

SUPPORTING STATEMENT

Request for 3-year renewal of FERC-917 (Non-discriminatory Open Access Transmission Tariff) and FERC-918 (Information to be Posted on the OASIS and Auditing Transmission Service Information)

The Federal Energy Regulatory Commission (FERC or Commission) requests a three-year extension of OMB approval for FERC-917 and FERC-918 (both included under OMB No. 1902-0233), which expire 08/31/2010.

A. Justification

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The Commission has a statutory obligation under the Federal Power Act (FPA) to prevent unduly discriminatory practices in transmission access. Toward this goal, in 1996 landmark Order No. 888¹, the Commission requested public utilities to provide others with access to electric power transmission lines. Concurrently, through Order No. 889², the Commission adopted standards and information requirements for Open Access Same-Time Information Systems (OASIS). In 2007, the Commission addressed newly identified opportunities for undue discrimination in electric power transmission, through its issue of Order No. 890³. It is the Order No. 890 filing and web posting requirements that are the subject of this clearance request.

¹ Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996), order on reh'g, Order No. 888-A, 62 FR 12274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048 (1997), order on reh'g, Order No. 888-B, 81 FERC ¶ 61,248 (1997), order on reh'g, Order No. 888-C, 82 FERC ¶ 61,046 (1998), aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC, 225 F.3d 667 (D.C. Cir. 2000) (TAPS v. FERC), aff'd sub nom. New York v. FERC, 535 U.S. 1 (2002).

² Open Access Same-Time Information System (Formerly Real-Time Information Networks) and Standards of Conduct, Order No. 889, 61 FR 21737 (May 10, 1996), FERC Stats. & Regs. ¶ 31,035 (1996), order on reh'g, Order No. 889-A, FERC Stats. & Regs. ¶ 31,049 (1997), order on reh'g, Order No. 889-B, 81 FERC ¶ 61,253 (1997).

³ Preventing Undue Discrimination and Preference in Transmission Service, Order No. 890, FERC Stats. & Regs. ¶ 31,241, order on reh'g, Order No. 890-A FERC Stats. & Regs. ¶ 31,261 (2007), order on reh'g, Order No. 890-B, 123 FERC ¶ 61,299 (2008), order on reh'g, Order No. 890-C, 126 FERC ¶ 61,228 (2009).

In Order No. 888, the Commission required public utilities to provide transmission customers with equal and timely access to transmission and ancillary service tariff information through OASIS website postings. The Commission believed that transmission customers must have simultaneous access to the same information available to transmission providers if truly nondiscriminatory transmission services are to exist.

In Order No. 889, the Commission adopted business practice standards and information requirements for OASIS. During their development, the Commission relied heavily on the assistance provided by all segments of the wholesale electric power industry and its customers in ad hoc working groups that offered consensus proposals for the Commission's consideration.

In Order No. 676⁴, issued in 2006, the Commission incorporated by reference and placed into operation, standards developed by the North American Energy Standards Board's (NAESB's) Wholesale Electric Quadrant (WEQ). These standards covered OASIS business practice standards, including the posting requirements; OASIS Standards and Communication Protocols and Data Dictionary.

Through the development of Order No. 676, it became apparent to the Commission that more work was needed leading to the issue of Order No. 890 on February 16, 2007. Order No. 890 requirements were necessary to: (1) strengthen the Open Access Transmission Tariff (OATT), to ensure that it achieves its original purpose of remedying undue discrimination; (2) provide greater specificity to reduce opportunities for undue discrimination and facilitate the Commission's enforcement; and (3) increase transparency in the rules applicable to planning and use of the transmission system.

Order No. 890 requirements fell into two general categories: (1) OATT pro forma tariff changes in 18 CFR 35.28, the reporting burden of which is reported under information collection FERC-917, and (2) OASIS website posting requirements in 18 CFR 37.6 and 37.7, the reporting burden of which is reported under information collection FERC-918. [The regulatory text of 18 CFR 35.28, 37.6, and 37.7 is included at Attachment B (posted in 'supplementary documents' in OMB's ROCIS system). Attachment C (also under

⁴ *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at P 882-893, *clarified*, 121 FERC ¶ 61,260, at P 9, 10, App. D-1 (2007), *order on reh'g*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268, *clarified*, 124 FERC ¶ 61,055 (2008), *order on reh'g*, Order No. 697-B, FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g*, Order No. 697-C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g*, Order No. 697-D, FERC Stats. & Regs. ¶ 31,305 (2010).

