

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512**DOCKET****11-IEP-1B**DATE May 25 2011RECD. May 25 2011

May 25, 2011

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: **Application for Confidentiality, Shell Energy North America, L.P.,
 IEPR Electricity Resource Plan Submission
Docket No. 11-IEP-1B**

Dear Ms. Milner:

On May 2, 2011, the California Energy Commission (Energy Commission) received the Shell Energy North America, L.P. ("Shell Energy") application for confidentiality in the above-captioned Docket. This application and a set of electricity resource plans were filed in the above-captioned Docket in connection with the *2011 Integrated Energy Policy Report*.

Shell Energy seeks to protect from public disclosure certain data and information on the following electricity supply forms or tables:

- Form S-1 Capacity Resource Accounting Table
- Form S-2 Energy Balance Accounting Table

In support of its request for confidentiality, Shell Energy's Application states, in part:

...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. 3.)

Shell Energy has clearly identified on these forms (Excel worksheets) specific categories and specific time periods of data for which it is seeking confidentiality. These designations match what is requested in Shell Energy's Application. The designations are substantially similar to a previous application by Shell Energy dated March 3, 2009. The designations on the above-named forms also correspond to a previous grant of confidentiality by the Executive Director dated April 15, 2009.

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Shell Energy has requested "that all of the historical information contained in Tables S-1 and S-2 be designated as confidential for one (1) year, and that all forecast information contained in Tables S-1 and S-2 be designated as confidential for three (3) years."
(Application at p. 3)

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 data identified in its application. The information specifically listed in Shell Energy's Application could place Shell Energy at a competitive disadvantage if disclosed, and is granted confidentiality based on trade secret. Consistent with Shell Energy's Application, the identified historical confidential information contained on Shell Energy's S-1 and S-2 supply resource forms will be kept confidential until April 30, 2012. Consistent with previous grants of confidentiality, the identified forecast information on the S-1 and S-2 supply resource forms will be kept confidential until December 31, 2013.

To prevent disclosure, 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 conceal the confidential specifics of Shell Energy's load forecasts, resource portfolio, or individual supply contracts.

The Energy Commission appreciates the efforts by Shell Energy staff to answer technical questions related to its resource plan filing.

Persons may petition to inspect or copy 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. Be advised that 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: Docket Unit