 2011-2012 in Form S-1 and Form S-2 will be kept confidential until June 30, 2014.

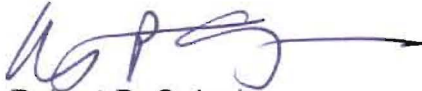
Persons may petition to inspect or copy the records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in California Code of Regulations, Title 20, Section 2506. Be advised that an appeal of this decision must be filed within 14 days from the date of this

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decision. The procedures and criteria for appealing any part of this decision are set forth in 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,

A handwritten signature in blue ink, appearing to read 'R. P. Oglesby', with a long horizontal line extending to the right.

Robert P. Oglesby
Executive Director

cc: Docket Unit
Sylvia Bender