**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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| 95894(c) and (d) |

Primary section(s):

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| For example 95891(b) |

Related section(s):

**Amendment Request**

Type of amendment: xPolicy ☐Error ☐Clarity

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| Legacy contract allowances for 2013 and 2014 are proposed to be calculated based on 2012 data without a true-up. True-up with actual data is proposed in other parts of the regulation where direct allowances are provided, and the same true-up protocol should apply to legacy allowances as well. For a number of reasons, 2012 data may have little relevance to actual output in 2013 and 2014. In the interest of fairness to legacy contract parties, please provide a true-up for the allowance calculations in 95894(c) and (d). |

Reason for amendment:

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| 1. Request that 95894(c) include a true-up protocol such as that found in 95891(b) 2. Request that 95894(d) include a true-up protocol such as that found in 95891(b) |

Additional information: