

## Regional Greenhouse Gas Initiative

an initiative of the Northeast and Mid-Atlantic States of the U.S.

# CO<sub>2</sub> Allowance Auctions

## Frequently Asked Questions

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The Regional Greenhouse Gas Initiative (RGGI) is a cooperative effort by participating states to reduce emissions of carbon dioxide (CO<sub>2</sub>), a greenhouse gas that causes global warming.

RGGI, Inc. is a non-profit corporation created to provide technical and administrative services to the CO<sub>2</sub> Budget Trading Programs of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont.

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## **I. Frequently Asked Questions Overview**

In the course of conducting CO<sub>2</sub> allowance auctions, RGGI, Inc. administered an online question and answer process. This document generalizes and summarizes some of the frequently asked questions (“FAQs”) received through the online question and answer process. For additional information, auction application forms, and notices of future auctions, please refer to the RGGI website: [www.rggi.org](http://www.rggi.org).

**Please note:** These Questions and Answers are provided to assist applicants in understanding the auction process and the corresponding requirements. However, all the information needed to participate in a CO<sub>2</sub> allowance auction can be found in the current Auction Notice. Please review the Auction Notice carefully before completing the Intent to Bid or Qualification Application forms.

## **II. General Application Process**

Questions and answers provided in this section relate to the process and procedures to become qualified and approved to participate in a CO<sub>2</sub> allowance auction.

### **1. Who is eligible to participate in a CO<sub>2</sub> allowance auction?**

At this time, all parties are eligible to participate in CO<sub>2</sub> allowance auctions including but not limited to corporations, individuals, non-profit corporations, environmental organizations, brokers, and other interested parties.

### **2. Can a firm incorporated outside the U.S. qualify to participate and bid in CO<sub>2</sub> allowance auctions? More specifically, are there any additional special requirements for a foreign firm to participate?**

There are no special requirements for a foreign firm to participate in CO<sub>2</sub> allowance auctions. An applicant that does not have a United States Federal Tax ID should enter “Not Applicable” or “N/A” in the appropriate field of the Qualification Application.

### **3. Will the Maryland CO<sub>2</sub> purchase/sale agreement included in the Auction Notice be used for anything?**

No. The purchase and sales agreement attached to the Auction Notice is only included to satisfy a Maryland regulatory requirement. Bidders awarded CO<sub>2</sub> allowances in each auction (i.e. successful bidders) will not be required to execute this agreement.

### **4. Should an applicant submit both the Qualification Application and the Intent to Bid in one package?**

Yes. Please submit the Qualification Application and the Intent to Bid forms, with the required number of copies, in one package.

### **5. How will information marked confidential by the Applicant be treated?**

Information marked confidential by the Applicant in each Qualification Application and Intent to Bid will be held confidential to the extent permitted by applicable state laws and as specified in each Auction Notice.

**6. Do qualified applicants from previous CO<sub>2</sub> allowance auctions need to re-submit all of the Qualification Application or does some of the information carry over to future auctions?**

An applicant that has been qualified for a previous CO<sub>2</sub> allowance auction and has no material change to the information previously submitted in its Qualification Application is not required to submit a new Qualification Application. In order to participate in future auctions, a previously qualified applicant with no material change to its Qualification Application must:

- a. Complete and submit the Intent to Bid; and
- b. Meet the financial security requirements.

A previously qualified applicant with a material change to the information contained in its previously submitted Qualification Application must submit the Intent to Bid and meet the financial security requirements, as described above, and must also submit a new Qualification Application as set forth in the Auction Notice.

Please refer to the Intent to Bid for criteria on what constitutes a material change.

**7. The Intent to Bid for Auction 3 states that if the previously disclosed corporate and bidding associations “cannot be applied to both Auction 3-2009 and Auction 3-2012, there is a material change.” If the applicant only intends to participate in Auction 3-2009, is a new Qualification Application required?**

Regardless of whether a previously qualified applicant intends to participate in Auction 3-2009, Auction 3-2012, or both, if previously disclosed corporate and bidding associations have not changed, the previously qualified applicant is not required to submit a new Qualification Application. The previously disclosed corporate and bidding associations will be applied to both Auction 3-2009 and Auction 3-2012.

Regardless of whether a previously qualified applicant intends to participate in Auction 3-2009, Auction 3-2012, or both, if previously disclosed corporate and bidding associations have changed, a previously qualified applicant must complete and submit a new Qualification Application.

**8. How will you communicate any changes to the Auction Schedule or auction documents? Is there any way that notices could be sent to the Authorized Representatives of each applicant alerting them to any changes?**

Any changes to the Auction Schedule or auction documents for a CO<sub>2</sub> allowance auction(s) will be posted on the auction website. In addition, the Primary (and Secondary, if applicable) Authorized Auction Representative will both receive all communications regarding the Qualification Application, the Intent to Bid, all notices and documentation, and any other information related to a CO<sub>2</sub> allowance auction(s) including changes to the auction schedule. The principal mode of communication with Authorized Auction Representatives is via email.

**9. How should I treat sections of forms which do not apply?**

Sections of forms or fields that do not apply to an applicant should be clearly marked “Not Applicable” or “N/A” by the Applicant.

### **III. Qualification Application**

Questions and answers provided in this section relate to the Qualification Application that must be submitted and approved to participate in CO<sub>2</sub> allowance auctions.

**1. Does each Participating State need to approve each applicant's Qualification Application?**

Each of the states offering CO<sub>2</sub> allowances for sale in a CO<sub>2</sub> allowance auction will review each Qualification Application, Intent to Bid, and financial security for compliance with its own rules and/or requirements. The Participating States have developed a cooperative review process and a single set of criteria based on the requirements set forth in the Auction Notice. In order to qualify to participate in CO<sub>2</sub> allowance auctions, an applicant's Qualification Application must be approved by all Participating States.

**2. On the "General Information" form of the Qualification Application where it requires bidders to select the "Appropriate Applicant Category" should bidders select more than one category if applicable?**

No. Applicants are instructed to select only one category. Applicants should select the most appropriate category describing the Applicant's core business.

**3. Does a bidder with an indirect ownership interest in electric generation source need to select the "Owner of Electric Generation Source(s)" category?**

An applicant who owns or controls less than 20% of an electric generation source does not need to select the "Owner of Electric Generation Source(s)" category.

**4. Will Qualified Applicants have access to information that would not otherwise be available to the public?**

A qualified applicant has access to the auction platform which allows it to view its own bidding activity.

**5. What auction data and information is available to applicants and the public?**

The Participating States, through RGGI, Inc. release a Post-Settlement Auction Report shortly after each CO<sub>2</sub> allowance auction. The report includes aggregate information about the auction including the dispersion of projected demand, the dispersion of bids, and a summary of bid prices, showing the minimum, maximum, average and clearing price and the allowances awarded. In addition, for Auction 2 and subsequent CO<sub>2</sub> allowance auctions the Participating States release the names of "potential bidders." Potential bidders for a respective CO<sub>2</sub> allowance auction are those applicants that have been qualified to participate in CO<sub>2</sub> allowance auctions and that have filed an Intent to Bid for that auction. The Post-Settlement Auction Report can be found at <http://www.rggi.org/co2-auctions/results>. All inquiries should be directed to RGGI, Inc.

**6. Who receives communications from the Auction Manager?**

The Primary (and Secondary, if applicable) Authorized Auction Representative will both receive all communications regarding the Qualification Application, the Intent to Bid, all

notices and documentation, and any other information related to a CO<sub>2</sub> allowance auction(s). The principal mode of communication will be via email.

#### **IV. Intent To Bid Form**

Questions and answers provided in this section relate to the Intent to Bid that must be submitted to participate in a specific CO<sub>2</sub> allowance auction.

**1. *Do applicants need to submit a new Intent to Bid form for each auction in which they may wish to participate?***

Yes.

**2. *If an applicant submits an Intent to Bid form is it obligated to bid?***

No. An applicant is never obligated to submit a bid or otherwise participate in a CO<sub>2</sub> allowance auction.

#### **V. Disclosable Association**

Questions and answers provided in this section relate to disclosable associations that must be disclosed in the Qualification Application.

**1. *If an applicant is unsure of how to report "Disclosable Corporate and Bidding Associations" what should it do?***

Each applicant is expected to perform due diligence in identifying its corporate and contractual relationships. The Participating States will evaluate the forms based upon information available to them and request remediation for outstanding issues if necessary. The Auction Notice defines the criteria for whether a disclosable corporate or bidding association exists.

