**Cap-and-Trade Regulation Amendment Request**

NOTE: Please use this form to highlight a request to amend a specific section (or related sections) of the Cap-and-Trade Regulation. Submission of this form aids staff in tracking requests and **does not mean** staff will ultimately propose an amendment in the version of the amendments noticed pursuant to the Administrative Procedure Act. This form is intended only as an additional tool ARB will use to evaluate requested changes to the regulation. Amendment requests may be for reasons of policy, clarity, or errors, etc. Staff may contact you if we need more information. Additionally, submission of this form will be a public record, and will be included in the ultimate rulemaking file related to these amendments, but may not be specifically answered in the Final Statement of Reasons. (Government Code section 11346.9(a)(3).) Please complete this form (with as much detail as possible, though it need not be formal regulatory language) and mail or email (preferred) to:

David Allgood ([dallgood@arb.ca.gov](mailto:dallgood@arb.ca.gov))

Stationary Source Division

P.O. Box 2815

Sacramento, CA 95812

**General Information**

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| August 2, 2013 |

Date:

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| Bill Buchan, Market Potential, Inc. |

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| Cardinal Cogen, Inc. |

Submitted by: Affiliation:

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| Buchan@mktpotential.com |

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| 510 928 5786 |

Contact Phone: E-mail:

**Section**

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| 95833(a)(3) and (4) |

Primary section(s):

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| 95830(c)(1)(H), 95833(d) and (f), 95914(c)(2) and (d), 95921(b)(6) |

Related section(s):

**Amendment Request**

Type of amendment: xPolicy ☐Error ☐Clarity

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| The draft requirements for corporate associations, direct associations, and indirect associations is overly burdensome to large, global entities and provides no real value to ARB. Large, global entities can have thousands of business units and subsidiaries across the globe, many of which will have no business in California or with the state’s cap and trade system. Providing this information is difficult to amass for such organizations and provides no beneficial, actionable data to ARB. Direct associations ought to be limited to other covered entities in California. Indirect associations ought to be limited to entities with operations in California or can participate in financial investment transactions in California’s cap and trade system. New VAE language requests identification of corporate associations making extensive listing of corporate, direct or indirect associations from covered entities unnecessary. |

Reason for amendment:

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| 1. Request that 95833(a)(3) be changed defining a relationship only between two covered entities connected through a line of more than one direct corporate association. As part of this change, delete 95833(a)(3)(A) and preceding new language noting “regardless of whether the second entity is subject to the requirements of this article”.  2. Request that 95833(a)(4) contain additional requirements that the second entity either operate one or more facilities in California or be legally capable of making financial and investment transactions in California’s cap and trade system. |

Additional information: