

Appendix B

Summary of Comments on Forms and Instructions Received in Response to *Federal Register* Notice Vol. 74, No. 198, FR Doc. E9-24777 Published October 14, 2009

Introduction

The Energy Information Administration (EIA) received 30 sets of comments from interested parties outside of EIA, including more than one set of comments from some organizations (Table B1). Comments included issues on the forms, instructions, and sensitive data. The EIA responses to the comments are shown below.

The EIA is not required to solicit comments on its information collection activities through a formal rulemaking process. Rather, the Paperwork Reduction Act of 1995 (PRA) process is followed by the EIA, which allows opportunities for public input to EIA before submitting its proposals to the Office of Management and Budget (OMB). In addition, that process provides for public input to OMB before it makes a decision on an EIA forms clearance request. The EIA proposed clearance request is in conformance with the PRA requirements and necessitates no formal rulemaking, environmental impact statements, or other actions not specified in the PRA.

Some interested parties offered comments that resulted in form changes and some were editorial in nature. The editorial comments are not listed below, but were addressed appropriately in the forms and/or their instructions. In many cases, the comments of several parties were summarized or representative comments are presented here by the EIA and, therefore, not all of the submitted comments are reproduced directly in this Appendix.

General Comments

Comment:

The Bureau of Economic Analysis (BEA) strongly supports the continued collection of data by the Energy Information Administration on the Electric Power Surveys. The data collected on these forms are crucial to key components of BEA's economic statistics. BEA is in agreement to changes to Form EIA-826 and will incorporate additional detail from Schedule 2 Part B: providers of electricity on behalf of power marketers and retail sellers, and evaluate and consider incorporating price data from Schedule 3 Part A: green pricing. BEA is in agreement to changes to Form EIA-860 and EIA-861 and will analyze data on energy storage technologies for industry account estimates of gross output and intermediate inputs. BEA is in agreement to changes to Form EIA-861 and will analyze data on energy demand and costs and compare to industry account estimates of energy purchases and expenses. BEA uses data from these forms to prepare the gross domestic product (GDP), the industry accounts, and the GDP by state estimates. Please keep BEA

informed concerning any modifications to these forms. We are particularly interested in any modifications proposed during the forms' approval process that would substantially affect our use of these data.

Response:

Thank you for your continued support. EIA will always ensure that the industry is informed about proposed and actual changes to our forms.

Comment:

We encourage EIA to collect only information that EIA needs for defined purposes, and only to collect the information in such detail and at such a frequency as EIA needs the information, to minimize unnecessary reporting. We request that EIA take a hard look at the electricity survey forms to determine if all the information currently being collected and proposed to be collected in them is necessary, and if so to explain the need for each item as part of the PRA review.

Response:

EIA has the authority under the FEA Act to conduct a comprehensive data collection program, and the items that the Electric Power Division collects fulfill the mandate within the Act. EIA can justify the importance of every data element collected and takes a very hard look at each one prior to OMB reviews. If a new element is deemed necessary, there is a formal review process that is followed within EIA well before the first *Federal Register* Notice announcing the proposed addition/change. EIA strives to collect necessary data without causing their respondents undue burden.

Sensitive Data

Comment:

We encourage EIA to avoid collecting information that is commercially sensitive or raises security concerns, and if EIA collects such information to ensure that the information is treated as confidential, using EIA authority under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) as well as the Freedom of Information Act (FOIA), Trade Secrets Act (TSA), and related Department of Energy (DOE) regulations. EIA should continue to provide confidentiality for items it has already recognized merit this protection.

Response:

The following items are protected data elements and will not be released to the public to the extent that they satisfy the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552:

- The commodity cost of fuels, the delivered cost of fuels at nonutility power plants, and inventory information on the Form EIA-923
- The maximum tested heat rates on the Form EIA-860
- Individual green pricing renewable energy credit data, energy only sales (without delivery service) and bundled service by retail energy providers or any power marketer that provides bundled service on the Form EIA-826.

The delivered cost of fuels at utility plants is considered public information. These price data were publicly available from the FERC on the FERC Form 423 for many years with no competitive harm to the reporting entities.

Comment:

Information on total delivered costs for fuel and contract termination dates in the Form EIA-923 should be kept confidential, at least if requested by a respondent. This highly sensitive commercial information directly affects company negotiations over fuel supply and prices, one of the major cost factors in electric energy.

Response:

As stated above, the delivered cost paid by utilities will remain a non-confidential item on the Form EIA-923, as it was on the FERC Form 423. The contract expiration date will remain a non-confidential item as well since there has been no specific justification as to why the publication of contract expiration dates would affect negotiations for energy supply.

Comment:

EIA should allow respondents to identify additional information as confidential.

Response:

Because of the importance of these data for analysis of policy initiatives and other purposes, the determination of which data are confidential or not is made by EIA as a part of the re-authorization process, with OMB's approval. Allowing respondents to make this determination would greatly reduce the quality of the data we are required to collect and disseminate.

Comments on Form EIA-411

Comment:

EIA received a variety of comments, both supporting and disagreeing with EIA's decision to lower the reporting requirement for transmission lines from 230 kV to 100 kV. One of the aspects of this is that many companies have extensive systems of lines below 240 kV, and the reporting would be burdensome. Transmission outage data collected via NERC's Transmission Availability Data System (TADS) is currently collected for voltages of 200 kV and above.

Response:

EIA recognizes that delineating what is meant by "transmission" differs among industry, the State regulatory commissions, and Federal agencies. This term covers the concepts of Extra High Voltage (240 kV and above), High Voltage (100 to 230 kV), and transmission voltage (69 kV and above) for the bulk power system¹. Geographic location and

¹ The transmission system is divided into yet another set of categories based on voltage levels as defined by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE) standards: Extra High Voltage (EHV) of 240 kV and higher (ANSI/IEEE Std. 49); High Voltage (HV) which includes

urban/rural service territories influence the voltage-level composition of the individual utilities' distribution and transmission systems.

Under Section 215 of the Federal Power Act, Congress generally defined the term called the "Bulk-Power System." In Order 693, FERC discussed this issue and acknowledged its intent to include facilities below 200-kV, but it also stated that it would, for at least an initial period, rely on the NERC definition of bulk electric system and NERC's registration process to identify facilities and lines that are applicable to the approved Reliability Standards.

