

## **Supporting Statement for FERC Form 561 "Annual Report of Interlocking Positions"**

(Three Year Extension Requested through May 31, 2011)

The Federal Energy Regulatory Commission (Commission) requests that the Office of Management and Budget review and extend its approval of FERC Form 561 "Annual Report of Interlocking Positions" through May 31, 2011. Current OMB approval expires on May 31, 2008.

There is an increase (adjustment) in the reporting burden due to an increase in the number of respondents who submit FERC Form 561 (OMB Control No. 1902-0099).

### **A. Justification**

#### **1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY**

Section 305 of the Federal Power Act (FPA), as amended by Title II, section 211 of the Public Utility Regulatory Policies Act of 1978 (PURPA)(16 U.S.C. 825d) (see Attachment A below), requires the annual reporting by public utility officers and directors of similar types of positions they hold with financial institutions, insurance companies, utility equipment and fuel providers. The FPA mandates the information that must be filed, the required filers, the requirement to make the information available to the public, and the filing deadline. The Commission is not empowered to amend or waive these statutory requirements. Requirements the Commission has the authority to amend, such as filing format and method, can be found in 18 CFR Part 46 and section 131.31. (see Attachment B below).

*Background:* In 1978, the 95<sup>th</sup> Congress passed public law 95-617. Major sections of the law dealt with gasoline prices and new energy policies including gas well deregulation. The reporting requirements for both FERC-561 and FERC-566 resulted from a compromise within the Congress. The bill (H4018) initially made illegal the holding of the position of director, officer, partner, appointee, or representative for both a public utility and a commercial entity. But before Congress passed the bill into law, this section was amended to reflect only the listing of directorates. The law makes it possible that an individual may be barred from holding two positions. The Commission must find, after a notice of public hearing that holding two positions would adversely the public interest. The bill was passed into law on November 9, 1978. The elements collected in these forms are those specifically mandated in the Act. Public utilities respond to FERC-566 and directors or involved individuals respond to FERC-561.

2. **HOW, BY WHOM AND FOR WHAT PURPOSE IS THE INFORMATION TO BE USED AND THE CONSEQUENCES OF NOT COLLECTING THE INFORMATION**

The information collected under FERC Form 561 is used by the Commission to implement the statutory provisions of section 305 of the Federal Power Act (FPA). The information enables the Commission to exercise its interlocking position oversight and enforcement responsibilities. The information collected by the Commission is used to identify persons holding interlocking positions between public utilities and other entities, for Commission review and subsequent identification of possible conflicts of interest. The Form 561 collection also provides the Commission with the information necessary for enforcement proceedings when violations under the FPA occur.

3. **DESCRIBE ANY CONSIDERATION OF THE USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN AND TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN**

Currently, Commission regulations allow for submission of FERC Form 561 filings by mail in hardcopy or by eFiling in electronic format using the Commission's website-based eFiling system (see <http://www.ferc.gov/docs-filing/efiling.asp>). The implementation of eFiling 7.0 on March 1, 2008,<sup>1</sup> provides filers the option to eFile their 2007 forms due April 30, 2008. In the past, filers were required to mail or deliver their filings by courier.

To assist respondents in preparing their filing, the Commission has customarily prepared and provided filers with prefilled forms, that is, forms filled-in with the filer's previous year's position information. In doing this, filers only needed to update their information to reflect positions held during the current filing year. This process has been very popular with filers as it means they do not have to fill out their form each year from scratch. This process has progressed with advances in information technology from the Commission mailing prefilled paper forms to emailing electronic forms to, this year providing the prefilled electronic forms on the Commission's website for download (see <http://www.ferc.gov/docs-filing/hard-filing/form-561/data.asp>). Individual forms are zipped by filing utility. Once

---

<sup>1</sup> <sup>1</sup> Filing Via the Internet, Order No. 703, 72 FR 65,659 (November 23, 2007), FERC Stats & Regs. ¶31,259.

downloaded and unzipped, the files, named for each officer(s)/director(s), can be opened, updated, saved then eFiled with the Commission.