**2. *Does an applicant that is an energy manager for several firms (asset owners) in the Participating States, need to declare associations with each of these firms or only those for which it will be purchasing CO<sub>2</sub> allowances?***

An applicant must disclose in its qualification application the bidding association with any party (including an asset owner) for whom the applicant will be purchasing CO<sub>2</sub> allowances in an auction. An applicant may report a future disclosable bidding association now or submit this information as a material change in a new Qualification Application prior to the auction for which the bidding association applies.

**3. *What types of associations are prohibited after the Qualification Application has been submitted?***

If an applicant continues or initiates negotiations, discussions, or communications related to a CO<sub>2</sub> allowance auction with any other applicant or party, in a manner that would materially affect the disclosures made by the applicant in its Qualification Application, with the exception of any communications related to any remediation activities initiated by the RGGI CO<sub>2</sub> Budget Trading Programs Auction Manager, it must re-file a Qualification Application disclosing the new information. Such applicant may not participate in any CO<sub>2</sub> allowance

auction without re-filing a Qualification Application with the RGGI CO<sub>2</sub> Budget Trading Programs Auction Manager prior to the filing deadline.

**4. *Can you provide an example of direct and indirect corporate associations?***

Consider Company A, Company B, Company C, Company D, and Company E. These companies have the following relationships.

- Company A owns 90% of Company B
- Company A owns 30% of Company D
- Company B owns 70% of Company C; thus Company A owns 63% of Company C
- Company E owns 35% of Company D

Only Company C, Company D, and Company E intend on participating in the upcoming CO<sub>2</sub> Allowance Auction. Therefore, the relevant disclosable corporate associations are as follows.

- Since both Company C and Company D are partially owned by Company A, they have an indirect corporate association. Each of Company C and Company D must disclose their corporate association in their respective Qualification Application. They have a combined bid limitation of 25%, which must be apportioned between the two companies.
- Company D and Company E have a direct corporate association. Each of Company D and Company E must disclose their corporate association in their respective Qualification Application. They have a combined bid limitation of 25%, which must be apportioned between the two companies.

Note, Company D's individual limitation as disclosed on Company D, Company C, and Company E's materials must be identical.

**5. *Can you provide an example of how bid limitations would be allocated among applicants that have bidding associations?***

Consider Company W, Company X, Company Y, and Company Z. All of these companies intend on participating in the upcoming CO<sub>2</sub> Allowance Auction and have disclosable corporate associations that result in the following bid limitations.

- Company W and Company X have a disclosable corporate association. These companies have agreed to bid limitations of 15% for Company W and 10% for Company X.
- Company X and Company Y have a disclosable corporate association. These companies have agreed to bid limitations of 10% for Company X and 15% for Company Y.
- Company Z does not have any disclosable corporate associations.

Company W has a signed agreement with Company Z to buy 1 million of the CO<sub>2</sub> allowances that Company Z may be awarded from the auction. This bidding association must be disclosed on both Company W's and Company Z's Qualification Applications. Company W's bid limitation is reduced by 1 million CO<sub>2</sub> allowances. Therefore, the final quantity of CO<sub>2</sub> allowance bid limitation for each bidder in the example, assuming the total number of CO<sub>2</sub> allowances offered for sale is "N" is as follows.

- Company W:  $(N * .15) - 1$  million
- Company X:  $(N * .10)$
- Company Y:  $(N * .15)$
- Company Z:  $(N * .25)$

**6. *My associations and their associated bid limits have changed since the last auction in which I participated. How can I make a change to these associations for the next auction in which I want to participate?***

Any change to a previously disclosed association, including bid limitations, is a material change. Therefore, a previously qualified applicant must re-apply for qualification by completing and submitting a new Qualification Application.

**7. *If I wish to participate in an auction that offers current and future allocation year CO<sub>2</sub> allowances for sale, am I required to bid on both allocation year CO<sub>2</sub> allowances?***

No. As required on the Intent to Bid form, an applicant wishing to participate in any auction must indicate that it wishes to bid on current allocation year CO<sub>2</sub> allowances only, future allocation year CO<sub>2</sub> allowances only, or both current and future allocation year CO<sub>2</sub> allowances.

