

## DIRECTOR'S WRITTEN INTERPRETATION FOR RENEWABLE FUEL STANDARD ADMINISTRATIVE RULES ON EXECUTING BOOK AND CLAIM AGREEMENTS

On August 29, 2024, the Bureau of Planning and Sustainability (BPS) received a request to confirm that: (1) a fuel importer or position holder who accepts responsibility for compliance reporting under book and claim using linked or "daisy chained" agreements does not have to sign each agreement in the chain; and (2) covered entities do not have to disclose proprietary information to a fuel importer or position holder who accepts reporting responsibility on behalf of the covered entity, provided the covered entity discloses the proprietary information to BPS.

First, Section 6(D)(9) of the Rules implementing Portland City Code Chapter 16.60 permits book and claim agreements to be executed by "a fuel importer, position holder or other covered entities who accept responsibility for quarterly and annual compliance reporting on behalf of one or more covered entities." Section 6(D)(11) then states: "[f]uel importers and position holders may execute multiple book and claim agreements that are linked together in a sequence or chain, with each subsequent agreement dependent on the terms of the previous one, such that all parties are connected through a common agreement for the fuel importer or position holder to accept responsibility for book and claim compliance reporting on behalf of all other parties." The intent of permitting linked or "daisy chained" agreements was to allow covered entities maximum flexibility to comply with the Rules. The Rules do not explicitly require a fuel importer or position holder to sign each agreement in a linked sequence or chain, and BPS does not interpret the Rules to require such a signature requirement.

Second, another intent of permitting linked or "daisy chained" agreements was to allow covered entities to keep proprietary information confidential from fuel importers and position holders. Accordingly, the Rules do not require covered entities to disclose such information – including customer names or site locations – to fuel importers or position holders in a book and claim agreement; provided however, that the covered entity must disclose such information to BPS for enforcement purposes.

BPS is issuing this written interpretation now so covered entities can confidently execute book and claim agreements in preparation for the first reporting deadline on January 10, 2025.

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10/6	9/24/2024
Eric Engstrom, Director	Date



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