4. **DESCRIBE EFFORTS TO IDENTIFY DUPLICATION AND SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN INSTRUCTION NO. 2**

Filing requirements for the FERC Form 561 are reviewed every three years as the Commission's OMB authorization nears expiration. Current review resulted in no similar sources of information available that can be used or modified for interlocking directorate oversight purposes.

5. **METHODS USED TO MINIMIZE THE BURDEN IN THE COLLECTION OF INFORMATION INVOLVING SMALL ENTITIES**

This information collection imposes the least possible burden on small entities while collecting the information necessary for the Commission to carry out its responsibilities under 18 CFR Part 46.

6. **CONSEQUENCE TO FEDERAL PROGRAM IS COLLECTION WERE CONDUCTED LESS FREQUENTLY**

If the collection of information were conducted less frequently, the Commission would be unable to perform its mandated oversight and review responsibilities with respect to interlocking directorates. Furthermore, PURPA Section 211 mandates annual submission of the information.

7. **EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION**

The collection presents no special circumstances. This is an annual filing requiring an original and one copy (if filed in hardcopy). Furthermore, the form displays a currently valid OMB control number in compliance with 5 CFR 1320.6, which provides that no person shall be subject to penalty for failure to display a current and valid OMB control number.

8. **DESCRIBE EFFORTS TO CONSULT OUTSIDE THE AGENCY: SUMMARIZE PUBLIC COMMENTS AND THE AGENCY'S RESPONSE TO THESE COMMENTS**

In accordance with 5 CFR 1320.8(d), the Commission's notice to renew its OMB approval of the Form 561 information collection was published in the Federal Register on February 11, 2008<sup>2</sup> (see Attachment C below). The Commission did not receive any comments in response to this notice.

9. **EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS**

No payments or gifts have been made to respondents.

10. **DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS**

The information submitted to the Commission is public information and therefore is not considered confidential. Specific requests for confidential treatment to the extent permitted by law will be considered pursuant to 18 CFR 388.112.

11. **PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE**

There are no questions of a sensitive nature.

12. **ESTIMATED BURDEN OF THE COLLECTION OF INFORMATION**

The estimated information collection burden is based on the Commission's previous experience with the collection and is as follows:

Number of Respondents Annually	Number of Responses Per Respondent	Average Burden Hours Per Response	Total Annual Burden Hours
(1)	(2)	(3)	(1)x(2)x(3)
1996	1	0.25	499

---

<sup>2</sup> ? The notice appeared at 73 FR 7725-7726.

Currently the reporting burden for FERC Form 561 is 499 hours.

13. **ESTIMATE OF TOTAL ANNUAL COST OF BURDEN TO RESPONDENTS**

Total Respondent Burden Hours	÷	Number of Hours Per Staff Year	x	Cost Per Staff Employee <sup>3</sup>	=	Total Annualized Cost
499	÷	2,080	x	\$126,384	=	\$30,320

The estimated annual cost to respondents is \$30,320. The cost per respondent is \$15 (rounded). There are no start-up costs because FERC Form 561 is an existing information collection.

14. **ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT**

The estimated annualized cost to the Federal government is shown below:

<u>Operation</u>	<u>Total Cost</u>
a) Data clearance (FERC FY 2008)	\$ 2,430
b) Data analysis (1.0 FTE x \$126,384)	<u>\$126,384</u>
Total cost in one year of operation	\$128,814

The estimate of the cost to the Federal government is based on salaries for professional and clerical support.

15. **REASONS FOR CHANGES IN BURDEN INCLUDING THE NEED FOR ANY INCREASE**

The burden estimate is based on recent Commission experience and the actual number of filings made under FERC Form 561 over the past 12 months. There is an adjustment in the burden from the Commission's last OMB submission due to an increase in the number of respondents.

---

<sup>33</sup> The "Cost per Staff Employee" estimate is based on the estimated annual allocated cost per Commission employee for fiscal year 2008. The estimated \$126,384 "cost" consists of approximately \$102,029 in salaries and benefits and \$24,355 in overhead.

16. **TIME SCHEDULE FOR INFORMATION COLLECTION AND PUBLICATION**

This is not an information collection for which results are published.

17. **DISPLAY OF EXPIRATION DATE**

The OMB control number and expiration date are displayed on the form.

18. **EXCEPTIONS TO THE CERTIFICATION STATEMENT**

The information collected for this reporting requirement is not used for statistical purposes. Therefore, the Commission does not use Item No. 19(i) “effective and efficient statistical survey methodology” as stated in OMB Form 83-1. The information collected is case specific to each respondent.

B. **Collection of Information Employing Statistical Methods**

This is not a collection of information employing statistical methods.

**ATTACHMENT A**

**FPA, SEC. 305. OFFICIALS DEALING IN SECURITIES; INTERLOCKING DIRECTORATES**

[5263-28]

[¶5305]

**Officials Dealing in Securities; Interlocking Directorates**

**Sec. 305.** (a) It shall be unlawful for any officer or director of any public utility to receive for his own benefit, directly or indirectly, any money or thing of value in respect of the negotiation, hypothecation, or sale by such public utility of any security issued or to be issued by such public utility, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends of such public utility from any funds properly included in capital account.

(b) Interlocking Directorates.--

(1) In General.--After 6 months from the date on which this Part takes effect, it shall be unlawful for any person to hold the position of officer or director of more than one public utility or to hold the position of officer or director of a public utility and the position of officer or director of any bank, trust company, banking association, or firm that is authorized by law to

[5263-29]

underwrite or participate in the marketing of securities of a public utility, or officer or director of any company supplying electrical equipment to such public utility, unless the holding of such positions shall have been authorized by order of the Commission, upon due showing in form and manner prescribed by the Commission, that neither public nor private interests will be adversely affected thereby. The Commission shall not grant any such authorization in respect of such positions held on the date on which this Part takes effect, unless application for such authorization is filed with the Commission within sixty days after that date.

(2) Applicability.--

(A) In General.- In the circumstances described in subparagraph (B), paragraph (1) shall not apply to a person that holds or proposes to hold the positions of--

(i) officer or director of a public utility; and

(ii) officer or director of a bank, trust company, banking association, or firm authorized by law to underwrite or participate in the marketing of securities of a public utility.

(B) Circumstances.--The circumstances described in this subparagraph are that--

(i) a person described in subparagraph (A) does not participate in any deliberations or decisions of the public utility regarding the selection of a bank, trust company, banking association, or firm to underwrite or participate in the marketing of securities of the public utility, if the person serves as an officer or director of a bank, trust company, banking association, or firm that is under consideration in the deliberation process;

(ii) the bank, trust company, banking association, or firm of which the person is an officer or director does not engage in the underwriting of, or participate in the marketing of, securities of the public utility of which the person holds the position of officer or director;

(iii) the public utility for which the person serves or proposes to serve as an officer or director selects underwriters by competitive procedures; or

(iv) the issuance of securities of the public utility for which the person serves or proposes to serve as an officer or director has been approved by all Federal and State regulatory agencies having jurisdiction over the issuance.

(c)(1) On or before April 30 of each year, any person, who, during the calendar year preceding the filing date under this subsection, was an officer or director of a public utility and who held, during such calendar year, the position of officer, director, partner, appointee, or representative of any other entity listed in paragraph (2) shall file with the Commission, in such form and manner as the Commission shall by rule prescribe, a written statement concerning such positions held by such person. Such statement shall be available to the public.

[5263-30]

(2) The entities listed for purposes of paragraph (1) are as follows--

(A) any investment bank, bank holding company, foreign bank or subsidiary thereof doing business in the United States, insurance company, or any other organization primarily engaged in the business of providing financial services or credit, a mutual savings bank, or a savings and loan association;

(B) any company, firm, or organization which is authorized by law to underwrite or participate in the marketing of securities of a public utility;



(C) any company, firm, or organization which produces or supplies electrical equipment or coal, natural gas, oil, nuclear fuel, or other fuel, for the use of any public utility;

(D) any company, firm, or organization which during any one of the 3 calendar years immediately preceding the filing date was one of the 20 purchasers of electric energy which purchased (for purposes other than for resale) one of the 20 largest annual amounts of electric energy sold by such public utility (or by any public utility which is part of the same holding company system) during any one of such three calendar years;

(E) any entity referred to in subsection (b); and

(F) any company, firm, or organization which is controlled by any company, firm, or organization referred to in this paragraph.

On or before January 31 of each calendar year, each public utility shall publish a list, pursuant to rules prescribed by the Commission, of the purchasers to which subparagraph (D) applies, for purposes of any filing under paragraph (1) of such calendar year.

(3) For purposes of this subsection--

(A) The term "public utility" includes any company which is a part of a holding company system which includes a registered holding company, unless no company in such system is an electric utility.

(B) The terms "holding company", "registered holding company", and "holding company system" have the same meaning as when used in the Public Utility Holding Company Act of 1935.

01. Subsection (a)--Act of June 10, 1920; Subsection (b)--P.L. 106-102, November 12, 1999; Subsection (c)--P.L. 95-617, November 9, 1978.

Subsection (b), appearing in the Act of June 10, 1970, read as follows until its amendment in P.L. 106-102, November 12, 1999:

(b) After six months from the date on which this Part takes effect, it shall be unlawful for any person to hold the position of officer or director of more than one public utility or to hold the position of officer or director of a public utility and the position of officer or director of any bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or officer or director of any company supplying electrical equipment to such public utility, unless the holding of such positions shall have been authorized by order of the Commission, upon due showing in form and manner prescribed by the Commission, that neither public nor private interests will be adversely affected thereby. The

Commission shall not grant

[5263-31]

any such authorization in respect of such positions held on the date on which this Part takes effect, unless application for such authorization is filed with the Commission within sixty days after that date.

**ATTACHMENT B**

**TITLE 18: CONSERVATION OF POWER AND WATER RESOURCES**

**PART 46—PUBLIC UTILITY FILING REQUIREMENTS AND FILING REQUIREMENTS FOR PERSONS HOLDING INTERLOCKING POSITIONS**

**§ 46.1 Purpose.**

The purpose of this part is to implement section 305(c) of the Federal Power Act, as amended by section 211 of the Public Utility Regulatory Policies Act of 1978.

[Order 67, 45 FR 3569, Jan. 18, 1980]

**§ 46.2 Definitions.**

For the purpose of this part:

(a) Public utility has the same meaning as in section 201(e) of the Federal Power Act and further includes any company which is part of a holding company system which includes a registered holding company unless no company in such system is an electric utility within the meaning of section 3 of the Federal Power Act. Such term does not include any rural electric cooperative which is regulated by the Rural Electrification Administration of the Department of Agriculture or any other entities covered in section 201(f) of the Federal Power Act.

(b) The following terms have the same meaning as in the Public Utility Holding Company Act of 1935:

- (1) Holding company system; and
- (2) Registered holding company.

(c) Purchaser means any individual or corporation within the meaning of section 3 of the Federal Power Act who purchases electric energy from a public utility. Such term does not include the United States or any agency or Instrumentality of the United States or any rural electric cooperative which is regulated by the Rural Electrification Administration of the Department of Agriculture.

(d) Control and controlled mean the possession, directly or indirectly, of the power to direct the management or policies of an entity whether such power is exercised through one or more intermediary companies or pursuant to an agreement, written or oral, and whether such power is

established through ownership or voting of securities, or common directors, officers, or stockholders, or voting trusts, holding trusts, or debt holdings, or contract, or any other direct or indirect means. A rebuttable presumption that control exists arises from the ownership or the power to vote, directly or indirectly, ten percent (10%) or more of the voting securities of such entity.

(e) Entity means any firm, company, or organization including any corporation, joint-stock company, partnership, association, business trust, organized group of persons, whether incorporated or not, or a receiver or receivers, trustee or trustees of any of the foregoing. Such term does not include municipality as defined in section 3 of the Federal Power Act and does not include any Federal, State, or local government agencies or any rural electric cooperative which is regulated by the Rural Electrification Administration of the Department of Agriculture.

(f) Electrical equipment means any apparatus, device, integral component, or integral part used in an activity which is electrically, electronically, mechanically, or by legal prescription necessary to the process of generation, transmission, or distribution of electric energy.

(1) Guidance in applying the definition of electrical equipment may be obtained by examining the items within the following accounts described in part 101, title 18 of the Code of Federal Regulations: Boiler/Reactor plant equipment (Accounts 312 and 322); Engines and engine driven generators (313); turbogenerator units (314 and 323); Accessory electrical equipment (315, 324, 334 and 345); Miscellaneous power plant equipment (316, 325, 335 and 346); Water wheels, turbines and generators (333); Fuel holders, producers, and accessories (342); Prime movers (343); Generators (344); Station equipment (353 and 362); Poles, towers and fixtures (354, 355 and 364); Overhead conductors and devices (356 and 365); Underground conduit (357 and 366); Underground conductors and devices (358 and 367); Storage battery equipment (363); Line transformers (368); Services (369); Meters (370); Installation on customers' premises (371); Street lighting and signal systems (373); Leased property on customers' premises (372); and Communication equipment (397). Excepted from these accounts, are vehicles, structures, foundations, settings, and services.

(g) Produces or supplies means any transaction including a sale, lease, sale-leaseback, consignment, or any other transaction in which an entity provides electrical equipment, coal, natural gas, oil, nuclear fuel, or other fuel to any public utility either directly or through an entity controlled by such entity.

(h) Appointee means any person appointed on a temporary or permanent basis to perform any duties or functions described in §46.4(a).

(i) Representative means any person empowered, through oral or written agreement, to transact business on behalf of an entity and any person who serves as an advisor regarding policy or management decisions of the entity. The term does not include attorneys,

accountants, architects, or any other persons who render a professional service on a fee basis.

### **§ 46.3 Purchaser list.**

(a) **Compilation and filing list.** On or before January 31 of each year, each public utility shall compile a list of the purchasers described in paragraph (b) of this section and shall identify each purchaser by name and principal business address. An original and two (2) copies of such list shall be filed with the Commission by the public utility and the list shall be made publicly available through its principal business office.

(b) **Largest purchasers.** The list required under paragraph (a) of this section shall include each purchaser who, during any of the three (3) preceding calendar years, purchased (for purposes other than resale) from a public utility one of the twenty (20) largest amounts of electric energy measured in kilowatt hours sold (for purposes other than resale) by such utility during such year.

(c) **Special rules.** If data for actual annual sales (for purposes other than resale) are not available in the records of the public utility, the utility may use estimates based on actual data available to it. If one purchaser maintains several billing accounts with the public utility, the kilowatt hours purchased in each account of that purchaser shall be aggregated to arrive at the total for that purchaser.

(d) **Notification of largest purchasers.** Each public utility shall notify by January 31 of each year each purchaser which has been identified on the list of largest purchasers under paragraph (b) of this section.

(e) **Revision of the list.** Each public utility relying upon any estimates for its January 31st filing, shall revise the list compiled under paragraph (b) of this section no later than March 1 of the year in which the list was originally filed to reflect actual data not available to the utility prior to that time. Any revised list shall be filed with the Commission and made publicly available through the utility's principal business office no later than March 1. A utility filing a revised list shall indicate thereon the changes made to the list previously filed under paragraph (b) of this section. On or before the filing and publication of the revised list, the public utility shall notify the newly-listed purchasers and any purchasers whose names were removed from the list.

[Order 67, 45 FR 3569, Jan. 18, 1980; 45 FR 6377, Jan. 28, 1980]

### **§ 46.4 General rule.**

A person must file with the Office of the Secretary of the Commission a written statement in accordance with §46.6, and in the form specified in §131.31 of this chapter (except that with respect to calendar year 1980, no filings in the form specified in §131.31 is required if such person

has previously filed the statement required for calendar year 1980 in a different form than specified in §131.31), if such person:

(a) Serves for a public utility in any of the following positions: A director or a chief executive officer, president, vice president, secretary, treasurer, general manager, comptroller, chief purchasing agent, or any other position in which such person performs similar executive duties or functions for such public utility; and

(b) Serves for any entity described in §46.5 in any of the positions described in paragraph (a) of this section or is a partner, appointee, or representative of such entity.

[45 FR 23418, Apr. 7, 1980, as amended by Order 140, 46 FR 22181, Apr. 16, 1981]

**§ 46.5 Covered entities.**

Entities to which the general rule in §46.4(b) applies are the following:

(a) Any investment bank, bank holding company, foreign bank or subsidiary thereof doing business in the United States, insurance company, or any other organization primarily engaged in the business of providing financial services or credit, a mutual savings bank, or a savings and loan association;

(b) Any entity which is authorized by law to underwrite or participate in the marketing of securities of a public utility;

(c) Any entity which produces or supplies electrical equipment or coal, natural gas, oil, nuclear fuel, or other fuel, for the use of any public utility;

(d) Any entity specified in §46.3;

(e) Any entity referred to in section 305(b) of the Federal Power Act; and

(f) Any entity which is controlled by any entity referred to in this section.

**§ 46.6 Contents of the written statement and procedures for filing. Each person required to file a written statement under the general rule in §46.4 shall comply with the following requirements:**

(a) Each person shall provide the following information: full name and business address; identification of the public utilities and the covered entities in which such person holds executive positions described in §46.4; and identification of the interlock described in §46.4;

(b) If the interlock is between a public utility and an entity described in §46.5(c), which produces or supplies electrical equipment for use of such public utility, such person shall provide the following information:

(1) The aggregate amount of revenues received by such entity from producing or supplying electrical equipment to such public utility in the calendar year specified in paragraph (d) of this section, rounded up to the nearest \$100,000; and

(2) The nature of the business relationship between such public utility and such entity.

(c) If the person is authorized by the Commission to hold the positions of officer or director in accordance with part 45, such person shall identify the authorization by docket number and shall give the date of authorization.

(d) (1) Each person shall file an original and one copy of such written statement with the Office of Secretary of the Commission on or before April 30 of each year immediately following the calendar year during any portion of which such person held a position described in §46.4. The original of such statement shall be dated and signed by such person. The copy shall bear the date that appeared on the original; the signature on the copy may be stamped or typed on the copy.

(2) Instead of submitting changes to the Commission on the pre-printed Form No. 561 sent annually by the Commission, a person may choose to make changes to the pre-filled electronic version provided by the Commission. This electronic version, along with the signed original and one copy (as required by Paragraph (d)(c)) shall also be filed with the Commission.

(3) Such statement shall be available to the public during regular business hours through the Commission's Office of Public Information and shall be made publicly available through the principal business offices of the public utility and any entity to which it applies on or before April 30 of the year the statement was filed with the Commission.

(Pub. L. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[45 FR 23418, Apr. 7, 1980, as amended by Order 601, 63 FR 72169, Dec. 31, 1998]





## INSTRUCTIONS FOR COMPLETING ANNUAL REPORT OF INTERLOCKING POSITIONS

### GENERAL INFORMATION:

#### Purpose of Report

The data collected by this report will be used by the Federal Energy Regulatory Commission's staff for the review and oversight of interlocking positions between public utilities and certain other entities as described below.

#### Who Must Submit

This report must be completed by all persons holding interlocking positions between public utilities and certain other entities (described in the specific instructions) during any portion of the calendar year.

#### When to Submit

Submit this report on or before April 30 of each year for the preceding calendar year. (For example, the report for the year 1999 would be filed on or before April 30, 2000.)

#### What and Where to Submit

Submit an original and one (1) copy of this report to: Federal Energy Regulatory Commission, Office of the Secretary, Attention FERC 561, 888 First Street NE, Washington, DC 20426

#### Sanctions

This report is mandatory and is prescribed by Section 305(c)(1) of the Federal Power Act and 18 CFR 46.4. Failure to report may result in certain penalties and other sanctions as provided by law.

#### Where to Send Comments on Public Reporting Burden

The public reporting burden for this collection of information is estimated to average 0.25 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information to: Federal Energy Regulatory Commission, Attn: Federal Energy Regulatory Commission Information Clearance Officer, 888 First Street NE., Washington, DC 20426.

You shall not be penalized for failure to respond to this collection of information unless the collection of information displays a valid OMB control number.

### GENERAL INSTRUCTIONS

1. Prepare this report in conformity with the requirements prescribed in 18 CFR 46.4.
2. Leave blank any columns that are not applicable.

### SPECIFIC INSTRUCTIONS

#### Item and Instruction

#### Respondent Information

1 and 2 Enter your full name and your business address.

3 Enter the calendar year for which this report is filed.

4 and 5 If you are authorized by this Commission to hold the position of officer or director in accordance with Part 45 of the Commission's regulations: enter in space 4 the complete FERC docket number of such authorization; enter in space 5 the latest date of such authorization. Otherwise, leave these spaces blank.

6 Enter the public utility or public utility holding company to which you want next year's Form 561 sent.

#### Public Utility Data

Col (1) and Col (2) Enter in column (1) the name of each public utility in which you hold an executive position. In column (2) enter the appropriate code for each such position, according to the list below:

#### Code and Name

Dir Director

CEO Chief Executive Officer

PRES President

VP Vice President

SEC Secretary

TREA Treasurer

GM General Manager

COMP Comptroller

PURA Chief Purchasing Agent

OEP Other Executive Position

Interlocking Entity Data

Col (3) and Col (4) Enter in Column (3) the name of each entity in which you hold an interlocking position. Enter the appropriate code for each executive position you hold in the entity named in Column (3), using the list below:

Code and Name

DIR Director

CEO Chief Executive Officer

PRES President

VP Vice President

SEC Secretary

TREA Treasurer

GM General Manager

COMP Comptroller

PURA Chief Purchasing Agent

PART Partner

APPT Appointee

REP Representative

OEP Other Executive Position

Col (5) Enter in Column (5) the appropriate code type for each entity listed in Column (3), using the list below:

Code and Name

FIN Investment bank; bank holding company; foreign bank or subsidiary thereof doing business in the United States; other organization primarily engaged in the business of providing financial services or credit; mutual savings bank; or savings and loan association

FINI Insurance company

SECU Entity authorized by law to underwrite or participate in the marketing of securities of a public utility

ELEQ Entity which produces/supplies electric equipment for the use of any public utility

FUEL Entity which produces/supplies coal, natural gas, nuclear fuel, or other fuel for the use of any public utility

20CL Entity specified in 18 CFR 46.3 (one of the 20 largest purchasers of electric energy from a utility)

CNEN Entity which is controlled by any one of the above named entities

305B Entity referred to in Section 305(b) of the Federal Power Act (not otherwise identified above)

Col (6) For each entity that supplies electric equipment (ELEQ) named in Column (3) enter the aggregate amount of revenues from producing or supplying electrical equipment to any public utility named in column (1) in the subject calendar year, rounded to the nearest \$100,000. Otherwise, leave this column blank.

Signature The original of this report must be dated and signed. The copy must bear the date that appeared on the original. The signature on the copy may be stamped or typed on the copy.

[Order 601, 63 FR 72169, Dec. 31, 1998]



**Attachment C**

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. IC08-561-000; FERC Form 561]

COMMISSION INFORMATION COLLECTION ACTIVITIES, PROPOSED  
COLLECTION; COMMENT REQUEST; EXTENSION

(February 1, 2008)

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104-13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

**DATES:** Comments on the collection of information are due April 7, 2008.

**ADDRESSES:** An example of this information collection can be obtained from the Commission's Documents & Filing website (<http://www.ferc.gov/docs-filings/elibrary.asp>) or by contacting the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Executive Director, ED-34, 888 First Street NE, Washington, D.C. 20426. Comments may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing. For paper filing, the original and 14 copies of such comments should be submitted to the Secretary of

the Commission, Federal Energy Regulatory Commission, 888 First Street NE, Washington, D.C. 20426 and refer to Docket No. IC08-561-000.

