



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

**FILED**

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

**SUBPOENA FOR PRODUCTION OF**  
**DOCUMENTS AND**  
**ELECTRONICALLY STORED**  
**INFORMATION**

10/25/23  
08:17 AM  
K2111018

[Code of Civil Procedure §§ 1985 *et seq.*;  
Public Utilities Code Sections §§ 311(b),  
312, § 1792 *et seq.*; §§ 2111, 2113; Cal.  
Code Regs., tit. 20, §§ 9.1, 10.2; Cal. Pub.  
Util. Commission Rule 10.2]

K.21-11-018

TO: **JAIME ROSE GANNON**  
**PROGRAM AND PROJECT SUPERVISOR**  
**ENERGY DIVISION**  
**CALIFORNIA PUBLIC UTILITIES COMMISSION**

1. You are hereby ORDERED to produce the records described in the attached declaration by the following date, time, and place, unless a different time and date is agreed upon by the parties:

**Date:** On or before 9/18/2023 | **Time:** 5 p.m. | **Address:** By email

2. **CONTACT THE ATTORNEY REQUESTING THIS SUBPOENA, LISTED BELOW, BEFORE THE DATE ON WHICH YOU ARE REQUIRED TO RESPOND, IF YOU HAVE ANY QUESTIONS.**

F. JACKSON STODDARD  
Tel: 415-442-1153  
Email: [fjackson.stoddard@morganlewis.com](mailto:fjackson.stoddard@morganlewis.com)

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS  
COMMISSION**

By ORDER of the PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DATED: \_\_\_\_\_, 2023

By: \_\_\_\_\_

Administrative Law Judge  
California Public Utilities Commission

**DECLARATION IN SUPPORT OF SUBPOENA FOR PERSONAL APPEARANCE AND  
PRODUCTION OF DOCUMENTS AND ELECTRONICALLY STORED  
INFORMATION**

I, F. Jackson Stoddard, declare that the following is true and correct to the best of my knowledge and belief:

1. I am an attorney licensed to practice law in the courts of the State of California and serve as outside counsel to the Shell Energy North America (US), L.P. d/b/a Shell Energy Solutions (“SENA”). All of the facts stated herein are within my personal knowledge and if called as a witness, I could and would testify competently thereto.

2. On August 18, 2023, I served Data Request Set 01 (DR 1) on the Consumer Protection and Enforcement Division (CPED) concerning the Resource Adequacy citation issued to SENA by CPED, and SENA’s subsequent appeal, docketed as proceeding No. K.21-11-008.

3. Among the requests in DR 1, SENA asked for the following documents and information:

- a. all documents related to waiver requests for 2020 Resource Adequacy requirements for the Stockton local sub-area.
- b. 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.

4. On August 28, 2023, CPED responded to DR 1. In response to the questions in paragraph 3 above, CPED indicated that, aside from information that is publicly available, it did not have information related to the requests and directed SENA to reach out to the Commission’s Energy Division (ED) for the requested information.

5. On August 29, 2023, I requested a meet-and-confer with CPED pursuant to Rule 11.3 of the Commission’s Rules of Practice and Procedure, to discuss certain of CPED’s responses, including those where CPED directed SENA to ED.

6. On August 30, 2023, CPED responded to my meet-and-confer request and indicated that CPED has no authority to compel affiliated divisions such as ED to respond to DR 1 and provided contact information for ED Supervisor Jaime Gannon from whom CPED indicated SENA may seek the requested information.

7. Based on CPED’s representations, and upon information and belief, ED possesses or controls the documents and information described in paragraph 3, which is relevant to SENA’s appeal in proceeding K.21-11-008.

8. The documents and electronically stored information described in paragraph 3 are material to the issues involved in this proceeding for the following reasons:

- a. Shell Energy maintains that it was impossible or impracticable for Shell Energy to meet its RA obligations in the Stockton local reliability area (LRA) in 2020. Information within the possession of Energy Division regarding Resource Adequacy market conditions in the Stockton local LRA 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 LRA, is material to Shell Energy's position on this issue.
- b. Shell Energy further maintains that the penalty assessed by CPED is unreasonable and should be reduced based on the Commission's penalty factors. In D.98-12-075 (December 17, 1998), the Commission established a five factor test for assessing the reasonableness of a Commission-imposed fine or penalty. The five factors include: (1) the severity of the offense; (2) the entity's conduct; (3) the entity's financial resources; (4) the role of precedent; and (5) the totality of circumstances in the public interest. The information described in paragraph 3 is potentially relevant to one or more of these factors. For example, if other Load Serving Entities that were granted waivers engaged in procurement conduct similar to that of Shell Energy, this would be relevant to Shell Energy's factual showing under penalty factors 2, 4, and 5.

9. Good cause exists for ED to produce the documents and electronically stored information described in paragraph 3 for the following reasons:

- a. The requested documents are relevant and/or material to SENA's appeal of CPED's citation.
- b. CPED's counsel has indicated that it does not possess the requested documents.
- c. CPED's counsel has indicated that ED may possess the requested documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 8<sup>th</sup> day of September, 2023, at Berkeley, California.

By: /s/ F. Jackson Stoddard

F. Jackson Stoddard

**(END OF APPENDIX A)**