

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-OIR-03
<b>Project Title:</b>	General Rulemaking Proceeding for Developing Regulations, Guidelines, and Policies for Implementing SB X1-2 and SB 1322
<b>TN #:</b>	254725
<b>Document Title:</b>	Notice of Approval of Emergency Regulatory Action for Revised SB X1-2 Spot Market Reporting Requirements
<b>Description:</b>	N/A
<b>Filer:</b>	Andrea Baley
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	2/28/2024 3:41:17 PM
<b>Docketed Date:</b>	2/28/2024

**State of California  
Office of Administrative Law**

**In re:**  
California Energy Commission

**Regulatory Action:**

**Title 20, California Code of Regulations**

**Adopt sections: Article 3, Appendix D**

**Amend sections: 1363.2, 1364, 1366**

**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL Matter Number: 2024-0215-02**

**OAL Matter Type: Emergency (E)**

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This emergency rulemaking action by the California Energy Commission adopts regulations to implement the spot market reporting requirements in Public Resources Code, section 25354(l). These regulations are deemed an emergency by Public Resources Code, section 25367(a).

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 2/26/2024 and will expire on 2/27/2026. The Certificate of Compliance for this action is due no later than 2/26/2026.

Date: February 26, 2024



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Kevin D. Hull  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Drew Bohan, Executive  
Director

Copy: Chad Oliver

# EMERGENCY

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2024</b>	EMERGENCY NUMBER <b>-0215-02E</b>
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**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**FEB 26 2024**  
1:47 PM

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW  
2024 FEB 15 PM 3:45

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY California Energy Commission	AGENCY FILE NUMBER (If any) 23-OIR-03
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### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Revised SB X1-2 Spot Market Reporting Requirements	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT Article 3, Appendix D
	AMEND 1363.2, 1364, 1366
TITLE(S) 20	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify) _____			

7. CONTACT PERSON Chad Oliver	TELEPHONE NUMBER (916) 891-8569	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) chad.oliver@energy.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Drew Bohan</i>	DATE 2/15/2024
TYPED NAME AND TITLE OF SIGNATORY Drew Bohan Executive Director	

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ENDORSED APPROVED

FEB 26 2024

Office of Administrative Law

**§ 1363.2. Definitions: Specific Definitions for Purposes of Reporting Requirements.**

"1/1/1" means a pricing window associated with the loading or discharge of a marine vessel that is benchmarked to a published reference price (such as OPIS prompt spot LA CARBOB Regular) the business day before, business day of, and business day after title transfer has commenced.

"3-Day Wrap" means a pricing window associated with the pumping of a pipeline tender that is benchmarked to a published reference price (such as OPIS prompt spot LA CARBOB Regular) the business day before, business day of, and business day after the pumping of the tender has commenced.

"Adjusted Dealer Tank Wagon (ADTW)" means the delivered wholesale transaction price for gasoline transported by tanker truck to a retail dealer or franchisee that has been adjusted to reflect the "net cost" to the retail dealer or franchisee such that all rebates or other discounts are subtracted from the original dealer tank wagon (DTW) price to reflect the net cost of the gasoline to the retail dealer or franchisee.

"Airport retail fuel outlet" refers to a facility that stores and dispenses petroleum products, typically jet fuel and aviation gasoline for use in private and/or commercial aircraft. Airport refueling operations that provide refueling services to military aircraft are excluded from this definition.

"API" means the American Petroleum Institute.

"Average Throughput" means the liquid volume transported by a pipeline during a specific period divided by the number of days in that period.

"Barrel" means a unit of liquid measurement that consists of 42 U.S. gallons.

"Book Transfer" means the completion of a spot market purchase or sale obligation without a physical movement or title transfer of the product as a result of two parties having purchase and sale contracts that serve to offset each other, directly or in a contractual chain with other parties.

"Bulk Terminal" means a storage and distribution facility not open to the public that is used primarily for wholesale marketing of petroleum products and oxygenates with a minimum storage capacity of 50,000 barrels.

"Broker" means an entity that negotiates contracts of purchase and sale of spot market transactions that is not classified as a refiner or a trader.

"Bunkering" means the physical transfer of marine fuels from one marine vessel to another marine vessel.

"CARB" means the California Air Resources Board.

"Cardlock Retail Fuel Outlet" means a facility, normally unattended by any operator, that dispenses refined petroleum products to consumers as a sole or predominant activity of their business operation.

"CEC" means the California State Energy Resources and Conservation and Development Commission or the California Energy Commission.

"Central Coast Region" means a geographic area in California that includes the counties of Monterey, San Benito, San Luis Obispo and Santa Barbara.

"Contract Identification Number" means the unique identification number for a transaction, which reporting entities can self-assign based on internal requirements but must be alpha-numeric and not exceed 25 characters.

"Contract Position Identification Number" means the sequence number for each transaction under a spot market contract.

"Counterparty" means the entity identified by the reporting form filer as either the buyer or seller of a contract transaction.

"Crude Oil Pipeline System" means a facility that receives its supply from pipeline gathering systems, tanker or barge, and has its terminals located at a refinery or waterside terminal and from which crude oil is shipped directly to one or more refineries in California or transported out of state. A crude oil pipeline system includes all points of origin, terminals, working tank storage capacity, and points of interconnection with crude oil pipeline systems operated by others.

"Dealer Tank Wagon (DTW)" means a delivered wholesale price for gasoline transported by tanker truck to a retail fuel outlet.

"Delivery Chain" means the list of all parties involved in final settlement from originating buyer to supplying seller.

"Desert Region" means a geographic area in California that includes the counties of Riverside and San Bernardino.

"Ending Inventory" means the quantity (measured in thousands of barrels) of crude oil, petroleum products or oxygenates that is held as stocks at a refinery, bulk plant, public storage facility or tank farm at the end of a designated reporting period.

"EPA" means the United States Environmental Protection Agency.

“Exchange” means a transaction in which title or interest in petroleum products or crude oil stocks are transferred between firms in return for other petroleum products or crude oil stocks.

“Exchange Futures for Physical (EFP)” means a negotiated and simultaneous exchange of a futures position for a corresponding cash position, priced as a differential to a NYMEX futures reference product.

“Exporter” means a firm that is the owner of record at the point of loading for crude oil, petroleum products or oxygenates destined for export from California and has exported 20,000 barrels or more of any combination of crude oil, petroleum products or oxygenates during any month of the current or previous year.

“Exports” mean crude oil, petroleum products or oxygenates transported to destinations outside of California by means of marine vessel, rail car, tanker truck, or pipeline.

“Firm” means any person or entity engaged in any activity included in the Cal. Code of Regulations, Title 20, Public Utilities and Energy Division 2, Chapter 3, Article 3, Section 1361 et seq.

“Floating Price” means a pricing method for a spot market transaction in which the buyer and seller agree that the cash price will be determined at some future time and agree on an event or a specific timeframe and pricing reference from which the cash price will be set.

“Franchisee” means a retailer or distributor authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

...[skipping “Gross Production” through “Imports”]

“Independent Retail Fuel Outlet Operator” means a firm, other than a Refiner or Major Petroleum Products Marketer, that owns or leases a retail fuel outlet, that is engaged in the trade or business of purchasing refined petroleum products and reselling these products to consumers without substantially changing the form of these products.

“In-tank Transfer” means the change of ownership of inventory of refined petroleum product or renewable fuel on the books and records of a terminal operator where the buyer and seller are both terminal customers in the same storage tank in California.

“Inter-tank Transfer” means the change of ownership of inventory of refined petroleum product or renewable fuel where the seller delivers material from one tank to a different tank owned or leased by the buyer and where the buyer and seller are both terminal customers.

“Lease” means a crude oil or natural gas producing property.

...[skipping "Lease Storage Facilities" through "Maximum Throughput"]

"Mountain Region" means a geographic area in California that includes the counties of Alpine, Amador, Calaveras, El Dorado, Inyo, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sierra, Siskiyou, Trinity and Tuolumne.

"Net-Out" means a type of settlement that is consummated through an exchange of cash, instead of through physical delivery of the product.

"Non-California Fuel" means finished motor gasoline and No. 2 diesel fuel that does not meet CARB standards sold in California at retail locations that dispense transportation fuels.

"Non-California Fuel Transporter" means a firm that owns or operates tanker trucks that are used wholly or in part to deliver 5,000 gallons or more of fuels that do not meet CARB regulations to retail locations in California during any month of the current or previous year.

"North Coast Region" means a geographic area in California that includes the counties of Del Norte, Humboldt, Lake and Mendocino.

"Northern California Region" means a geographic area in California that includes the counties of Santa Cruz, Santa Clara, San Mateo, San Francisco, Merced, Stanislaus, Alameda, San Joaquin, Tuolumne, Calaveras, Mono, Alpine, Amador, Sacramento, Solano, Napa, Marin, Sonoma, Yolo, El Dorado, Placer, Sutter, Colusa, Lake, Mendocino, Glenn, Butte, Nevada, Sierra, Yuba, Plumas, Tehama, Lassen, Shasta, Trinity, Humboldt, Del Norte, Siskiyou, Mariposa, Madera, Modoc, Contra Costa, San Luis Obispo, Kern, Inyo, Tulare, Kings, Monterey, San Benito and Fresno.

"Notice of Readiness (NOR)" means a communication provided by a marine vessel owner or agent that the vessel has arrived and is ready for loading or discharge at a designated berth within a designated period of time.

"Number of Sites" means the number of different locations for a specified region of California that receive DTW fuel during a reporting period.

"OPEC" means the Organization of the Petroleum Exporting Countries.

The countries belonging to this organization are subdivided into the following geographic regions:

(a) "Middle East OPEC" means the countries of Iran, Iraq, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates.

(b) "Non-Middle East OPEC" means the countries of Algeria, Libya, Nigeria and Venezuela.

"Operator" means any person drilling, maintaining, operating, pumping, or in control of any well as defined by the California Public Utilities Commission or by the California Department of Conservation's Division of Oil and Gas, & Geothermal Resources.

"PIIRA" means the Petroleum Industry Information Reporting Act.

"Pipeline" means a crude oil pipeline system or product pipeline system.

"Pipeline Delivery Subcycle" means the contract subcycle for pipeline deliveries given by the pipeline company transporting the product.

"Pipeline Exports" mean crude oil, petroleum products or oxygenates that are transported to destinations outside of California by means of a pipeline.

"Pipeline Imports" means crude oil, petroleum products or oxygenates that are transported to California from destinations originating outside of California by means of a pipeline.

"Pipeline Gathering System" means a pipeline system that collects crude oil from lease storage facilities and delivers it to a crude oil pipeline system.

"Pipeline Storage Tanks" means a storage facility owned by a pipeline firm and located at the points of origin and at terminals of pipeline segments used to maintain normal pipeline operations.

"Position Sequence Number" means the location identifier assigned by the pipeline company shipping the product.

"PPM" means parts per million.

"Price Basis" means the type of pricing method agreed upon between counterparties for a trade.

"Pricing Event" means a pricing occurrence for floating price contracts that was agreed to at the time of contract that relates to a specific date or range of dates associated with the title transfer that determines the value of the settlement.

"Producing Property" means property that produced crude oil during the reporting period in an amount as to require reporting of production to the California Department of Conservation's Division of Oil and Gas, & Geothermal Resources.

"Product Pipeline System" means a system that transports petroleum products from refineries or bulk terminals or marine facilities to other terminals or interconnections with



other pipelines; a product pipeline system does not include interconnections within a terminal facility or those lines connecting public storage facilities to one another. A product pipeline system includes all points of origin, terminals, working tank storage capacity and points of interconnection with product pipeline systems operated by others.

“Public Storage Facility” means a public liquid bulk storage, terminal, or warehousing operation for hire in which the owner or operator of the facility has no ownership interest in any of the materials stored on contract with its customers.

“Pump-over Transfer” means the transfer of physical inventory and ownership of refined petroleum product or renewable fuel on the books and records of a terminal operator from one storage tank to another where the buyer and seller are both terminal customers.

“Rail Car” means a railroad car that is used to transport crude oil, petroleum products or oxygenates via a network of railroad tracks.

...[skipping “Rail Exports” through “San Joaquin Valley Region”]

“Service Station” means a retail fuel outlet, normally attended by one or more operators, that dispenses refined petroleum products to ultimate consumers as the sole or predominant activity of their business operation.

“Settlement” means the final step in a transaction and represents either transfer of ownership involving the physical exchange of securities or payment and verification of the quantity of product exchanged, whichever is later.

“Shipment Issued Entity” means the party that a request for shipment was tendered to by a purchaser of product.

“Southern California Region” means a geographic area in California that includes the counties of Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Imperial.

“Spot Market Transaction” means a trade in which petroleum products, including blendstocks for finished petroleum products, are purchased on the spot for delivery by pipeline, inter-tank transfer, pump-over transfer, in-tank transfer, marine vessel, rail car discharge, or imports.

“Stocks” mean volumes of crude oil, petroleum products or oxygenates (corrected to 60 degrees Fahrenheit less basic sediment and water) of domestic origin held at refineries, bulk plants, public storage facilities or tank farms. Crude oil and petroleum products in transit by pipeline are excluded. Stocks include foreign stocks held at refineries, bulk plants, public storage facilities or tank farms only after entry through Customs for domestic consumption. Stocks of foreign origin held in bond and/or in transit by pipeline are excluded.

...[Skipping "Support Staff" through "TEOR"]

"Terminal Operator" means a firm that owns, leases or operates a bulk terminal, tank farm or public storage facility and provided storage services of 50,000 barrels or more of any combination of crude oil, petroleum products or oxygenates during any month of the current or previous year and includes refiners.

"Trader" means an individual, company, or other entity that does not have a refining presence in California but either sells or takes possession of refined petroleum products or renewable fuels, or both, via spot market transactions.

"Transportation Fuel Product" means gasoline, blending components, diesel fuel, aviation fuel, and renewable fuels.

"Truck Stop Retail Fuel Outlet" means a facility, normally attended by one or more operators, that is accessible to operators of heavy duty on-road motor vehicles and dispenses refined petroleum products to ultimate consumers as a sole or predominant activity of their business operation.

"Usable Storage Tank Capacity," when used in connection with crude oil or petroleum product pipeline systems, bulk terminals, tank farms and public storage facilities, means the total liquid storage volume less that volume that cannot be used for normal operations (tank heel, basic sediment, and water, corrected to 60 degrees Fahrenheit).

"U.S.C." means United States Code.

NOTE: Authority cited: Sections 25213, ~~and 25218(e)~~, and 25367, Public Resources Code. Reference: Section 25354, Public Resources Code.

#### **§ 1364. Reporting Periods.**

(a) For purposes of this article, and unless otherwise indicated, each day shall be a reporting period for those entities required by Section 1366 to file daily reports. Daily reports filed pursuant to this article shall be submitted not later than 9:00 a.m. on the day following the close of the reporting period for which the information is submitted. Reports shall be deemed submitted as of the date of electronic transmittal, provided that the report is properly and legibly completed.

(~~a~~) For purposes of this article, and unless otherwise indicated, each calendar week for the reporting period shall start on Friday for those entities required by section 1366 to file weekly reports. Weekly reports filed pursuant to the article shall be submitted no later than five (5) calendar days following the close of the weekly reporting period for which the information is submitted. Reports shall be deemed submitted as of the date of the postmark, facsimile or electronic transmittal, provided the report is properly and legibly completed.

(bc) For purposes of this article, and unless otherwise indicated, each calendar month, beginning with the first calendar month of the year following the effective date of this article, shall be a reporting period for those entities required by Section 1366 to file monthly reports. Monthly reports filed pursuant to this article shall be submitted not later than the thirtieth (30th) day following the close of the reporting period for which the information is submitted. Reports shall be deemed submitted as of the date of postmark, facsimile or electronic transmittal, provided that the report is properly and legibly completed.

(ed) Annual reports required by this article shall be submitted not later than February 15 of each year and shall contain the information required by Section 1366 for the preceding calendar year.

NOTE: Authority cited: Sections 25213, ~~and 25218(e)~~, and 25367, Public Resources Code. Reference: Section 25354, Public Resources Code.

**§ 1366. Requirement to File.**

(a) Every refiner and nonrefiner, including importers, brokers, and traders as defined in Section 1363.2, that consummates a spot market transaction shall file a daily report containing all of the information specified in Appendix D, Sections I and II, for each transaction or settlement, respectively, occurring the preceding day. No report shall be required for a reporting period in which no transaction or settlement occurs.

(ab) Each refiner, as defined in Section 1363.2, shall file weekly reports for each California refinery containing all of the information specified in Appendix A, Section I.

(bc) Each refiner, importer, exporter and major petroleum products transporter, as defined in Section 1363.2, shall file weekly reports containing all of the information specified in Appendix A, Section II.

(ed) Each refiner, terminal operator and major petroleum products storer, as defined in Section 1363.2, shall file weekly reports containing all of the information specified in Appendix A, Section III.

(de) Each refiner, as defined in Section 1363.2, shall file weekly reports containing all of the information specified in Appendix A, Section IV.

(ef) Each refiner, as defined in Section 1363.2, shall file monthly reports for each California refinery containing all of the information specified in Appendix B, Section I.

(fg) Each refiner, as defined in Section 1363.2, shall file monthly reports for each California refinery containing all of the information specified in Appendix B, Section II.

(gh) Each refiner; importer, exporter, non-California fuel transporter, marine fuels

distributor and major petroleum products transporter, as defined in Section 1363.2, shall file monthly reports containing all of the information specified in Appendix B, Section III.

(hi) Each refiner, terminal operator and major petroleum products storer, as defined in Section 1363.2, shall file monthly reports containing all of the information specified in Appendix B, Section IV.

(ij) Each refiner, as defined in Section 1363.2, shall file monthly reports containing all of the information specified in Appendix B, Section V.

(jk) Each refiner as defined in Section 1363.2, shall file monthly reports containing all of the information specified in Appendix B, Section VI.

(kl) Each major petroleum products marketer, as defined in Section 1363.2, required to file Form EIA782B published by the United States Department of Energy shall file monthly reports containing all of the information specified in Appendix B, Section VI.

(lm) Each refiner, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section I.

(mn) Each refiner, terminal operator and major petroleum products storer, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section II.

(no) Each major crude oil transporter, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section III, for each crude oil pipeline system.

(op) Each major petroleum products transporter, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section IV, for each petroleum product pipeline system.

(pq) Each major crude oil producer, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section V.

(qr) Each refiner, major petroleum products marketer and independent retail fuel outlet operator, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section VI.

(rs) Each refiner, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section VII.

(st) Each refiner, terminal operator, major petroleum products storer and marine facility operator, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section VIII.

(~~tu~~) Unless otherwise indicated, if a company, by its various activities, satisfies two or more of the definitions in Section 1363.2, it shall file a separate report for each such activity.

(~~uv~~) Any company required by this article to submit Petroleum Information Reports, which company contains divisions, departments, or subsidiary companies, shall report on behalf of all such divisions, departments, or subsidiaries, provided that such divisions, departments, or subsidiaries would otherwise be required to report pursuant to the provisions of this article.

(~~vw~~) All reports required by this section shall be on such form and in such format as the Executive Director may require, except as provided below.

(~~wx~~) Any person required by this article to submit Petroleum Information Reports may in lieu thereof, submit a report made to any other government agency, provided that the requirements of Public Resources Code Section 25354(g) are satisfied, provided that the Executive Director of the CEC approves in writing to the applicant that the alternative submittal of substitute report information is acceptable and provided that such substitute report is expressed in identical units to those required by this article.

(~~xy~~) Any person or company required by this article to submit Petroleum Information Reports in a specific form designated by the CEC may in lieu thereof, electronically submit the required information in a different format, provided that the Executive Director of the CEC approves in writing to the applicant that the alternative format of submittal is acceptable.

NOTE: Authority cited: Sections 25213, 25218(e) ~~and 25354~~, and 25367, Public Resources Code. Reference: Section 25354(a), (b), (f), (l) Public Resources Code.

...[skipping sections 1367-1371 and Appendixes A-C]

#### **Appendix D Daily and Event-based Reporting Requirements**

I. The California Daily Spot Transactions Report shall contain the information detailed below in subsections A through FF. This report is required for each spot market transaction for a transportation fuel product that either occurs in California or involves a transportation fuel product that will be delivered on the spot within the California fuels market.

A. The date and time of the transaction.

B. The contract identification number for the transaction.

C. The position sequence number for the transaction.

D. The contract position identification number for the transaction.

E. The trading counterparty entity company or organization name.

F. The trading counterparty entity contact name.

G. The spot market trading location. Transactions that occur at any point north of the southernmost point in Kern County shall be attributed to the San Francisco spot market. All other transactions shall be attributed to the Los Angeles spot market.

H. Indication that the reporter of the transaction is either a buyer or seller.

I. Type of transportation fuel product for the transaction. Types of products are gasoline, blending components, diesel fuel, aviation fuel, or renewable fuels.

J. Name of transportation fuel product for the transaction. For gasoline products, the name of the product shall indicate the octane and the specification of the gasoline product. Enter the specific product name from the following list:

1. Gasolines: CARBOB, AZBOB, RBOB, CBOB, or Conventional.
2. Blending Components: Alkylate, Isomerate, Naphtha, Reformate, GTAB, or other gasoline blendstocks (specify name).
3. Diesel fuels: CARB ULSD, EPA ULSD.
4. Aviation Fuels (Commercial and Military): Jet A (including bonded turbine) and JP-5, Aviation Gasoline.
5. Renewable Fuels: Renewable Diesel, Renewable Naphtha, Sustainable Aviation Fuel, Biodiesel.

K. Volume of product contracted in thousands of barrels.

L. Contract delivery month for the transaction.

M. Contract method of delivery. For transactions that involve more than one delivery method, list all methods used. Delivery methods may include, but are not limited to:

1. Pipeline
2. Pump-Over
3. In-Tank Transfer
4. Barge
5. Marine Vessel, or
6. Other (specify)

N. Name of barge or product tanker, if applicable.

O. International Maritime Organization number of the vessel carrying transacted product, if applicable.

P. Location of delivery where title transfer is to take place.

Q. Pipeline delivery subcycle. Include descriptors such as, but not limited to:

KM West Any

KM South L3

KM North FH

C1, C2, C3, C4, etc.

R. Start date of delivery of transacted product.

S. End date of delivery of transacted product.

T. Type of price basis method used for the contract, such as exchange of futures for physical (EFP), fixed price, fixed date range, floating date range, or other type.

U. Reference product for the price basis method used for EFP transactions.

V. Reference month for the price basis method.

W. Price differential between the agreed-upon price and the reference price in cents per gallon.

X. For floating price contracts, the type of event or pricing dates agreed to at the time of the contract that will be the basis for the price. For event-based pricing, include the event trigger and the duration of the pricing window. Pricing event types may include, but are not limited to:

Title Transfer (TT) date

3-day wrap (around pump date)

NOR (Notice of Readiness)

1/1/1 (day before, day of, day after)

Month average

For contracts wherein pricing dates were agreed to at time of contract, indicate "fixed dates".