## **VI. Financial Security**

Questions and answers provided in this section relate to the financial security that must be submitted and approved to participate in a CO<sub>2</sub> allowance auction.

**1. *Can financial security remain active from auction to auction or does an applicant need to post financial security for each auction?***

Financial security can remain active and on file with RGGI, Inc., provided the expiration date on the Bond or Irrevocable Letter of Credit meets the minimum expiration date required for any auction for which an applicant wishes to participate, as specified in the applicable Auction Notice.

**2. *Letters of Credit - Is the Form of Irrevocable Letter of Credit non-negotiable? Will minor language changes to this document be permitted (for example, if required by our bank)?***

No material changes will be permitted. To the extent the submitted Irrevocable Letter of Credit or Bond differs from the form provided in the Auction Notice, the applicant assumes the risk that the submitted irrevocable Letter of Credit or Bond may be rejected.



**3. Can a third party entity post financial collateral for an applicant? If so, does the applicant or the party posting financial security receive awarded CO<sub>2</sub> allowances?**

Yes, a third party can post financial security for an applicant. The financial security must clearly indicate the applicant it is being provided for. The applicant will receive any awarded CO<sub>2</sub> allowances.

**VII. Auction Format**

Questions and answers provided in this section relate to the auction format and procedures to be utilized in a CO<sub>2</sub> allowance auction.

**1. Is there a bid price ceiling?**

No, there is no bid price ceiling.

**2. In selecting winning bidders, is there any preference given to residents of the participating states?**

No preference will be given to any bidder.

**3. What if the total number of CO<sub>2</sub> allowances does not divide evenly into lots of 1,000?**

All bids must be submitted in multiples of 1,000 CO<sub>2</sub> allowances. There is no way to submit bids for partial lots.

**4. Is the bid price for an individual CO<sub>2</sub> allowance or for a lot of 1,000 allowances (e.g., is a bid at the reserve price \$1.86 or \$1,860.00)?**

A bid price on the Auction Platform is to be entered for a single CO<sub>2</sub> allowance. The corresponding bid quantity must be submitted as a multiple of 1,000 CO<sub>2</sub> allowances.

**5. Can auction participants see the bids being entered by other participants during the auction?**

No. CO<sub>2</sub> allowance auctions use a sealed bid auction format.

**6. What happens if a bidder enters a bid on the auction platform that exceeds either the financial security or the bidder's bid quantity limitations? Are all of that company's bids rejected?**

The Auction Platform will reject any bid that exceeds the financial security limitation or the bidder's bid limitation. All previously entered bids will remain active on the Auction Platform.

**7. Are auction financial settlements with Mellon N.A., and not with the individual states?**

RGGI Inc., through Mellon N.A., provides financial settlement services on behalf of the Participating States offering CO<sub>2</sub> allowances for sale.

## **VIII. RGGI CO<sub>2</sub> Allowance Tracking System**

Questions and answers provided in this section relate to the RGGI CO<sub>2</sub> Allowance Tracking System (RGGI COATS).

### **1. *What is the difference between a RGGI COATS “General” account and a “Compliance” account?***

A general account is a CO<sub>2</sub> allowance account available to any party. A general account can be used for the receipt, transfer, and banking of CO<sub>2</sub> allowances in the RGGI COATS (as can a compliance account) but does not provide the CO<sub>2</sub> allowance compliance deduction process outlined in subdivision 6.5(b) of the model rule as promulgated in each state’s regulations.

A compliance account is associated with an electric generation facility regulated under a state CO<sub>2</sub> Budget Trading Program (a “CO<sub>2</sub> budget source”). These accounts are used for compliance with the requirements of each state’s CO<sub>2</sub> Budget Trading Program. Only one compliance account will be assigned to each CO<sub>2</sub> budget source.

An applicant must have either a general or compliance account to participate in CO<sub>2</sub> allowance auctions. Applicants may provide either a general or a compliance account number in their Qualification Application for the auction. The RGGI COATS account designated in the Qualification Application is the destination account for transfer of any CO<sub>2</sub> allowances awarded from the auction. An account number change would be considered a material change that requires a resubmission of the Qualification Application.