The old, voluntary North American Electric Reliability Council limited itself to only looking at selected aspects of the extra-high transmission voltage levels. Now as the new mandatory Electric Reliability Organization, there is an on-going discussion of the coverage of the high transmission voltage levels and the upper part of the lower transmission voltage levels. NERC Standard PRC-023, Transmission Relay Loadability, currently under consideration at FERC, formulated and voted upon by NERC members and approved by the NERC Board of Trustees, defines applicability as "Transmission lines operated at 200kV and above" and "Transmission lines operated at 100kV to 200kV as designated by the Planning Coordinator as critical to the reliability of the Bulk Electric System."

On March 18 of this year, the Federal Energy Regulatory Commission (FERC) issued a Notice of Proposed Rulemaking, proposing to include all electric transmission facilities 100kV and above in the definition of the "bulk electric system". Additionally, entities in all regions submit an annual filing, via the FERC Form 1, that identifies facilities "necessary for wholesale transmission service," many of which are below 200 kV, and some of which are as low as 69 kV.

Transmission maps, power flow cases, and data on existing and planned transmission are already collected by NERC, including facilities below 200 kV. No additional burden is imposed by formalizing the submission of that data to EIA. In fact, another commenter noted that since NERC already collects transmission data at the 100 kV level, this should not pose any extra burden to Form EIA-411 filers.

For Schedule 7, EIA recognizes that including transmission lines 100-200 kV will create additional burden on respondents, as a good portion of AC transmission lines are below 200 kV. For exactly that reason, EIA cannot effectively characterize the full bulk power system without gathering data on those lines. However, EIA is willing to delay mandatory data collection for AC facilities 100-200 kV until the next forms clearance cycle, to allow NERC time to adjust its TADS data collection to include facilities below 200 kV, which would then become mandatory for 2014. DC outage data down to 100 kV will be required for this 2011 form.

100 kV to 230 kV (ANSI/IEEE Std. 260); and Medium Voltage, which is less than 1 kV to 72.5 kV (ANSI/IEEE Std. 49). Note that these organizations also use a variation on their own definitions of the bulk power and distribution systems

Additionally, in the future, EIA will adopt FERC’s definition of the “Bulk Power System,” to preserve consistency across Federal data collection, once it has been determined. If that definition includes facilities *below* 100 kV, EIA will update its data collection forms to reflect that definition. Future actions by FERC and EIA, meeting their respective missions, are expected, but will not impact this three-year clearance review.

Comment:

Including data outside of the typical financial planning horizon of 6 years would be speculative, and the data for the outer years is of questionable value. We suggest keeping the 5-year horizon rather than extending to 10 years, considering the burden this would place on respondents.

Response:

EIA is returning to data collection on a 10-year planning horizon. The 10-year horizon was temporarily reduced to a 5-year horizon in recognition of the tumult the electric power industry underwent during restructuring and the increased uncertainties in planning data in the 5- to 10-year range during that period. As the industry resettles, EIA will return to a 10-year planning horizon as was done in the early 1990s. In fact, NERC has voluntarily been collecting this data on a 10-year planning horizon, and EIA is just making it official; there is no new burden, substantial or otherwise. It is important for policymakers to have information on planned capacity in the longer term, as some technologies—such as nuclear—have a much longer planning horizon than others. Additionally, capacity and transmission planning data are collected with enhanced detail on the level of certainty for capacity and transmission additions.

Schedules 3A & 3B

Comment:

Similar to the breakouts required for variable generation sources by expected on-peak value, demand response data should have an expected on-peak value as well.

Response:

Within Schedule 3, expected on-peak demand response can be entered either on the Demand side or on the Supply (Capacity) side. We provide this flexibility in acknowledgement of the Regions’ differing treatment of demand response within their planning processes. On the Demand side, the demand response breakouts in lines 2a-2d collect expected on-peak values. On the Supply side, line 6a5 collects the on-peak value for Load as a Capacity Resource.

Comment:

Please change “Deliverable” Resources to “Anticipated” Resources to eliminate any confusion associated with deliverability.

Response:

This change has been made.

Comment:

Include Capacity derates for Future-Planned resources for all years and forced-out capacity for actual data year only.

Response:

The form now reflects these inclusions.

Schedule 7

Comment:

Outage reporting already occurs under the DOE emergency outage report OE-417. EIA does not need to collect Schedule 7 information to the extent it is already reported in the OE-417. Furthermore, if Schedule 7 collects additional information beyond the OE-417, EIA should explain the need for additional information and work with DOE to consolidate the two reporting requirements.

Response:

The Form OE-417 serves a very different purpose, and covers a very different dataset, than Schedule 7 of the Form EIA-411. The 417 Form functions as a real-time notification to the U.S. Departments of Energy, Homeland Security, etc, of electric emergencies, incidents, and disturbances, including ongoing updates until the incident has been resolved. Additionally, Form OE-417 is a regulatory requirement that obligates all who have requirements to file to provide information to DOE on an individually identifiable basis. In contrast, the Form EIA-411 is a statistical report that collects topically similar information, but at a different level of detail, and which covers the electric power industry at the regional and subregional levels. Schedule 7 provides correlating data on transmission outages for the information called for under Section 1839 of Electric Power Act 2005, which directed DOE and the FERC to study and define the steps to establish a system to make available real-time information on the functional status of all transmission lines within the Eastern and Western Interconnections.

Comment:

Outage reporting on Schedule 7 is duplicative of NERC TADS, implemented in 2008. In lieu of collecting Schedule 7, the EIA should request NERC to provide a United States-only set of TADS reports to remove the data for non-U.S. transmission lines.

Response:

This is an excellent suggestion. In fact, EIA and NERC are currently working together towards this very goal.

Comment:

EIA's posted Schedule 7 included only a subset of the data collected by NERC TADS. Avoid duplication by working with NERC to coordinate data collection, and improve Schedule 7 by aligning data elements with NERC's TADS collection. Also, Schedule 7 does not collect circuit inventory data, so outage data cannot be normalized by the number of circuits or circuit miles of transmission line.

Response:

EIA is in favor of simplifying the reporting process for NERC and its member organizations, and appreciates the greater detail NERC's TADS will make available. Schedule 7 has been altered to reflect the outage definitions, outage cause codes, and other data elements collected via TADS. Schedule 7 now collects a circuit and transformer inventory, and includes the information describing transformer outages as Schedule 7C. EIA is keeping the burden hours unchanged, because although Schedule 7 now collects more data, it is in a format that will require less preparation on the part of NERC.

Comment:

Remove the reporting of scheduled outages since it provides little value for the reporting effort. Scheduled outage reporting does not quantify or measure system performance and reliability. Scheduled outages are usually granted based on the ability to maintain system reliability and when system demand conditions permit secure operation. The risk to system reliability is controlled. Also, scheduled outages are taken for preventative reasons to improve reliability. The number and duration of scheduled outages will vary from year to year based on system growth, equipment type, equipment age, major projects by utilities, projects involving the highway department, Coast Guard or other governmental agencies, varying maintenance and rehab programs, number and size of large industrial customers, etc.

Response:

While scheduled outages present a controlled risk to system reliability, EIA must keep in mind its mission of providing data to the general public, which differs from NERC's mission of ensuring bulk power system reliability. EIA will present the most clear and comprehensive picture of transmission activities to those who do not work with reliability issues and concepts on a daily basis. This will enhance public understanding of the measures industry takes to ensure reliability without compromising service to customers, and gives the Federal government an accurate picture of the necessary measures to maintain reliability. These data will help the government understand, and present to the public, trending information on how the industry is dealing with its aging infrastructure.

Comment:

Schedule 7 does not collect the purpose for the scheduled outages, so trending the quantity of scheduled outages alone is not sufficient to make a determination of the amount of maintenance being performed on the bulk electric system. Additionally, live line maintenance work, which is an important factor in assessing the amount of system maintenance being performed annually, is not captured in Schedule 7.

Response:

The purpose of Schedule 7 is to track transmission outages and not all aspects of transmission line maintenance and emergency repair. If in the future EIA considers data collection on transmission maintenance and other related areas, then it would become appropriate to raise this collection possibility with the industry.

Comment:

In submitting transmission outage data to EIA, NERC would hold back data where a single line appears solely in a data cell (that is, “singleton data”), which NERC considers to be confidential as data classified as “critical energy infrastructure information.”

Response:

EIA will recognize, for Schedule 7, that data on one line in a single cell as sensitive, and will treat them as such under the Freedom of Information Act (FOIA), 5 U.S.C. §552, the DOE regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905. These data must be provided by NERC to EIA, but EIA will not disclose sensitive information other than in aggregate. When aggregating these sensitive data, the region of origin will be suppressed. To assure that suppressed table cells cannot be estimated too closely on a regional or subregional level, EIA sets protection ranges for the suppressed cells. This is what is meant in the last sentence of the survey instructions when EIA states that disclosure limitation procedures are applied to minimize the risk of disclosing identifiable information. However, this still allows EIA to publish accurate data at the national level, where these values have been included in the national totals.

Comment:

The ±100-299 kV DC voltage class should be replaced with a ±200-299 kV DC voltage class, excluding transmission lines below 100 kV.

Response:

EIA will require transmission data down to 100 kV for DC transmission outages, as well as other transmission data, as described above. The exception, for this form’s clearance cycle only, are the AC and transformer outages on Schedule 7A and 7C. Full coverage of all transmission data down to 100 kV will be requested as part of the 2014 forms clearance process.

Comment:

In TADS, circuits with multiple owners are reported by only one of the owners. For cross-border circuits, and the reporting transmission owner is Canadian, the data will not be included in Schedule 7.

Response:

Schedule 7, as with all of the forms in this bundle before the Office of Management and Budget, is meant to collect data on all U.S. operations. Therefore, EIA will require outage reporting for all cross-border circuits. Additionally, the U.S. Presidential Permits covering operation of cross-border facilities obligate reporting; NERC’s suggestion is unacceptable because it would put the Canadian (or Mexican) transmission owners in violation of their Presidential Permit. A similar requirement is made for the Form OE-417.

Comments on Form EIA-826

Comment:

EIA should only collect green power data and net metering data on an annual basis as on the annual Form EIA-861 and not on the monthly Form EIA-826.

Response:

It is important for policy analysis purposes to collect these data on the monthly Form EIA-826 as well as on the annual Form EIA-861; in addition, monthly collection is required in order to fully comply with the Energy Policy Act of 2005. These programs are expected to ramp up significantly in the near term and a more frequent data collection cycle (monthly as opposed to annual) allows EIA to better track the progress of such programs.

Comment:

The proposed green pricing and net metering data on Schedule 3 of Form EIA-826 appear to duplicate the same information on Schedule 2 of Form EIA-861. EIA should not collect such information twice in the separate forms.

Response:

It is important for policy analysis purposes to collect these data on the monthly Form EIA-826 as well as on the annual Form EIA-861; in addition, monthly collection is required in order to fully comply with the Energy Policy Act of 2005. These programs are expected to ramp up significantly in the near term and a more frequent data collection cycle (monthly as opposed to annual) allows EIA to better track the progress of such programs.

Comment:

Reporting displaced energy in the context of net metering, and the number of advanced meters, is not possible. Companies typically bill net metered customers for their net energy use, and cannot tell what the customers' energy use would have been without the customers' self-generated energy contributions. Any effort to provide this information would be burdensome and speculative.

Response:

EIA requests that respondents use best efforts to provide net metered energy displaced as well as the number of advanced meters.

Comment:

EIA originally proposed to measure net metering capacity simply by the amounts covered by associated interconnection agreements. However, EIA's notice inviting comments and their proposed updated forms do not appear to address this point. We support the option to measure net metering capacity by amounts covered by interconnection agreements, and we encourage EIA explicitly to allow respondents to use this approach.

Response:

EIA requests that respondents use their best efforts to provide net metering capacity.

Comment:

The proposed new reporting of REC-related information would impose a significant new burden and either should not be adopted or should be more carefully adopted. To begin with, some reporting entities do not buy or sell RECs and do not have the ability to provide information on REC sales. In addition, even for respondents that do buy or sell RECs, REC contracts have different deal terms and settlement periods. As a result, respondents will be challenged to establish a process to provide the REC information EIA proposes to collect even going forward. Respondents would have an extremely difficult time collecting such data historically for existing deals, if such historic information were even feasible to collect. Furthermore, current REC accounts typically do not settle until mid-year, so the annual report would reflect only data through June of the reporting year. We request that EIA revisit the need to collect the REC information and explain the need for the information before adding it to the forms. If EIA does need the REC information, EIA should explore collecting the information from REC registration databases rather than individual Form EIA-826 and Form EIA-861 respondents. If EIA does seek the information from individual respondents, EIA should collect the information only from respondents that buy or sell RECs, prospectively, and at a very general level, providing substantial flexibility to accommodate the variety of REC contracts.

Response:

Individual green pricing renewable energy credit (REC) related data collected monthly will be held confidential in the same manner as the power marketer data in which revenue, sales, and customer data collected from energy service providers (Schedule 2, Part B and Schedule 2, Part D), **which do not also provide energy delivery**, are considered business sensitive and must adhere to EIA's Policy on the Disclosure of Individually Identifiable Energy Information in the Possession of the EIA." Furthermore, EIA has clarified the instructions to reflect that reporting data concerning RECs is only required when the RECs are part of final retail sales of energy in a retail green pricing program.

Comment:

EIA originally planned to require use of NAIC codes in reporting some of this information, and concerns were raised about that because many companies do not classify the information by NAIC code. Neither the notice inviting comments nor the proposed updated forms appear to call for NAIC codes. We support not calling for these codes.

Response:

At this time, EIA will not require the use of NAIC codes in reporting.

Comment:

EIA should treat green energy pricing information as confidential, at least if requested by an individual respondent, in particular at a level of detail where the information would disclose individual company pricing. Some companies sell green energy to long-term

customers under contracts that include bulk pricing discounts and that may include confidentiality provisions. By making such information public, EIA would impair the ability of the companies to negotiate bulk green power sales with their customers and would put the companies in the difficult position of abrogating those contractual confidentiality conditions.

Response:

Individual green pricing data collected monthly will be held confidential in the same manner as the power marketer data in which revenue, sales, and customer data collected from energy service providers (Schedule 2, Part B and Schedule 2, Part D), **which do not also provide energy delivery**, are considered business sensitive and must adhere to EIA's "Policy on the Disclosure of Individually Identifiable Energy Information in the Possession of the EIA."

Comment:

Re the proposal to add, by State and sector, the green pricing sales and revenue from Renewable Energy Certificates (REC) to Schedule 2, Part C. Green Pricing, we would prefer that the EIA obtain this information on an aggregated basis, at the State level, rather than from individual utilities. We sell RECs within a few contracts, so providing utility level reporting would disclose our REC pricing and could provide a competitive advantage to others. While we understand that the EIA typically aggregates these data, the unique nature of the REC market creates the possibility that individual utilities could have their information isolated. This would be damaging to the utilities as well as their transaction counterparties. We recommend that REC sales data be obtained on an aggregated basis at the state level. This would satisfy the goals of the EIA by providing regionally specific, aggregated REC information while protecting individual utilities from facing potential exposure. Another solution may be to allow utilities to report REC data within a general "Other Wholesale Revenues" category.

Response:

Although EIA may publish aggregated RECs data (but not below the State and/or estimation region), no such publication is currently being considered. These data will be protected under the same data protection terms as the power marketer data, and the Form EIA-826 instructions have been updated accordingly.

Comment:

On the Form EIA-861, the "Green Pricing" questions in Schedule 3, Part C appear to be duplicative of the information requested in Form EIA-826, Schedule 3, Part A. If a facility is required to fill out this information in Form EIA-826, they should not be required to provide the same information for Form EIA-861. EIA has added a Schedule 6 that requests "Demand-Side Management Information." Are electric utilities the only entities that are required to fill out information in Schedule 6 regarding demand-side management? Industrial facilities should not be required to submit information on their own energy or electricity conservation activities. Pulp and paper facilities often make energy-efficient investments with their own capital. Asking these facilities to document every detail of these investments and improvements would be burdensome and would provide little value to the Federal government.

Response:

It is important for policy analysis purposes to collect these data on the monthly Form EIA-826 as well as on the annual Form EIA-861; in addition, monthly collection is required in order to fully comply with the Energy Policy Act of 2005. These programs are expected to ramp up significantly in the near term and a more frequent data collection cycle (monthly as opposed to annual) allows EIA to better track the progress of such programs. Industrial facilities are not required to submit information on their own energy or electricity conservation activities.

Comments on Form EIA-860**Comment:**

EIA should collect data from non-utility DSM program managers in addition to utility DSM program managers.

Response:

EIA proposes to include nonutility DSM program managers. The number of additional respondents is estimated to be ten, providing a minimal change to the EIA-861 frame size. The data gap expected to be filled by these new participants should significantly improve the quality of EIA's DSM data.

Comment:

Facilities that have generators solely for the use of stand-by, emergency power generation should be exempt from reporting on the Form EIA-860.

Response:

The Form EIA-860 does not gather operational strategy or interconnection configuration data, which would be necessary to enable the exclusion of these units. Reporting criteria of 1 MW at a facility connected to a public distribution system is necessary for adequate data collection. A standby generator is specifically defined as "available for service but not normally used (has little or no generation during the year) for this reporting period." Thus, a generator that is connected to the power grid and available for service will be included in the population of operating plants required to file Form EIA-860 data since the generator can readily provide electricity to the power grid. The form is designed to be submitted quickly, to minimize the reporting for applications such as these, if no changes to the existing data are necessary.

Comment:

EIA should not carry out their proposal for the Form EIA-860 to extend the current 5 years to a 10-year planning horizon for proposed generating sources and changes to existing generators. The data for the outer years will be of questionable value. Long-range forecasts, if only conceptual in nature, are subject to change before becoming part of the actual planning process and, therefore, will contain little data of a substantial nature. Certain information may also tend to be of a confidential business nature which, if made public, could lead to increased future costs related to siting of a new facility.

Reporting should only be a requirement when future new resources or changes to existing generators actually become part of a company's capital budget or has received approval by the board of directors.

Response:

This expanded horizon is necessary to accommodate the construction of longer lead time projects such as nuclear power plants. This is an important sector and EIA's data should accommodate activity in it. Companies are not expected to provide data that they do not have or for which there is insufficient commitment at this time.

Comment:

In the Form EIA-860, EIA should not replace questions on reactive power output (MVAR) with new questions related to same.

Response:

EIA proposes to clarify these questions to improve the accuracy and consistency of the responses to the same fundamental data.

Comment:

In the Form EIA-860, EIA should not add the data element "Annual Average Operating Efficiency."

Response:

EIA is planning to test this question and proposes to use the results of the test to address this comment. Respondents are not expected to provide data that they are not reasonably able to obtain.

Comment:

Regarding Form EIA-860, we have concerns regarding required Geothermal Heat Rate data reporting. It is our opinion that any heat rate calculation is not applicable to geothermal facilities considering geothermal efficiencies are not in any way translated from or otherwise related to a gas index.

Response:

EIA is planning to test this question and proposes to use the results of the test to address this comment. Respondents are not expected to provide data that they are not reasonably able to obtain

Comment:

In the Form EIA-860, should the TESTED HEAT RATE as stated below be Gross Unit Heat Rate or Net Unit Heat Rate? It does not specify in the instructions below and the results are quite different. May I suggest that you add either Gross or Net to the instructions below?

Response:

The tested heat rate, as described in the instructions, is the net unit heat rate.

Comment:

According to the Form EIA-860 instructions, the reporting burden is 12.5 hours per response. This is grossly underestimated for large companies. It takes this company's regulatory specialists, accountants, engineers, managers, and operators hundreds of hours per year to gather the data and answer the follow-up questions for this report. Please let us know the formula used to arrive at the 12.5 hours per response.

Response:

This burden estimate is derived from a set of historical tested values that have been modified to accommodate changes in the form design. The burden estimate is an average value that is intended to represent the center of mass among a wide range of respondent efforts. Many respondents require comparatively little effort, particularly because the data are preloaded and if no changes have occurred, then reviewing and submitting the form requires far less than the 12.5 hours cited in the form. In contrast, filing the Form EIA-860 is a much more time-consuming task for some respondents. EIA considers the internet data collection system to be a source of time savings for the respondents. EIA is committed to minimizing the reporting burden, and does not believe that it should take 'hundreds of hours' per year to complete the Form EIA-860. A respondent facing this level of effort is encouraged to contact EIA survey staff so that we can address the problem.

Comment:

For each line of information requested on the Form EIA-860, the Department of Energy should supply output sources that can be referenced by respondents. Alternatively, is there a database for the information that is collected so that respondents can also readily access and benefit from this data?

Response:

EIA publishes data files of information collected on the Form EIA-860 on the EIA website: <http://www.eia.doe.gov/cneaf/electricity/page/eia860.html>. Summary information for electricity generating capacity is also published at the following location: <http://www.eia.doe.gov/cneaf/electricity/page/capacity/capacity.html>.

Comment:

In the Form EIA-860, the *Error Report* does not identify all the errors on the report, especially errors for Schedule 6. Since the error report does not identify the errors, this creates additional needless work months later when the EIA responds with follow-up questions.

Response:

EIA is working to update the data collection system to improve the edits triggered by respondents when entering their Form EIA-860 data in an effort to allow the respondent to resolve all errors prior to submission of the survey form.

Comment:

We were told to leave questions blank on the Form EIA-860, when we believe they should be either Not Applicable or Not Available. We were told not to use either of those terms and instead to just leave the question blank. Because the cells are left blank, this creates additional and repeated year-over-year follow-up questions from your department seeking clarification and requiring redundant research.

Response:

In the event that a blank entry is appropriate, it should be accompanied with an explanatory message in the comments section of the form. If this message pertains to a recurring situation, then EIA survey staff should not need to inquire about such an issue each year.

Comment:

On the Form EIA-860, delete antiquated plant input like, for example, proposed plants that have been deleted from the 10-year site plan.

Response:

Historically EIA has retained retired plants in its database. It is important to keep the retired plants available for review for historical purposes, particularly since knowing the retirement date can be useful. Additionally, EIA has retained plants in its database that were initially proposed as part of a company's resource plan, but subsequently cancelled. This information is also useful to retain as it provides an indication of project cancellation activity. In some instances these cancelled or postponed projects are revived and are later placed into service.

Comment:

On the Form EIA-860, data applicable to multiple and identically designed generators at the same site should be input on one vs. multiple forms. This would avoid numerous and repetitive inputs by respondents.

Response:

The Form EIA-860 has a provision for some facilities configured with generators with the same specifications, such as wind turbines and landfill gas facilities, to report the details associated with one of the generators and to indicate the number of such generators at that facility.

Comment:

Similarly, data input responses on one form should be automatically transferred to other forms.

Response:

This is a system design issue. EIA strives to minimize the input information required from the respondents, and in many cases is able to pre-print information previously

provided for verification and updated by the respondent. It is not always possible to automatically transfer information between survey forms.

Comment:

In regards to the instructions sent, they should be separate from the actual Form EIA-860 survey in order to avoid overloading email with redundancy including voluminous instructions with each operating unit form. Also, some lines do not have instructions, e.g., Schedule 6, Part C, Lines 14 & 15.

Response:

Instructions are available via the e-filing system from the help section of the form. Also, these are available in PDF format on the EIA website. Rather than filling out a PDF or Microsoft Word version of the Form EIA-860, the preference is for submissions to be completed using EIA's e-filing system. In the event that information is submitted via email, the instructions are included with the form, so as to ensure complete understanding of the information provided on the form. EIA will update its instructions to include a description for Schedule 6, Part C, Lines 14 & 15.

Comment:

In past years, we submitted the Form EIA-767. In our opinion, the Form EIA-767 was more direct and efficient than the Form EIA 860 in its design formatting. For example, Form EIA-767 Schedule 5 was Generation information, Schedule 6 was Cooling Systems, 6A was Operations, and 6B was Design Parameters.

Response:

EIA is continuing to refine its surveys and data collection processes. Further enhancements are planned to better integrate the collection of the environmental information with the generator information.

Comment:

EIA should strive to reduce the level of detail requested and lines that place the most burden on respondents.

Response:

The majority of the Form EIA-860 information is preprinted from the prior year. When completing the survey form for existing plants, the respondent need only note any changes to the plant design information from the previous year.

Comment:

Neither the Form EIA-860 or Form EIA-861 requests the regional transmission organization (RTO; aka independent system organization or ISO) that a generator is located in, or that a utility or other retailer operates in. RTOs now cover about half the U.S. power market, and really are essential information.

Response:

EIA already gathers data regarding the location of the plant on the Form EIA-860, which can be used to determine if a plant is in a RTO/ISO region. Participation in RTO/ISO markets is an operating strategy that is only moderately limited by the physical location of the plant. EIA does not currently collect information on operating strategies.

Comment:

I reviewed the proposed changes to Form EIA-860 and I have no issue with them. Thank you for the opportunity to comment.

Response:

Thank you for your input on the Form EIA-860.

Comment:

At the conclusion of the Electricity 2008 review, OMB approved substantial changes to the electricity forms at the end of December 2007, effective January 1, 2008, leaving neither EIA nor reporting companies any time to adopt the changes. As a result, the revised forms had to be introduced in a staggered fashion during the first several months of 2008, causing substantial turmoil and uncertainty and delaying transition to the new forms. We urge EIA and OMB not to repeat that very difficult occurrence – by allowing sufficient time before the new forms take effect.

Response:

With its current schedule, EIA plans to make its filing with OMB earlier in order for the forms clearance process to conclude with sufficient time for both EIA and respondents to make the necessary changes prior to data collection beginning in early 2011.

Comment:

We encourage EIA to highlight proposed changes to the 2011 electricity survey forms on the copies posted at http://www.eia.doe.gov/cneaf/electricity/page/fednotice/elect_2011.html.

This would simplify the public and OMB Paperwork Reduction Act review process. In turn, we encourage EIA to highlight any changes that ultimately are adopted with OMB approval, to assist respondents in adapting to the revised forms.

Response:

We will take this into consideration.

Comment:

In the instructions for the Form EIA-860, Schedule 3, Part A on page 5, number 5 on the form appears that EIA treats all Combined Heat and Power (CHP) units at a plant as one generating system. Where there are more than one CHP system at a plant, there are usually an equivalent number of generators. Is it EIA's intent to treat all CHP units at a plant as one system?

Response:

Number 5 on page 5 of the proposed Form EIA-860 instructions states:

“The combined heat and power systems often generate steam with multiple sources and generate electric power with multiple prime movers. For reporting purposes, a simple cycle prime mover should be distinguished from a combined cycle prime mover by determining whether the power generation part of the steam system can operate independently of the rest of the steam system. If these system components cannot be operated independently, then the prime movers should be reported as combined cycle types.”

EIA does not intend treatment of all CHP units at a plant as one system. However, units that operate interdependently, for example, a steam turbine that relies solely on a heat recovery steam generator associated with a combustion turbine, should be identified as combined cycle units using the appropriate prime mover codes.

Comment:

Is it EIA’s intent to treat all hydro-generation units as one system or individually? Many small hydro-generation facilities have multiple generators. Additionally, in the instructions on page 6, number 10, the question asks, “Can this generator deliver power to the transmission grid?” Whether or not a generator *can* deliver offsite is different from asking whether a generator *does* deliver offsite. Is EIA asking whether the generator has the capability to deliver offsite or whether the generator does deliver offsite?

Response:

In the event that hydro-generation units are operated and tested as one system, they should be reported as such. If they are capable of operating independently they should be reported as individual generators and not as one unit. EIA’s intent is to determine if the generator is capable of delivering power to the transmission grid

Comment:

Individual generators are addressed in the instructions on page 8, number 17 (for line 15a). Is it EIA’s intent to treat all combustible-fueled generators at a plant as one system? Does the generator include the turbine or is it just the electric generator? For line 15b, is the average operating efficiency for the year by the manufacturer’s rating? In Form EIA-860 gasification applies only to solids. Pulp and paper facilities use or will use concentrated black liquor, which is a liquid, as the feedstock for gasification. Should liquid concentrated black liquor be addressed separately from the solids gasification or in another comment area?

Response:

The Form EIA-860 instructions state:

“For line 15a, Tested Heat Rate, enter the tested heat rate under full load conditions for all combustible-fueled generators, nuclear-fueled generators, solar thermal generators and geothermal generators. Report the heat rate as the fuel consumed in British thermal units

(Btus) necessary to generate one net kilowatthour of electric energy. Report the tested heat rate under full load, not the actual heat rate, which is the quotient of the total Btus consumed and total net generation. If generators are tested as a unit (not tested individually), report the same test result for each generator. For generators that are out of service for an extended period or on standby, report the heat rate based on the unit's latest test. If the generator is associated with a combined heat and power (CHP) system and no tested heat rate data are available, report either the manufacturer's specification for heat rate or an estimated heat rate. DO NOT report a heat rate that includes the fuel used for the production of useful thermal output. For internal combustion units, a manufacturer's specification or estimated heat rate should be reported, if no tested heat rate is available. If the reported value is not a tested heat rate, explain in SCHEDULE 7, COMMENTS.

The heat rate should be reported for the turbo-generator and should be reported for each unit, unless the generators are tested together as a group.

For line 15b regarding the average operating efficiency, EIA is planning to test this question and proposes to use the results of the test to develop guidance for the respondents.”

Regarding the treatment of liquids for gasification (Form EIA-860, Schedule 3B, Line 13), EIA currently treats gasification energy sources as either coal or non-coal based. Non-coal solid and liquid energy sources used in gasification systems should be reported with the energy source code SG.

Comment:

Schedule 3 will need a clear definition for the efficiency desired for facilities with renewable fuel combustion and facilities that do not use combustion-based renewable such as wind and hydropower. While hydroelectric units are the most likely in the industry, the efficiency that most will have is the efficiency of the generator.

Response:

EIA is planning to test this question and proposes to use the results of the test to address this comment.

Comments on Form EIA-861

Comment:

EIA should clarify the instructions for “Schedule 2. Part C. Green Pricing” addressing the differences for a voluntary contribution program that does not involve the purchase of any actual energy.

Response:

The instructions have been updated to clarify this question. They now read:

“Green Pricing programs allow electricity customers the opportunity to purchase electricity generated from renewable resources and to pay for renewable energy

development. Renewable resources include solar, wind, geothermal, hydroelectric power, and wood. These programs are voluntary. Retail Customers pay an additional fee to purchase electricity generated from renewable sources. In addition, Renewable Energy Certificates (RECs), also known as green certificates, green tags, or tradable renewable certificates representing the environmental attributes of the electricity produced from renewable energy projects may be purchased and incorporated into Green Pricing Programs when available renewable generation is insufficient to cover the requirements of the program for energy delivered in the reporting year.”

Comment:

EIA should consider separating into a new form all those topics associated with "Renewable Energy and Demand-Side Management" including schedules: 2C - Green Pricing, 2D - Net Metering, 6A,B,C - Demand-Side Management, Advanced Metering, and 7 - Distributed and Dispersed Generation.

Response:

While EIA has considered designing a new form around Smart Grid and industry advances, limitations on time and resources do not allow for a new form at this time.

Comment:

EIA should only collect Green Power data and Net Metering data on an annual, not monthly basis.

Response:

It is important for policy analysis purposes to collect these data on the monthly Form EIA-826 as well as on the annual Form EIA-861; in addition, monthly collection is required in order to fully comply with the Energy Policy Act of 2005. These programs are expected to ramp up significantly in the near term and a more frequent data collection cycle (monthly as opposed to annual) allows EIA to better track the progress of such programs.

Comment:

There is concern about the new reporting requirements for Schedule 6 of EIA-861, Demand-Side Management Programs, which eliminates the minimum size threshold for completing the entirety of Schedule 6. It is difficult for smaller systems to fully measure the incremental and actual effects of demand-side management programs, in part because they lack the measurement technologies to track this information. The cost to collect more accurate data might outweigh the benefits, and therefore DOE should reconsider dropping the minimum threshold.

Response:

EIA stands by the decision on the new reporting requirements removing the exclusionary threshold for Schedule 6 of the Form EIA-861, Demand-Side Management Programs, to more accurately collect data from ALL programs.

Comment:

There is concern about the timeliness of the release of the data collected, especially data collected on Form EIA-861. Many entities rely on this information in order to calculate financial ratios and for other important statistical purposes. In years past EIA has publicly disseminated either preliminary or final data approximately 6 or 7 months after the data were submitted by filers; however, 2007 data were not released until February 2009, and 2008 data were not released until mid-March 2010.

Response:

EIA is well aware of its obligation to release its data on a timely basis, and constantly strives to release timely, accurate, and consistent information. The data are released without undue delay as soon as it is verified as meeting quality standards for accuracy and consistency, and the requisite data sets have been prepared by EIA staff. Priority for release is given to scheduled publications such as the *Electric Power Annual* and its companion documents. Release of the underlying data is completed subsequent to the publication release, subject to resource availability.

Comment:

EIA should only collect on the Form EIA-861, Schedule 2, net meter customers by customer class and State because technology and capacity information are not available.

Response:

EIA stands by the decision on the reporting requirements for Schedule 2 and has confirmed with respondents that technology and capacity are known. For each net metering installation, PEC collects the nameplate rating of the inverter, the design capacity of the system, the prime mover and energy source, and therefore should be able to provide technology and capacity information.

Comment:

The proposed green pricing and net metering data on Schedule 3 of Form EIA-826 appear to duplicate the same information on Schedule 2 of Form EIA-861. EIA should not collect such information twice in the separate forms.

Response:

It is important for policy analysis purposes to collect these data on the monthly Form EIA-826 as well as on the annual Form EIA-861; in addition, monthly collection is required in order to fully comply with the Energy Policy Act of 2005. These programs are expected to ramp up significantly in the near term and a more frequent data collection cycle (monthly as opposed to annual) allows EIA to better track the progress of such programs.

Comment:

Reporting displaced energy in the context of net metering, and the number of advanced meters, is not possible. Companies typically bill net metered customers for their net energy use, and cannot tell what the customers' energy use would have been without the customers' self-generated energy contributions. Any effort to provide this information would be burdensome and speculative.

Response:

EIA requests that respondents use their best efforts to provide net metered energy displaced as well as the number of advanced meters.

Comment:

EIA originally proposed to measure net metering capacity simply by the amounts covered by associated interconnection agreements. However, EIA's notice inviting comments and their proposed updated forms do not appear to address this point. We support the option to measure net metering capacity by amounts covered by interconnection agreements, and we encourage EIA explicitly to allow respondents to use this approach.

Response:

EIA believes that interconnection agreements are an important resource for respondents to use in providing these data. However, respondents may use other resources as well to provide this data.

Comment:

The proposed new reporting of REC-related information would impose a significant new burden and either should not be adopted or should be more carefully adopted. To begin with, some reporting entities do not buy or sell RECs and do not have the ability to provide information on REC sales. In addition, even for respondents that do buy or sell RECs, REC contracts have different deal terms and settlement periods. As a result, respondents will be challenged to establish a process to provide the REC information EIA proposes to collect going forward. Respondents would have an extremely difficult time collecting such data for existing deals, if such information were even feasible to collect. Furthermore, current REC accounts typically do not settle until mid-year, so the annual report would reflect only data through June of the reporting year. EEI requests that EIA revisit the need to collect the REC information and explain the need for the information before adding it to the forms. If EIA does need the REC information, EIA should explore collecting the information from REC registration databases rather than individual Form EIA-826 and Form EIA-861 respondents. If EIA does seek the information from individual respondents, it should collect the information only from respondents that buy or sell RECs, prospectively, and at a very general level, providing substantial flexibility to accommodate the variety of REC contracts.

Response:

On Schedule 2. Part C. Green Pricing, EIA has clarified the instructions with regard to reporting RECS specifically as part of a Green Pricing Program as they relate to energy delivered during the reporting year. EIA has changed the instructions to read:

“Green Pricing programs allow electricity customers the opportunity to purchase electricity generated from renewable resources and to pay for renewable energy development. Renewable resources include solar, wind, geothermal, hydroelectric power, and wood. These programs are voluntary. Retail customers pay an additional fee to purchase electricity generated from renewable sources. In addition, Renewable

Energy Certificates (RECs), also known as green certificates, green tags, or tradable renewable certificates representing the environmental attributes of the electricity produced from renewable energy projects may be purchased and incorporated into Green Pricing Programs when available renewable generation is insufficient to cover the requirements of the program for energy delivered in the reporting year.”

Comment:

EIA originally planned to require use of NAIC codes in reporting some of this information, and we raised concerns about that because many companies do not classify the information by NAIC code. Neither the notice inviting comments nor the proposed updated forms appear to call for NAIC codes. We support not calling for these codes.

Response:

At this time, EIA will not require the use of NAIC codes in reporting.

