

**SUPPORTING STATEMENT FOR
FERC Form Nos. 1, 1-F, and 3-Q; FERC-717, and FERC-917,¹
as revised in the Final Rule issued 7/18/2013
in Docket Nos. RM11-24-000 and AD10-13-000,**

The Federal Energy Regulatory Commission (FERC or Commission) is requesting Office of Management and Budget review and approval of revisions to existing information collection requirements^{Error: Reference source not found}:

- FERC Form No. 1, Annual Report of Major Electric Utilities, Licensees, and Others (OMB Control No. 1902-0021)
- FERC Form No. 1-F, Annual Report Of Nonmajor Public Utilities And Licensees (1902-0029)
- FERC Form No. 3-Q [electric], Quarterly Financial Report of Electric Utilities, Licensees, and Natural Gas Companies (1902-0205)²
- FERC-917 [which includes FERC-917 (Non-discriminatory Open Access Transmission Tariff) and FERC-918 (Information to be Posted on OASIS & Auditing Transmission Service Information)] (1902-0233)
- FERC-717, Open Access Same-Time Information System and Standards for Business Practices & Communication Protocols (1902-0173).

These collections are affected by the Final Rule (Order 784) in Docket Nos. RM11-24-000 and AD10-13-000, issued 7/18/2013.^{3,4} **This consolidated**

¹ As noted in the Information Collection section of the Final Rule (starting at page 133), FERC believes that the burden associated with the new requirements is far less burden than a full cost-of-service rate filing (that would be required under FERC-516, OMB Control No. 1902-0096) and approximately the same burden as the burden associated with an Avista waiver filing. In addition, the numbers of respondents and filings are not expected to change significantly. Therefore, no changes are proposed to the burden or number of responses for FERC-516, and no separate ICR is required or being submitted for FERC-516.

² FERC Form 3-Q (gas) is not affected by RM11-24. Unrelated to the final rule in RM11-24, FERC is making administrative changes in reginfo.gov (ROCIS) and including separate IC's for the electric Form 3-Q and the gas Form 3-Q. As a result of this administrative separation and increased detail, the existing burden hours and numbers of respondents and responses are being allocated between the electric and gas entities and the corresponding ICs (2 ICs rather than being consolidated in one IC).

³ The associated Notice of Inquiry (NOI) was issued 6/16/2011 (posted in FERC's eLibrary at <http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=12681767>); the Notice of Proposed Rulemaking (NOPR) was issued 6/22/2012 (posted at <http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=13013216>). The Final Rule (Order 784) is posted at <http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=13309336>; an Errata Notice was issued on 7/25/2013 and is posted at <http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=13313723>.

⁴The final rule in RM11-24 mentions outdated software and the need to establish a new filing platform (e.g., in paragraphs 184-186). If and when that proposal is issued by FERC, if it triggers the Paperwork Reduction Act (PRA), it would be submitted to OMB for PRA review.

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supporting statement is being submitted for the collections affected by the Final Rule in RM11-24.⁵

Overview

In this Final Rule, FERC “is revising its regulations to enhance competition and transparency in ancillary services markets. The Commission is revising certain aspects of its current market-based rate regulations, ancillary services requirements under the *pro forma* open-access transmission tariff (OATT), and accounting and reporting requirements. Specifically, the Commission is revising Part 35 of its regulations to reflect reforms to its *Avista Corp.*⁶ policy governing the sale of ancillary services at market-based rates to public utility transmission providers. The Commission is also requiring each public utility transmission provider to add to its OATT Schedule 3 a statement that it will take into account the speed and accuracy of regulation resources in its determination of reserve requirements for Regulation and Frequency Response service, including as it reviews whether a self-supplying customer has made “alternative comparable arrangements” as required by the Schedule. Each public utility transmission provider is also required to post certain Area Control Error data on the open access same-time information system (OASIS). Finally, the Commission is revising the accounting and reporting requirements under its Uniform System of Accounts for public utilities and licensees (USofA)⁷ and its forms, statements, and reports, contained in FERC Form No. 1 (Form No. 1), Annual Report of Major Electric Utilities, Licensees and Others,⁸ FERC Form No. 1-F (Form No. 1-F), Annual Report for Nonmajor Public Utilities and Licensees,⁹ and FERC Form No. 3-Q (Form No. 3-Q), Quarterly Financial Report of Electric Utilities, Licensees, and Natural Gas Companies,¹⁰ to better account for and report transactions associated with the use of energy storage devices in public utility operations.” ’

JUSTIFICATION

24128. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

⁵ The NOPR in RM11-24 also proposed changes to the FERC-919. However, FERC-919 is not affected by the Final Rule and is not addressed in this clearance package.

