



**Shell**  
**ENERGY**

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Via E-Mail

PUC Filing Center  
Public Utility Commission of Oregon  
201 High Street SE, Suite 100  
Salem, OR 97301

**Subject:** Docket No. UM 2143: Shell Energy North America (US), L.P. Designation  
of Confidential Information in accordance with OAR 860-001-0070 (2)

**To:** Oregon Public Utility Commission:

In accordance with Oregon Administrative Rules (“OAR”) 860-001-0070, Shell Energy North America (US), L.P. (“Shell Energy”) designates its Northwest Power Pool Forward Showing for the Western Resource Advocacy Program (“WRAP Workbook”) as containing confidential information that should be protected from public disclosure. Pursuant to OAR 860-001-0070 (2), at the time of submission, “a person may designate a document or portion of a document as containing confidential information. A designation must be made in good faith and be limited to information that qualifies for protection. The person asserting confidentiality must state the legal basis for the claim of confidentiality.”

Shell Energy designates the WRAP workbook as containing confidential information because the Commission’s rules and the Oregon Rules of Civil Procedure (“ORCP”) authorize Shell Energy to seek reasonable restrictions on discovery of trade secrets and other confidential business information. See ORCP 36(C)(1) (providing protection against unrestricted discovery of “trade secrets or other confidential research, development, or commercial information”). The WRAP workbook contains confidential material, including commercially sensitive customer load and resource-specific information. The WRAP workbook contains forward-looking position information specific to Shell Energy.

The information contained in the WRAP workbook is a “trade secret” and “confidential . . . commercial information” within the meaning of ORCP 36(C)(1) and should not be disclosed to the public. Public disclosure of this confidential information could be detrimental to Shell

Energy and its customers, as it could place Shell Energy in a competitively disadvantageous position in the marketplace for the procurement of energy resources. This, in turn, could force Shell Energy to pay higher prices for the procurement of energy and capacity, costs that will be passed on to customers.

Oregon Revised Statutes (“ORS”) 192.345(2) conditionally exempts “trade secrets” from disclosure under the Public Records Law unless the public interest requires disclosure in the particular instance. “Trade secrets,” as used in the Public Records Law, “may include, but are not limited to any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is [(a)] not patented, [(b)] known only to certain individuals within an organization and which is used in a business it conducts, [(c)] having actual or potential commercial value, and [(d)] which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.”

The information provided by Shell Energy to the Commission in the WRAP workbook is exempt from disclosure as a “trade secret” pursuant ORS 192.345(2) because (a) the information is not patented; (b) the information is used in Shell Energy’s business and is known only to certain individuals within the company; (c) the information has actual or potential commercial value; (d) if disclosed, the information would give its users an opportunity to obtain a business advantage over Shell Energy; and (e) the public interest does not demand disclosure in the particular instance.

Accordingly, Shell Energy designates the information in the concurrently-submitted WRAP workbook as confidential and not subject to public disclosure.

Respectfully submitted,



Christa Lim  
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Shell Energy North America (US), L.P.