### **2. *Can CO<sub>2</sub> allowances be sold and transferred to other parties?***

Yes. CO<sub>2</sub> allowances may be sold to other parties. Transfer of CO<sub>2</sub> allowances occurs in the RGGI COATS (see <http://www.rggi-coats.org>). Note, however, that there may be special conditions associated with certain CO<sub>2</sub> allowances issued by a specific state that are not auctioned, but are distributed under individual state set-aside programs. Please refer to each state’s implementing regulation for any specific limitations that apply to certain CO<sub>2</sub> allowances issued by a specific state.

### **3. *How many Authorized Account Representatives can be registered for a given Owner?***

Only one Authorized Account Representative (AAR) and one Alternate Authorized Account Representative (AAAR) may be designated per account. Any person can hold more than one general account. An owner or operator of more than one CO<sub>2</sub> budget source will have a single compliance account for each CO<sub>2</sub> budget source, and it is the owner’s choice whether the AARs or AAARs for those compliance accounts are the same or different persons.

### **4. *Can the Authorized Account Representative be someone besides the Owner or Operator and act as agent for the Owner or Operator?***

Yes, an AAR can be any individual. For a compliance account, an AAR must certify that he/she was selected as the AAR by an agreement binding on the owners and operators of a CO<sub>2</sub> budget source. For a general account, the AAR must certify that he/she was selected as the AAR by an agreement that is binding on all parties that have an ownership interest with respect to the CO<sub>2</sub> allowances in the account.

**5. Can CO<sub>2</sub> allowances be held in an account indefinitely?**

Yes. There are no limitations on CO<sub>2</sub> allowance banking under the state CO<sub>2</sub> Budget Trading Programs.

**6. The “General Information” form of the Qualification Application requires the identity of the applicant to be disclosed. Does the owner of multiple electric generation sources have the flexibility to determine whether or not to “register” CO<sub>2</sub> budget sources on an individual basis or on a portfolio level (i.e. by submitting an application on behalf of a holding company or limited liability company (LLC))?**

An owner of multiple electric generation sources has the flexibility to submit applications for CO<sub>2</sub> budget sources on an individual basis and/or at the holding company level.

**7. Can general accounts retire CO<sub>2</sub> allowances? If so, will there be reports available to show the retirements?**

The state CO<sub>2</sub> Budget Trading Programs do not currently provide for retirement of CO<sub>2</sub> allowances through a general account. However, CO<sub>2</sub> allowances not needed for compliance can be held indefinitely in a compliance or general account.

**8. Will there be a read-only level access to RGGI COATS accounts?**

Only account holders will have access to view or manage their individual RGGI COATS accounts. The RGGI COATS will contain reports that will provide access to certain information to the general public. It will not be necessary to open an account to access these reports.

**9. Can a RGGI COATS account have more than two qualified people allowed to access the system?**

Yes. Each account in the RGGI COATS will be allowed to have one AAR, one AAAR, and electronic submission agents. Each AAR and AAAR is allowed to have up to five electronic submission agents in the RGGI COATS. Each authorized user will have his or her distinct username and password for accessing the system.

**10. Do the Authorized Account Representatives for RGGI COATS accounts need to be the same people as the Primary and Secondary Authorized Auction Representatives?**

No. The RGGI COATS is a separate and distinct system from the Auction Platform.

**11. For a general account, is it required to list all Electric Generating Sources owned by affiliates?**

For a RGGI COATS general account, it is required to list all persons, firms or entities subject to a binding agreement for the AAR or any AAAR to represent their ownership interest with respect to the CO<sub>2</sub> allowances held in the general account.

For a RGGI COATS compliance account, it is not required to list all electric generating sources owned by affiliates. A compliance account is associated with a CO<sub>2</sub> budget source. These accounts are used for compliance with the requirements of each state's CO<sub>2</sub> Budget

Trading Program. Only one compliance account will be assigned to each CO<sub>2</sub> budget source.

The requirements above, referring to the RGGI COATS accounts, are distinct from the information requested in the “General Information” form of the Qualification Application. In the Qualification Application all electric generating sources owned by an Applicant must be listed.

## **IX. RGGI, Inc.**

Questions and answers provided in this section relate to RGGI, Inc.