⁶ See 87 FERC ¶ 61,223 (*Avista*), order on reh’g, 89 FERC ¶ 61,136 (1999).

⁷ *Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act*, 18 CFR Part 101 (2012).

⁸ 18 CFR 141.1 (2012).

⁹ 18 CFR 141.2 (2012).

¹⁰ 18 CFR 141.400 (2012).

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Forms 1, 1-F, and 3-Q

In accordance with sections 304 and 309 of the Federal Power Act, FERC is authorized to collect and record data to the extent it considers necessary, and to prescribe rules and regulations concerning accounts, records and memoranda. Under the existing regulations, FERC jurisdictional entities subject to its Uniform System of Accounts must annually file with the Commission a complete set of financial statements, along with other selected financial and non-financial data through the submission of FERC Annual Report Forms 1 and 1-F. The Form No. 1 is a comprehensive financial and operating report submitted for electric rate regulation, market oversight analysis, and financial audits. Major is defined as having one or more of the following: (1) one million Megawatt hours or more; (2) 100 megawatt hours of annual sales for resale; (3) 500 megawatt hours of annual power exchange delivered; or (4) 500 megawatt hours of annual wheeling for others (deliveries plus losses). Form 1-F is designed to collect financial and operational information from nonmajor public utilities and licensees. Public utilities and licensees that are not classified as major and had total sales of 10,000 megawatt-hours or more are classified as nonmajor. In addition, the filers of Forms 1 and 1-F submit the 3-Q quarterly form unless the requirement is waived by the Commission.

The Commission collects Form Nos. 1, 1-F, and 3-Q information as prescribed in Title 18 CFR (Code of Federal Regulations) Parts 141.1, 141.2, and 141.400. The FERC Forms 1, 1-F, and 3-Q provide an informative picture of the jurisdictional entities' financial conditions and other relevant data that are used by FERC and others, in making economic judgments about the entity or its industry.

FERC-917

The Commission has a statutory obligation under the Federal Power Act (FPA) to prevent unduly discriminatory practices in transmission access. Specifically, section 206 of the FPA obligates the Commission to remedy unjust and unreasonable, or unduly discriminatory or preferential, rates, terms and conditions of transmission service.¹¹ Toward this goal, in its 1996 landmark Order No. 888,¹² the Commission implemented open access to transmission facilities owned,

¹¹ 16 U.S.C. 824e.

¹² *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).

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operated, or controlled by a public utility. Concurrently, through Order No. 889,¹³ 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 issuance of Order No. 890.¹⁴ The Commission, in Order No. 1000, reformed these rules to further ensure that Commission-jurisdictional services are provided at rates, terms and conditions that are just and reasonable and not unduly discriminatory or preferential.

In Order No. 888, the Commission required public utility transmission providers to offer transmission service on an open and non-discriminatory basis pursuant to a pro forma Open Access Transmission Tariff (pro forma OATT) that sets forth the non-rate terms and conditions of transmission service that the Commission deemed necessary. The Commission also required public utility transmission providers to provide transmission customers with equal and timely access to transmission and ancillary service tariff information through OASIS website postings. The Commission found 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.

The Commission determined that more work was needed to remedy undue discrimination related to transmission service, leading to the issuance of Order No. 890. The Commission found that the requirements in Order No. 890 were necessary to: (1) strengthen the pro forma 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.

¹³ *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).

¹⁴ *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).

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In Order Nos. 1000 and 1000-A, the Commission addressed inadequacies in the Order No. 890 requirements to ensure that Commission-jurisdictional services are provided at just and reasonable rates and on a basis that is just and reasonable and not unduly discriminatory or preferential. Order 1000-A affirmed the Order No. 1000 transmission planning reforms that:

- (1) require that each public utility transmission provider participate in a regional transmission planning process that produces a regional transmission plan and that has
 - (a) a regional cost allocation method for the cost of new transmission facilities selected in a regional transmission plan for purposes of cost allocation and
 - (b) an interregional cost allocation method for the cost of new transmission facilities that are located in two neighboring transmission planning regions and are jointly evaluated by the two regions in the interregional transmission coordination process required by this Final Rule.
- (2) provide that local and regional transmission planning processes must provide an opportunity to identify and evaluate transmission needs driven by public policy requirements established by state or federal laws or regulations
- (3) improve coordination between neighboring transmission planning regions for new interregional transmission facilities; and
- (4) remove from Commission-approved tariffs and agreements a federal right of first refusal.

