

**Regulated Person Attestation**

The undersigned, in the name and on behalf of [ \_\_\_\_\_ ] ("User"), represents, warrants, and covenants to the Climate Action Reserve (the "Reserve") as follows:

1. User is (*check all that apply*):
  - A.  A banking institution or similar entity, as specified below:
    - A banking institution chartered by the Office of the Comptroller of the Currency.
    - A banking institution organized under the laws of any state of the United States of America (a "State"), territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official.
    - A savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or federal authority having supervision over any such institution.
  - B.  A broker or dealer that (A) is registered pursuant to Section 15 of the Securities Exchange Act of 1934, as amended; and (B) is a member of all requisite self-regulatory organizations.
  - C.  A futures commission merchant, introducing broker, commodity pool operator, commodity trading advisor, floor broker or floor trader as specified below:
    - A member of the National Futures Association that is registered, pursuant to the Commodity Exchange Act and the Commodity Futures Trading Commission's regulations, as a futures commission merchant, introducing broker, commodity pool operator, commodity trading advisor floor broker or floor trader.
    - A commodity pool operator or commodity trading advisor that is exempt from registration pursuant to Part 4 of the Commodity Futures Trading Commission's regulations and has filed a notice of such exemption from registration with the National Futures Association pursuant to the Commodity Futures Trading Commission's regulations.
  - D.  A registered investment company or adviser, as specified below:

- An investment company registered under the Investment Company Act of 1940, as amended.
- An investment adviser registered under the Investment Advisers Act of 1940, as amended.
- E.  A fund that has assets under management with an aggregate market value of no less than \$100 million and that is advised or managed by an investment adviser registered under the Investment Advisers Act of 1940, as amended.
- F.  A "business development company" as defined in (A) Section 2(a)(13) of the Investment Company Act of 1940, as amended, or (B) Section 202(a)(22) of the Investment Advisers Act of 1940, as amended.
- G.  An employee benefit plan or trust fund, as specified below:
  - A plan established and maintained by a State, its political subdivisions, or any agency or instrumentality of a State or its political subdivisions, for the benefit of its employees.
  - An employee benefit plan within the meaning of title I of the Employee Retirement Income Security Act of 1974, as amended.
  - A trust fund whose trustee is a Bank and whose participants are exclusively plans of the types identified in this item G above, except trust funds that include as participants individual retirement accounts or H.R. 10 plans.
- H.  A seller that has been granted authorization to engage in sales for resale of electric energy, capacity or ancillary services from the Federal Energy Regulatory Commission pursuant to Section 205 of the Federal Power Act, as amended, and the requirements of 18 C.F.R. § 35.
- I.  A broker, trader or similar person that trades only in environmental commodity transactions that are intended to be physically settled and are (check all that apply):
  - Excluded from the definition of "swap," as defined in section 1a(47) of the Commodity Exchange Act, pursuant to section 1a(47)(B)(ii) of the Commodity Exchange Act and related Commodity Futures Trading Commission and/or Securities and Exchange Commission regulations; and/or
  - Transacted in the spot (cash) market (i.e., shipment or delivery is not deferred).

If User is attesting to item I of section 1, User must, within 30 days of executing this Attestation, notify its clients, users, participants or similar persons that User (i) is not registered under the Commodity Exchange Act and the Commodity Futures Trading Commission's regulations as a futures commission merchant, introducing broker, commodity pool operator, commodity trading advisor, floor broker or floor trader and (ii) has not claimed an exemption from registration as a commodity pool operator or commodity trading advisor under Part 4 of the Commodity Futures Trading Commission's regulations.

- J.  A non-U.S. entity which is engaged in an "Investment-Related" (e.g., pertaining to securities, commodities, banking, insurance or real estate) business and which is regulated by a Foreign Financial Regulatory Authority (e.g., a foreign securities authority; other governmental body or foreign equivalent of a self-regulatory organization empowered by a foreign government to administer or enforce its laws relating to the regulation of Investment-Related activities; or a foreign membership organization, a function of which is to regulate the participation of its members in Investment-Related activities.).

Name of applicable Foreign Financial Regulatory Authority:  
\_\_\_\_\_

Identify the law, rule or regulation under which you are regulated: \_\_\_\_\_

- K.  A non-U.S. entity acting in the capacity of a futures commission merchant, introducing broker, commodity pool operator, commodity trading advisor, floor broker or floor trader which is engaged in a "Derivatives-Related" (e.g., pertaining to commodities for future delivery, security futures products, swaps, commodity options, options on futures or swaps, etc.) business and which is regulated by a "Foreign Derivatives Regulatory Authority" (e.g., a foreign securities authority; other governmental body or foreign equivalent of a self-regulatory organization empowered by a foreign government to administer or enforce its laws relating to the regulation of Derivatives-Related activities; or a foreign membership organization, a function of which is to regulate the participation of its members in Derivatives-Related activities).

Name of applicable Foreign Derivatives Regulatory Authority:  
\_\_\_\_\_

Identify the law, rule or regulation under which you are regulated: \_\_\_\_\_

2. In the event of any change in the status of User indicated in section 1 hereof, User shall, no later than the tenth day following the date of such change, provide to the Reserve in accordance with the notice provisions set forth in the Reserve's Terms of Use, (i) an executed attestation having the same form as this Attestation and indicating in section 1 thereof User's then current status or (ii) written notice that none of the items A through I of section 1 hereof then apply to User.
  
3. The information provided in section 1 hereof and in any notice provided pursuant to clause (ii) of section 3 hereof shall be deemed to be Confidential Information (as defined in the Reserve's Terms of Use) for all purposes of the Reserve's Terms of Use. User recognizes, acknowledges and agrees that (i) this Attestation may be relied upon by the Reserve and its successors and assigns; (ii) in the event of any breach of section 1, 2 or 3 hereof, the Reserve shall be entitled to pursue any rights and remedies available at law or in equity (including, without limitation, rights to indemnification pursuant to the Reserve's Terms of Use, which incorporates this Attestation by reference) in any court of competent jurisdiction; and (iii) if at any time the Reserve determines, in its sole discretion, that any such breach has occurred, the Reserve shall have the right to immediately close User's account(s) with the Reserve.

IN WITNESS WHEREOF, the undersigned, in the name and on behalf of User, has executed this Attestation this [\_\_\_\_] day of [\_\_\_\_], 20[\_\_\_\_].

USER<sup>1</sup>

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

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<sup>1</sup> If User is a corporation, partnership or other legal entity, this Attestation must be executed by an officer of User. If User is an individual, this Attestation must be executed by the individual and revised accordingly.