### **1. *What is the nature of RGGI, Inc. and its role in the state CO<sub>2</sub> Budget Trading Programs?***

Regional Greenhouse Gas Initiative, Inc. (“RGGI, Inc.”) is a non-profit incorporated in Delaware and based in New York, created to provide technical and administrative services to Participating States in the development and implementation of the state CO<sub>2</sub> Budget Trading Programs. RGGI, Inc. receives funding from the Participating States and is required to file annual financial reports according to state and federal requirements. RGGI, Inc. is governed by a Board of Directors comprised of the Agency Heads of energy and environmental agencies from each Participating State. All actions or decisions regarding finances and business operations of RGGI Inc., including all monetary transactions, are controlled by the Board of Directors. Information on the current Board of Directors is available at: <http://www.rggi.org/rggi/board>. In addition, RGGI, Inc.’s Articles of Incorporation and Corporation By-Laws are available at: <http://www.rggi.org/rggi/legal>.

RGGI, Inc. has been retained and funded by each of the Participating States to provide technical and administrative services in the development and implementation of state CO<sub>2</sub> Budget Trading Programs. Any bid submitted into the Auction Platform, and not canceled prior to the close of the auction, is deemed a binding offer to purchase CO<sub>2</sub> allowances from each of the Participating States. The award of CO<sub>2</sub> allowances by each of the Participating States is deemed an acceptance of the offer. The controlling terms of the transaction are stated in the Auction Notice, the Qualification Application, and the Intent to Bid. The combination of offer, acceptance, payment, and terms constitute the contract between the applicant and each of the Participating States.

RGGI, Inc. acts as agent for the Participating States for the purpose of financial settlement. Financial security is deposited into an account at Mellon N.A. under the title “RGGI, Inc. as agent for the Signatory States of the Regional Greenhouse Gas Initiative” and will be held in that account subject to the terms in the Auction Notice issued by the Participating States. Following financial settlement of each auction, excess financial security will be returned to bidders and the remainder of financial security will be transferred to the states offering CO<sub>2</sub> allowances for sale as payment for the CO<sub>2</sub> allowances purchased.

RGGI, Inc. will receive and maintain any Irrevocable Letters of Credit (ILOC) and Bonds that are submitted as financial security. Any cash financial security will be held in an account at Mellon N.A. by RGGI, Inc., as agent for the Participating States.

## **X. Other**

Questions and answers provided in this section relate to other aspects of the auction.

**1. Can companies offer CO<sub>2</sub> allowances or other kinds of credits through a RGGI CO<sub>2</sub> allowance auction?**

No. Only the Participating States may offer CO<sub>2</sub> allowances for sale at a RGGI CO<sub>2</sub> allowance auction.

**2. Are the CO<sub>2</sub> allowances issued by each of the Participating States fungible? Can CO<sub>2</sub> allowances from any Participating State be used in any Participating State to meet compliance obligations?**

Yes. Any CO<sub>2</sub> allowance issued by a Participating State may be used to meet compliance obligations in any of the Participating States' CO<sub>2</sub> Budget Trading Programs.

**3. What is the schedule for future auctions, and how many CO<sub>2</sub> allowances will be auctioned?**

A tentative schedule of future auctions, which is likely to be updated, is located at: [http://www.rggi.org/auctions/documents/Submission\\_Schedule\\_July\\_11\\_2008.pdf](http://www.rggi.org/auctions/documents/Submission_Schedule_July_11_2008.pdf).

**4. When bidders purchase one lot of CO<sub>2</sub> allowances, it includes CO<sub>2</sub> allowances from all Participating States. How does this work?**

CO<sub>2</sub> allowances will be sold in multiples of 1,000. Each lot of 1,000 CO<sub>2</sub> allowances will consist of CO<sub>2</sub> allowances from all of the Participating States offering CO<sub>2</sub> allowances for sale in that auction.

**5. Please define "Financial or Investment Institution".**

A financial or investment institution is commonly understood to be an entity that obtains capital from individuals, businesses, and other organizations and invests it in various financial assets.

**6. Please explain the meaning of "non-responsible".**

Non-responsible is a term that is used as part of government procurement processes in some states. An entity found non-responsible will have received a determination of non-responsibility from the procurement agency.

**7. What is the definition of a compliance entity?**

A compliance entity is an owner or operator of a facility that is a CO<sub>2</sub> budget source pursuant to state regulation in one or more of the Participating States.