Additionally, Order 1000-A affirms the Order No. 1000 requirement that each cost allocation method must satisfy six cost allocation principles.

FERC-717. In Order No. 888 (issued 4/24/1996 in Docket Nos. RM94-7 and RM95-8), the Commission required that all public utilities, that own, control or operate facilities used for transmitting electric energy in interstate commerce, to have on file open access, nondiscriminatory transmission tariffs that contain minimum terms and conditions of nondiscriminatory service.

In addition, the Commission required public utilities to establish OASIS sites to provide transmission customers with equal and timely access to information about transmission and ancillary services provided in the tariffs. The Commission does not believe that open-access nondiscriminatory transmission services can be completely realized until it removes real-world obstacles that prevent transmission customers from competing effectively with the Transmission Provider. One of the obstacles is unequal access to transmission information. The Commission believes that transmission customers must have simultaneous access to the same information available to the Transmission Provider if truly nondiscriminatory transmission services are to be a reality.

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By its Final Rule issued April 24, 1996, in Docket No. RM95-9-000, the Commission adopted certain standards/information requirements for OASIS to be maintained by Public Utilities. More specifically, the Commission added Part 37 of Title 18, Code of Federal Regulations (CFR). The Standards of Conduct were designed to prevent employees of a public utility (or any of its affiliates) engaged in marketing functions from preferential access to OASIS-related information or from engaging in unduly discriminatory business practices. Companies were required to separate their transmission operations/reliability functions from their marketing/merchant functions and prevent system operators from providing merchant employees and employees of affiliates with transmission-related information not available to all customers at the same time through public posting on the OASIS.

When the Commission developed its OASIS program (regulations, Standards and Communication Protocols, Data Dictionary, and Business Practice Standards), it relied heavily on the assistance provided by all segments of the wholesale electric power industry and its customers in the ad hoc working groups that came together and offered consensus proposals for FERC's consideration. This process was very successful, however, it became apparent to FERC that issues remained that would be better addressed by an ongoing industry group (rather than by continued reliance on an ad hoc approach). The industry group would be dedicated to drafting consensus industry standards to implement the FERC's OASIS-related policies, and policies for other industry business practices, that would benefit from the implementation of generic industry standards.

On December 19, 2001, the Commission issued an order¹⁵ asking the wholesale electric power industry to develop business practice standards and communication protocols by establishing a single consensus, industry-wide standards organization for the wholesale electric industry, to complement the market design principles the Commission was developing.

In response to FERC's request, NAESB and the North American Electric Reliability Council (NERC) filed a joint letter (on 12/16/2002) explaining that both organizations had signed a memorandum of understanding (MOU) "designed to ensure that the development of wholesale electric business practices and reliability standards are harmonized and that every practicable effort is made to eliminate overlap and duplication of efforts between the two organizations." The MOU describes, among other things, coordination procedures, the establishment

¹⁵ See Electricity Market Design and Structure, 97 FERC ¶ 61,289 (2001) (December 2001 Order), 99 FERC ¶ 61,171 (May 2002 Order), reh'g denied, 101 FERC ¶ 61,297 (2002) (December 2002 Order).

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of a Joint Interface Committee that will review all standards development proposals received by either organization and determine which organization should be assigned to draft the relevant standards.

On 1/18/2005, NAESB filed a report with FERC detailing the WEQ's activities over the past two years since the group's inception. This filing represented NAESB's first filing with FERC to report on wholesale electric business practices. NAESB reported that the WEQ adopted business practices standards and communication protocols for the wholesale electric industry. These standards included the following OASIS-related business practice standards and communications protocols: (1) OASIS Business Practice Standards; (2) OASIS Standards and Communication Protocols; and (3) an OASIS Data Dictionary.