Documents filed electronically via the Internet must be prepared in an acceptable filing format and in compliance with the Federal Energy Regulatory Commission's submission guidelines. Complete filing instructions and acceptable filing formats are available at (<http://www.ferc.gov/help/submission-guide/electronic-media.asp>). To file the document electronically, access the Commission's website and click on Documents & Filing, E-Filing (<http://www.ferc.gov/docs-filing/efiling.asp>), and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the eLibrary link. For user assistance, contact [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov) or toll-free at (866) 208-3676 or for TTY, contact (202) 502-8659.

**FOR FURTHER INFORMATION CONTACT:** Michael Miller may be reached by telephone at (202) 502-8415, by fax at (202) 273-0873, and by e-mail at [michael.miller@ferc.gov](mailto:michael.miller@ferc.gov).

**SUPPLEMENTARY INFORMATION:** The information collected under the requirements of FERC Form 561 "Annual Report of Interlocking Positions" (OMB No. 1902-0099) is used by the Commission to implement the statutory provisions of section 305 of the Federal Power Act (FPA), as amended by Title II, section 211 of the Public Utility Regulatory Policies Act of 1978 (PURPA)(16 U.S.C. 825d). FPA section 305 – Officials Dealing in Securities – Interlocking Directorates requires the annual reporting by public utility officers and directors of similar types of positions they hold with financial institutions, insurance companies, utility equipment and fuel providers, and with any of an electric utility’s twenty largest purchasers of electric energy.<sup>4</sup> The FPA mandates the information that must be filed, the required filers, the requirement to make the information available to the public, and the filing deadline. The Commission is not empowered to amend or waive these statutory requirements. Requirements the Commission has the authority to amend, such as filing format and method, can be found in 18 CFR Part 46 and section 131.31.

Without this information collection, the Commission and the public would not be able to inquire into and determine whether public or private interests will be adversely affected by the holding of such positions.

Under the current OMB authorization, the Commission requires the FERC Form 561 filings in hardcopy with an optional diskette containing a spreadsheet of the

---

<sup>4</sup> Annual Report of a Utility’s Twenty Largest Purchasers, FERC-566, OMB No. 1902–0114, collects information from the twenty largest purchasers.



interlocking directorate information. However, the Commission has indicated under RM07-16-000,<sup>5</sup> to allow for the voluntary electronic submittal of many required filings, including the FERC Form 561, by early 2008. Through eFiling 7.0, the form will be filed in Adobe Acrobat with an optional electronic spreadsheet attachment. Implementation of eFiling 7.0 will eliminate the current burden of mailing and hand-delivering the filings in hardcopy.

Action: The Commission is requesting a three-year extension of the current expiration date, and proposes to make the filing of the FERC Form 561 more efficient during 2008 under RM07-16-000.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of Respondents Annually (1)	Number of Responses Per Respondent (2)	Average Burden Hours Per Response (3)	Total Annual Burden Hours (1)x(2)x(3)
1996	1	.25	499

The estimated total cost to respondents is \$21,516. [499 hours divided by 2080 hours<sup>6</sup> per year, times \$126,384<sup>7</sup> equals \$30,320]. The cost per respondent is \$15 (rounded off).

<sup>5</sup> Filing Via the Internet, RM07-16-000, 72 Fed. Reg. 65659 (2007), FERC Stats. & Regs. ¶ 31,259.

<sup>6</sup> Number of hours an employee works each year.

<sup>7</sup> Average annual salary per employee.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) reviewing instructions; (2) developing, acquiring, installing, using technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable filing instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The cost estimate for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) the accuracy of the agency's burden estimate of the proposed information collection, including the validity of the methodology and assumptions used to calculate the reporting burden; (2) ways to enhance the quality, utility and clarity of the information to be collected; and (3) the proposal to provide the option to collect FERC Form 561 electronically by late 2007, as proposed under RM07-16-000 and any reduction in burden that option might allow filers.

Kimberly D. Bose,  
Secretary.