

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)
Stationary Source Division
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): 95852(b)(2)(A)(2)

Related section(s):

Amendment Request

Type of amendment: ☐ Policy ☐ Error ☒ Clarity

Reason for amendment:

Clarify that market activities consistent with PG&E's legal and regulatory requirements fall under the "safe harbors" and would not be considered resource shuffling. These proposed revisions are necessary because PG&E is required to meet its electric load obligations consistent with the CPUC "Least Cost Dispatch" requirements; PG&E dispatches resources or purchases energy with the lowest incremental cost of providing energy.

Additional information:

“Electricity deliveries made for the purpose of compliance with state or federal laws and regulations, including the Emission Performance Standard (EPS) rules established by CEC and the CPUC pursuant to public utilities code section 8340 et. seq. **or other rules, orders, or decisions by a state or federal governmental authority.”**