



ALJ/SC5/hma 9/29/2023

**FILED**

09/29/23

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

10:11 AM

K2111018

Appeal of Shell Energy North America (US), L.P. d/b/a Shell Energy Solutions from Citation No. E-4195-0113 in the Amount of \$567,132.50 Issued by the Consumer Protection and Enforcement Division.

K.21-11-018

### **ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING INFORMATION**

The instant citation appeal was filed by Shell Energy North America (US), L.P. d/b/a Shell Energy Solutions ("Shell") on November 22, 2021. The present request for issuance of a subpoena was submitted with the California Public Utilities Commission (Commission) on September 8, 2023 and seeks Commission approval for issuance of a subpoena to the Commission's Energy Division to produce the following documents and information:

- 1) All documents related to waiver requests for 2020 Resource Adequacy requirements for the Stockton local sub-area.
- 2) All documents regarding Resource Adequacy market conditions in the Stockton local capacity sub-area for the 2020 Resource Adequacy compliance cycle, including but not limited to the total amount of local RA available for procurement relative to the aggregate RA obligation for all Load Serving Entities for the Stockton sub-area.

The Commission's review of this matter has raised additional questions about the request for issuance of a subpoena. In order to properly consider Shell's subpoena request, the Commission requires further information. Please provide responses to the following inquiries within 10 days of the issuance of this ruling:

**1. LSE Waiver Requests**

1. Explain why documents related to third-party Load Serving Entities' (LSEs) waiver requests for their respective 2020 Resource Adequacy (RA) requirements for the Stockton local sub-area are relevant to Shell's own RA requirements and procurement efforts. How will the requested information be used in Shell's Citation Appeal?
2. Explain why Shell is requesting to subpoena LSE waiver request information (which may contain confidential, market sensitive information), rather than using information Shell already has access to, as an RA market participant, in procuring to meet its 2020 RA requirements. Also explain how this information is relevant to Shell's Citation Appeal.
3. How does Shell justify its need to access third-party LSEs' waiver request documents as greater than the Commission's need to keep market-sensitive information in these documents confidential, as is currently required?
4. How does Shell justify its need to access third-party LSEs' waiver request documents as greater than the burden imposed on Commission staff's time and resources in complying with the subpoena?

**2. Resource Adequacy Market Conditions**

1. Explain what Shell means by "all documents regarding Resource Adequacy market conditions" in the Stockton local capacity sub-area for the 2020 Resource Adequacy compliance cycle.
2. Explain why obtaining all documents regarding RA "market conditions" in the Stockton local capacity sub-area for the 2020 RA compliance cycle, particularly the total amount of local RA available for procurement relative to the aggregate RA obligation for all LSEs for the Stockton sub-area, is relevant to how Shell's efforts to procure to meet its own RA requirements. Also explain how the requested information will be used in Shell's Citation Appeal.

3. Explain why Shell is requesting to subpoena RA market condition information in the Stockton local capacity sub-area, rather than using information it already has access to, as an RA market participant, in procuring to meet its own 2020 RA requirements. Also explain why this information is relevant to Shell's Citation Appeal.
4. How does Shell justify its need to obtain RA market condition information in the Stockton local capacity sub-area (which may contain confidential, market sensitive information) as greater than the Commission's need to keep market-sensitive information confidential, as is currently required?
5. How does Shell justify its need to obtain RA market condition information in the Stockton local capacity sub-area as greater than the burden imposed on the Commission staff's time and resources in complying with the subpoena?

Note also that service of this subpoena and all costs related to it are Shell's sole responsibility.

**IT IS RULED** that:

1. Shell must respond to the questions and concerns raised above within 10 days of the mailing this ruling.
2. Shell shall caption the response, "Response to ALJ Ruling September 2023" and shall e-mail a copy of the response Administrative Law Judge in addition to the filing and service required by the Commission's Rule of Practice and Procedure.

Dated September 29, 2023, at San Francisco, California.

/s/ SYCHE CAI  
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Syche Cai  
Administrative Law Judge