

## 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  
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### General Information

Date: August 2, 2013

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### Section

Primary section(s): 95852(b)(2)(A)(10)

Related section(s):

### Amendment Request

Type of amendment: ☐ Policy ☐ Error ☒ Clarity

Reason for amendment:

Clarify that participation in an EIM does not constitute resource shuffling. The EIM involves an automated system over which participants cannot exercise control and the participants may or may not be the actual "First Deliverers".

Additional information:

Short-term transactions and contracts for delivery of electricity with terms of no more than 12 months **or any transaction made for the purpose of complying with rules, orders or decisions by a state or federal governmental authority,** or resulting from an economic bid, self-schedule, award or similar mechanism that clears the CAISO or other day-ahead or real-time market **or is generated in EIM,** for either specified or unspecified power, based on economic decisions including implicit and explicit GHG costs and congestion costs, unless such activity is linked to the selling off of power from, or assigning of a contract for, electricity subject to the EPS rules from a power plant that does not meet the EPS with which a California Electricity Distribution Utility has a contract, or in which a California Electricity Distribution Utility has an ownership share, that is not covered under paragraphs 11, 12 or 13 below.