

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:

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P.O. Box 2815
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General Information

Date: August 2, 2013

Submitted by: Claire Halbrook

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Section

Primary section(s): 95890(b)

Related section(s):

Amendment Request

Type of amendment: ☐ Policy ☐ Error ☒ Clarity

Reason for amendment:

This section's language is vague and could potentially allow ARB to withhold significant quantities of allowances without any showing of wrongdoing by the utility. Moreover, the language does not limit the amount of the withholding to the alleged under-reporting. ARB should not be permitted to withhold allowances in excess of those attributable to the non-compliant report.

Additional information:

Section 95890(b) An electric distribution utility shall be eligible for direct allocation of California GHG allowances if it has complied with the requirements of MRR **by obtaining** ~~and has obtained~~ positive or qualified positive emissions data verification statements **for its electric power entity reports (in accordance with §95112 and §95115) and retail electric transactions report (in accordance with §95111)** for the prior year pursuant to MRR. **If an electric distribution utility knowingly submits an inaccurate data verification statement for its electric generation power entity report or retail electric transactions report, ARB may withhold direct allocation of California GHG allowances up to an amount equal to the Assigned Emission Level(s) (AEL) attributable to the non-compliant report(s).**