Comment:

EIA should treat green energy pricing information as confidential, at least if requested by an individual respondent, in particular at a level of detail where the information would disclose individual company pricing. Some companies sell green energy to long-term customers under contracts that include bulk pricing discounts and that may include confidentiality provisions. By making such information public, EIA would impair the ability of the companies to negotiate bulk green power sales with their customers and would put the companies in the difficult position of abrogating those contractual confidentiality conditions.

Response:

Green Pricing data are not published until well over 12 months following the end of the reporting year at a time when the data are no longer market sensitive. EIA recognizes that an increase in the frequency of the data collection will assist in the monitoring of these growing programs.

Comment:

Regarding EIA’s proposal to add by State and sector, the green pricing sales and revenue from Renewable Energy Certificates (REC) on Schedule 2, Part C. Green Pricing, we would prefer that the EIA obtain this information on an aggregated basis, at the State level, rather than from individual utilities. We sell RECs within a few contracts, so providing utility level reporting would disclose our REC pricing and could provide a competitive advantage to others. While we understand that the EIA typically aggregates these data, the unique nature of the REC market creates the possibility that individual utilities could have their information isolated. This would be damaging to the utilities as well as their transaction counterparties. We recommend that REC sales data be obtained on an aggregated basis at the State level. This would satisfy the goals of the EIA by providing regionally specific, aggregated REC information, while protecting individual utilities from facing potential exposure. Another solution may be to allow utilities to report REC data within a general "Other Wholesale Revenues" category.

Response:

These data are not published until well over 12 months following the end of the reporting year at a time when the data are no longer market sensitive and do not need to be held confidential. The REC information will be collected at the retail level, so issues concerning large REC sales among utilities should not be a problem.

Comment:

In the Form EIA-861, the “Green Pricing” questions in Schedule 3, Part C appear to be duplicative of the information requested in Form EIA-826, Schedule 3, and Part A. If a facility is required to fill out this information in Form EIA-826, they should not be required to provide the same information for the Form EIA-861.

Response:

It is important for policy analysis purposes to collect these data on the monthly Form EIA-826 as well as on the annual Form EIA-861; in addition, monthly collection is required in order to fully comply with the Energy Policy Act of 2005. These programs are expected to ramp up significantly in the near term and a more frequent data collection cycle (monthly as opposed to annual) allows EIA to better track the progress of such programs.

Comment:

EIA has added a Schedule 6 that requests “Demand-Side Management Information.” Are electric utilities the only entities that are required to provide information in Schedule 6 regarding demand-side management? Industrial facilities should not be required to submit information on their own energy or electricity conservation activities. Pulp and paper facilities often make energy-efficient investments with their own capital; asking these facilities to document every detail of these investments and improvements would be burdensome and would provide little value to the Federal government.

Response:

Industrial facilities are not expected to provide data on Schedule 6 that requests “Demand-Side Management Information.”

Comments on Form EIA-923**Comment:**

The October 15, 2009 notice outlines EIA’s proposal to revise Form EIA-923 to collect information related to “receipts of uranium ownership transfers and enrichment services.” This proposal raises serious concerns regarding the use of cost information for uranium and enrichment services, creating the potential for misuse. The uranium enrichment services industry is very small, represented by only a handful of companies; the release of our detailed pricing information could harm our commercial position as well as create the conditions for potential or perceived anticompetitive behavior. The effort would also duplicate similar information already collected by EIA pursuant to Form EIA-858, “Uranium Marketing Annual Survey.” In contrast to the proposal outlined in the October

15, 2009 notice, this information is managed so as to avoid disclosure of confidential information to the public. Form EIA-858 required utilities to provide the average cost of enrichment services purchased on an annual basis rather than on a per-delivery basis. The notice does not describe how the enrichment services cost information will be used or what benefits are expected to accrue from such collection. In the absence of detailed information regarding the intended use and given the lack of controls that would mask supplier-specific pricing, the risks associated with disclosure of sensitive pricing information appear to argue against implementation of this provision.

Response:

EIA intends to delete this data element.

Comment:

EIA should improve the filing mechanism for the Form EIA-923. The FERC 423 that it replaced came with an upload capability that allowed users to input and submit information in less than 30 minutes per filing per month. In contrast, the Form EIA-923 requires users to spend several hours or more per filing per month entering data for the form. This is a substantial burden for companies of all sizes.

Response:

The burden hours for the cost and quality of fuels data formerly collected on the FERC Form 423 increased only slightly due to the addition of several new questions, i.e. mercury content of coal, transportation mode for coal and oil, transportation contract type for natural gas, and commodity cost of coal and natural gas. These data are collected on Schedule 2 of the Form EIA-923 (along with the same data for the nonutility plants). Schedules 3 through 7 collect the data formerly reported on the Forms EIA-906 and EIA-920. In addition, Schedule 8 collects certain environmental data formerly collected on the Form EIA-767. One of the chief goals for establishing Form EIA-923 was to reduce respondent burden by collecting on one form the data formerly collected on 6 forms. EIA continues to review the process of survey filing. Based on these ongoing reviews, EIA continues to make improvements in the survey filing mechanism for the Form EIA-923, as well as in the other survey forms.

Table B1. List of Commenters Responding to the October 14, 2009 Federal Register Notice

Number	Commenter
1	Abt Associates Inc.
2	American Forest & Paper Association
3	American Public Power Association
4	Athens Regional Medical Center
5	Bureau of Economic Analysis
6	Burlington Electric Department
7	CenterPoint Energy Houston Electric, LLC
8	ConEdison
9	Duke Energy Corporation
10	Edison Electric Institute
11	Entergy
12	Florida Power & Light
13	Gainesville Regional Utilities
14	Luminant Power
15	Madison Gas & Electric Company
16	Magic Valley Generation
17	North American Electric Reliability Corporation
18	Nuclear Energy Institute
19	Piedmont Electric Membership Corporation
20	Port Arthur Refinery
21	Progress Energy Carolinas, Inc.
22	Puget Sound Energy
23	Reliant Energy
24	Sacramento Municipal Utility District
25	Salt River Project
26	Snohomish County PUD
27	Southern Nuclear Operating Company, Inc.
28	Terra-Gen Power, LLC
29	URENCO, Inc.
30	Wake Electric Membership Corporation