‘supplementary documents’ in OMB’s ROCIS system) includes 16 US Code 824d and 824e.]

Specifically, under FERC-917, the Commission:

(1) Adopted pro forma OATT provisions necessary to keep imbalance charges closely related to incremental costs;

(2) Increased nondiscriminatory access to the grid by requiring public utilities, working through the North American Electric Reliability Corporation (NERC), to develop consistent methodologies for available transfer capability (ATC) calculation and to publish those methodologies to increase transparency.

(3) Required an open, transparent, and coordinated transmission planning process thereby increasing the ability of customers to access new generating resources and promote efficient utilization of transmission.

(4) Gave the right to customers to request from transmission providers, studies addressing congestion and/or integration of new resource loads in areas of the transmission system where they have encountered transmission problems due to congestion or where they believe upgrades and other investments may be necessary to reduce congestion and to integrate new resources.

(5) Required both the transmission provider’s merchant function and network customers to include a statement with each application for network service or to designate a new network resource that attests, for each network resource identified, that the transmission customer owns or has committed to purchase the designated network resource and the designated network resource comports with the requirements for designated network resources. The network customer includes this attestation in the customer’s comment section of the request when it confirms the request on OASIS.

(6) Required with regard to capacity reassignment that: (a) all sales or assignments of capacity be conducted through or otherwise posted on the transmission provider’s OASIS on or before the date the reassigned service commences; (b) assignees of transmission capacity to execute a service agreement prior to the date on which the reassigned service commences; and (c) transmission providers to aggregate and summarize in an electric quarterly report the data contained in these service agreements.

(7) Adopted an operational penalties annual filing that provides information regarding the penalty revenue the transmission provider has received and distributed.

(8) Required creditworthiness information to be included in a transmission provider’s OATT – Attachment L must specify the qualitative and quantitative criteria that the transmission provider uses to determine the level of secured and unsecured credit required.

Under FERC-918, the Commission required the following OASIS postings:

(1) Explanations for changes in ATC⁵ values;

⁵ The Commission used the term “Available Transmission Capability” in Order No. 888 to describe the amount of additional capability available in the transmission network to

- (2) Capacity benefit margin (CBM) reevaluations and quarterly postings;
- (3) OASIS metrics and accepted/denied requests;
- (4) Planning redispatch offers and reliability redispatch data;
- (5) Curtailment data;
- (6) Planning and system impact studies;
- (7) Metrics for system impact studies;
- (8) All rules.

The Commission required a NERC/NAESB⁶ team to draft and review Order No. 890 reliability standards and business practices. The team was to solicit comment from each utility on developed standards and practices and utilities were to implement each, after Commission approval. Public utilities, working through NERC, revised reliability standards to require the exchange of data and coordination among transmission providers and, working through NAESB, developed complementary business practices.

Incorporating the Order No. 890 standards into Commission's regulations benefited wholesale electric customers by streamlining utility business practices, transactional processes, and OASIS procedures, and by adopting a formal ongoing process for reviewing and upgrading the Commission's OASIS standards and other electric industry business practices.

This clearance package and request to OMB for a three-year extension of the existing information collections, plus the corresponding Notices in FERC Docket Nos. IC10-917 and IC10-918 are separate activities from pending FERC Docket No. RM10-23 (and the associated OMB clearance package). [FERC has a separate, pending Notice of Proposed Rulemaking (NOPR) in Docket No. RM10-23, which includes proposals affecting the FERC-917. The NOPR in Docket No. RM10-23 and the corresponding OMB clearance package were submitted to OMB (ICR No. 201006-1902-001) for review on 6/30/2010. Comments on Docket No. RM10-23 should be submitted to FERC in that docket.]

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

The information is used by transmission customers and participants to identify and efficiently gauge available transmission resources as well as provide equal access to transmission services. The required FERC-917 pro forma OATT tariffs are accessible via the Commission's eLibrary website ()

accommodate additional requests for transmission services. To be consistent with the term generally accepted throughout the industry, the Commission revises the pro forma OATT to adopt the term "Available Transfer Capability."

⁶ NAESB is the North American Energy Standards Board.

<http://elibrary.ferc.gov/idmws/search/fercgensearch.asp>), and the FERC-918 postings are accessed by industry participants, through OASIS Internet websites.

Without this information, the Commission would not be able to meet its statutory obligation under the Federal Power Act (FPA) to prevent unduly discriminatory practices in transmission access.

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

With the implementation of the Commission's new eTariff system (described at <http://www.ferc.gov/docs-filing/etariff.asp>), pro forma tariffs must be eFiled with the Commission. OASIS information is posted to regional Internet websites. Neither respondents nor the Commission has identified any methodology more advanced than that which is currently in use.

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 2.

The Commission is the only federal agency to regulate interstate electric power transmission; therefore other agencies would not be expected to collect this tariff-specific information. There is no other known source for the information.

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

No methods are in place to minimize the burden on small utility filers. Currently the information is provided by six small utilities.

6. CONSEQUENCE TO FEDERAL PROGRAM IF COLLECTION WERE CONDUCTED LESS FREQUENTLY

The pro forma tariff information is provided only once per utility. The information posted to OASIS websites is posted on occasion, as circumstances change, that would require the new postings.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

There are no special circumstances requiring the collection to be conducted in a manner inconsistent with Commission regulations.

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

The notice of proposed information collection and request for comments was published in the Federal Register on May 28, 2010⁷, 75FR 30008, 5/28/2010; posted at <http://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=12349482>). FERC received no public comments from the 60-day notice. (The 30-day notice (Attachment A [in ROCIS under 'supplementary documents'] is posted at <http://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=12412650>.)

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

No gifts or payments have been made to the respondents.

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

There are no special circumstances relating to this information.

**11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A
SENSITIVE NATURE THAT ARE CONSIDERED PRIVATE.**

There are no questions of a sensitive nature that are considered private.

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

Commission estimates of the burden associated with the required information are shown below.

⁷ 75 FR 30008.

FERC Information Collection	Annual No. of Respondents (1)	Average No. of Responses per Respondent (2)	Average Burden Hours per Response (3)	Total Annual Burden Hours (1)x(2)x(3)
18 CFR 35.28 (FERC-917)				
Conforming tariff changes	6	1	25	150
Revision of Imbalance Charges	6	1	5	30
ATC revisions	6	1	40	240
Planning (Attachment K)	134	1	100	13,400
Congestion studies	134	1	300	40,200
Attestation of network resource commitment	134	1	1	134
Capacity reassignment	134	1	100	13,400
Operational Penalty annual filing	134	1	10	1,340
Creditworthiness – include criteria in the tariff	6	1	40	240
FERC-917 -- Sub Total Part 35	-	-	-	69,134
18 CFR 37.6 & 37.7 (FERC-918)				
ATC-related standards:				
NERC/NAESB Team to develop	0	0	0	0
Review and comment by utility	0	0	0	0
Implementation by each utility ⁸	0	0	0	0Error: Reference source not found

⁸ Mandatory Reliability Standards for the Calculation of Available Transfer Capability, Capacity Benefit Margins, Transmission Reliability Margins, Total Transfer Capability, and Existing Transmission Commitments and Mandatory Reliability Standards for the Bulk-Power System, Order No. 729, 74 FR 64884 (Dec. 3, 2009) 129 FERC ¶ 61,155. The FERC-725A requirements (Mandatory Reliability Standards for the Bulk-Power System, which now includes the utilities’ implementation) are separate and are not a subject of this Notice in Docket Nos. IC10-917 and IC10-918. The FERC-725A reporting and recordkeeping requirements in Order 729 (Docket No. RM08-19, et. al.) were approved by OMB (in ICR Number 200912-1902-005) on 3/12/2010.