Y. For floating price contracts, the date of the event on which pricing will be based.

Z. Date agreed upon at the time of the transaction when floating pricing is to start, if applicable.

AA. Date agreed upon at the time of the contract when floating price is to end, if applicable.

BB. New York Mercantile Exchange (NYMEX) price for referenced price basis in cents per gallon, if applicable.

CC. Cash price of the EFP transaction in cents per gallon, if known at the time of contract transaction.

DD. The company name of the broker or executing trader, if any, used to facilitate the transaction.

EE. The first and last name of the contact person for the broker or executing trader, if any, used to facilitate the transaction.

FF. Indication if the transaction was reported to the Oil Price Information Service (OPIS) and, if so, who reported it.

NOTE: Authority cited: Sections 25213, 25218(e), 25354, and 25367, Public Resources Code. Reference: Section 25354(l), Public Resources Code.

II. The Daily Spot Settlements Report shall contain the information detailed below in subsections A through X. This report is required for each settlement of a spot market transaction for a transportation fuel product that either occurs in California or involves a transportation fuel product that will be delivered on the spot within the California fuels market. Each settled transaction reported in the California Daily Spot Settlements Report must have a contract identification number that matches the contract identification number of a transaction previously reported in a California Daily Spot Transactions Report.

A. The date and time of the transaction.

B. The contract identification number for the transaction.

C. The contract position identification number for the transaction.

D. The name of the trading counterparty's company, organization, or other entity. For transactions that involve more than one counterparty, include only the party that is the final recipient counterparty.

E. The first and last name of the contact person from the trading counterparty.

F. Date of the settlement.

G. Type of settlement.

H. Type of transportation fuel product. Types of products are gasoline, blending components, diesel fuel, aviation fuel, or renewable fuels.



I. Name of transportation fuel product. For gasoline products, the name of the product shall indicate the octane and the specification of the gasoline product. Enter the specific product name from the following list:

Gasolines: CARBOB, AZBOB, RBOB, CBOB, or Conventional.

Blending Components: Alkylate, Isomerate, Naphtha, Reformate, GTAB, or other gasoline blendstocks (specify name).

Diesel fuels: CARB ULSD, EPA ULSD.

Aviation Fuels (Commercial and Military): Jet A (including bonded turbine) and JP-5, Aviation Gasoline.

Renewable Fuels: Renewable Diesel, Renewable Naphtha, Sustainable Aviation Fuel, Biodiesel.

J. Volume of product delivered in thousands of barrels for each settlement.

K. Actual delivery method. Delivery methods may include, but are not limited to:

1. Pipeline

2. Pump-Over

3. In-Tank Transfer

4. Barge

5. Marine Vessel, or

6. Other (specify)

L. Marine vessel name for barge or product tanker, if applicable.

M. International Maritime Organization number of the marine vessel carrying the product, if applicable.

N. Location of final delivery where title transfer took place.

O. Pipeline batch designation, if applicable.

P. Delivery chain sequence. The sequence must follow the industry standard convention right to left, with originating party (buyer) on the right, party bought from (seller) to the left, until final supplying party on the far left.

Q. For floating price contracts, the type of event or pricing date(s) agreed to at the time of the contract that will be the basis for the price. For event-based pricing, include the event trigger and the duration of the pricing window.

R. For floating price contracts, the date of the event on which pricing was based.

S. Start date of actual settlement pricing window, if applicable.

T. End date of actual settlement pricing window, if applicable.

U. Invoiced volume of refined petroleum product in barrels.

V. Invoiced price of refined petroleum product in cents per gallon.

W. Date request for shipment issued for pipeline tender by seller or buyer.

X. Shipment contact information for all shipment companies involved with the transaction. Include identification of each shipment company and first and last name of the contact person at each respective shipment company involved.

NOTE: Authority cited: Sections 25213, 25218(e), 25354, and 25367, Public Resources Code. Reference: Section 25354(l), Public Resources Code.