As indicated by the comments at the workshop, there continues to be a need for clarity in the regulations regarding how market transactions will be treated, both in defining the First Jurisdictional Deliverer (FJD) and the circumstances under which resource shuffling will be deemed to have occurred.

**First Jurisdictional Deliverer**

Sempra USGP supports the staff recommendation shown on Slide 11 of the presentation, which states that CARB will first look to the E-tag then the Scheduling Coordinator or facility owner in determining the FJD. Some workshop participants indicated that the regulation’s definition of the FJD as the scheduling coordinator or facility operator was excessively ambiguous, and recommended CARB make a determination of a default entity to be assigned the FJD role. CARB should instead focus on the transactions themselves and agreement among the parties for the determination of the FJD.

**Resource Shuffling**

In the workshop, market participants continued to request clarification of circumstances that constitute resource shuffling. To resolve this uncertainty, CARB should establish an upfront review process in which market participants can present potential transactions for CARB review, and receive a confidential determination whether the transactions as proposed constitute resource shuffling. The CARB determination should also provide guidance as to which elements of the transaction may be altered or documented and in such a way as to avoid or resolve shuffling concerns.

CARB should also develop appropriate guidance documents that provide clarity regarding circumstances that constitute resource shuffling. The guidance documents should address a range of potential transactions and discuss the elements which may determine the transaction to be shuffling. The guidance should also clearly define what documentation is necessary to support the conclusion that a potentially questionable transaction is not shuffling. The attestation process remains particularly problematic in the absence of such guidance from CARB.