Mandatory data exchanges	134	1	80	10,720
Explanation of change of ATC values	134	1	100	13,400
Reevaluate CBM and post quarterly	134	1	20	2,680
Post OASIS metrics; requests accepted/denied	134	1	90	12,060
Post planning redispatch offers and reliability redispatch data	134	1	20	2,680
Post curtailment data	134	1	10	1,340
Post Planning and System Impact Studies	134	1	5	670
Posting of metrics for System Impact Studies	134	1	100	13,400
Post all rules to OASIS	134	1	5	670
FERC-918 -Sub Total of Part 37 Reporting Requirements	-	-	-	57,620
FERC-918 -- Recordkeeping Requirements	134	1	40	5,360
FERC-918 -- Sub Total of Reporting and Recordkeeping Requirements	-	-	-	62,980
Total FERC-917 and FERC-918 (Part 35 + Part 37, Reporting and Recordkeeping Requirements)	-	-	-	132,114

This is a reduction of 24,922 hours (adjustment of +7,358 hrs. and program change of -32,280 hrs.) from the combined FERC-917 and FERC-918 burden approved by OMB. Additional details on the burden calculations, split between adjustments and program changes and FERC-917 and FERC-918 are included in Attachment E and attached in ROCIS under 'Supplementary Documents' and called "Notes on proposed burden change (8/2010)."

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

The estimated total annual cost to respondents is \$21,941,076,⁹ calculated as follows:

- (1) Reporting costs of \$14,449,956 {126,754 hours @ \$114 an hour [average cost of attorney (\$200 per hour), consultant (\$150), technical (\$80), and administrative support (\$25)]} and

⁹ Using the hourly rate figures of the Bureau of Labor Statistics, occupational series and market rates as applicable, the hourly rate is a composite of the respondents who will be responsible for implementing and responding to the collection of information (support staff, engineering and legal).

(2) Recordkeeping (labor and storage) costs of \$7,491,120 {labor = \$91,120 [5,360 hours x \$17/hour (file/record clerk @ \$17 an hour)] and off-site storage costs = \$7,400,000 (8,000 sq. ft. x \$925/sq. ft.)}.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

The estimated annualized cost to the Federal Government follows:

Staff Analysis (1 full-time employee @\$137,874/year)	\$137,874.
Forms Clearance Process	\$1,528.
Total	\$139,402.

The estimate of the cost to the Federal Government is based on salaries for professional and clerical support, as well as direct overhead costs.

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

The estimated annual public reporting burdens for FERC-917 and FERC-918 are reduced by 24,922 hours (program reduction) from the original estimates made three years ago. The reductions are due to the incorporation and completion of: (1) one-time pro forma tariff changes by utilities in existence at that time; (2) completed development and comment solicitation of the required NERC/NAESB reliability standards and business practices; and (3) the transfer of burden associated with the implementation of some of the NERC/NAESB business practices, in Order No. 729, issued November 11, 2009, to the Commission's FERC-725A information collection (OMB Control Number 1902-0244).

Additional details on the burden calculations, split between adjustments and program changes and FERC-917 and FERC-918 are included in Attachment E and attached in ROCIS under 'Supplementary Documents' and called "Notes on proposed burden change (8/2010)."

16. TIME SCHEDULE FOR THE PUBLICATION OF DATA

This is not a collection of information for which results are planned to be published. Filings are, however, made available to the public through their inclusion in the Commission's eLibrary. The eLibrary document repository is accessible from the Commission's web site: <http://www.ferc.gov>.

17. DISPLAY OF EXPIRATION DATE

An expiration date is not shown. It is not appropriate to display the expiration date for OMB approval of the information on OASIS websites.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There is an exception to the Paperwork Reduction Act Submission Certification. Because the information collected for this reporting requirement is not used for statistical purposes, the Commission does not use, as stated in item 19(i) "effective and efficient statistical survey methodology." 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.