These standards established a set of business practice standards and communication protocols for the electric industry to enable industry members to achieve efficiencies by streamlining utility business and transactional processes and communication procedures. The standards replaced, with modifications, the Commission's existing Business Practice Standards for Open Access Same-Time Information Systems (OASIS) Transactions and OASIS Standards and Communication Protocols and Data Dictionary requirements. Adopting these standards established a formal ongoing process for reviewing and upgrading the Commission's OASIS standards as well as adopting other electric industry business practice standards.

The FERC-717 data and communications standards on OASIS are required to carry out the Commission's policies in accordance with the general authority in Sections 309 and 311, of the Federal Power Act of 1935 (FPA) (16 U.S.C. 825h) and 16 U.S.C. 825j)

FERC's Strategic Plan for FY 2009-2014¹⁶ describes the agency's mission as:

“Reliable, Efficient and Sustainable Energy For Consumers
Assist consumers in obtaining reliable, efficient and sustainable energy services at a reasonable cost through appropriate regulatory and market means....[with primary goals being to] [e]nsure that rates, terms and conditions are just, reasonable and not unduly discriminatory or preferential” and to “[p]romote the development of safe, reliable and efficient energy infrastructure that serves the public interest.”

¹⁶ Available at <http://www.ferc.gov/about/strat-docs/FY-09-14-strat-plan-print.pdf>

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The Commission also has a statutory obligation under sections 205 and 206 of the FPA to prevent unduly discriminatory practices in transmission access. 18CFR 35.28 requires that all public utilities owning or controlling facilities for the transmission of electric energy in interstate commerce file tariffs of general applicability that offer transmission services, including ancillary services, on a network and point-to-point basis. The regulations require the public utility to take transmission service for itself under the rates, terms and conditions of these tariffs.

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

Details on the changes to the Pro Forma OATT Schedule 3, Regulation and Frequency Response Service are contained in the Final Rule, Appendix B, starting on page 157. Details on the changes to the FERC Form Nos. 1, 1-F, and 3-Q are found in Appendix C of the Final Rule. A summary of the changes to the forms is included here at Question 15.

Forms 1, 1-F, and 3-Q

These forms provide information concerning a company's current performance, compiled using the Commission's Uniform System of Accounts (USofA).¹⁷ The forms include a basic set of financial statements: Comparative Balance Sheet, Statement of Income and Statement of Retained Earnings, Statement of Cash Flows, and the Statement of Comprehensive Income and Hedging Activities. Supporting schedules contain supplementary information and include revenues and the related quantities of electric sales and electricity transmitted; account balances for all electric operation and maintenance expenses; selected plant cost data; and other statistical information.

Information in the forms is used by FERC, state regulatory agencies and others in the review of the financial condition of regulated companies. The information is also used in various rate proceedings, market oversight analysis and FERC's audit programs as appropriate, in conjunction with FERC-582 for the computation of annual charges based on certain schedules contained on the forms.

In summary, without this information the Commission will not be able to respond and make decisions in a timely manner to rapidly changing financial conditions of entities subject to its jurisdiction.

FERC-917

¹⁷ See 18 CFR Part 201.

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The Commission requires that public utility transmission providers amend their OATTs at Schedule 3 (Regulation and Frequency Response Service) to explain how they will take into account the speed and accuracy of regulation resources in determining Regulation and Frequency Response reserve requirements. Each public utility's open access transmission tariff, at Schedule 3 – Regulation and Frequency Response Service, must include provisions explaining how it will determine its Regulation and Frequency Response reserve requirements. These provisions must take into account speed and accuracy of regulation resources and include a description of how the public utility transmission provider would make adjustments to the capacity requirement when a customer opts to purchase from third-parties or self-supply its requirements using resources with speed and accuracy characteristics that differ from the set of resources otherwise being used for Regulation and Frequency Response Service.

Without this information, the Commission would not be able to meet its statutory obligation under the Federal Power Act to ensure that Commission-jurisdictional services are provided at rates, terms and conditions that are just and reasonable and not unduly discriminatory or preferential and to prevent undue discrimination.

FERC-717 These requirements apply to all Public Utilities owning and/or controlling facilities used for the transmission of electricity in interstate commerce. These procedures enable the Commission to ensure compliance with the functional unbundling established in the Commission's Open Access rulemaking.

FERC uses the information in rate and tariff proceedings to review rate and tariff changes by public utilities, for general industry oversight, and to supplement the documentation used during the Commission's audit process. The collection of this information is necessary to meet the legal requirements, namely the statutory obligations under sections 205 and 206 of the FPA, to prevent unduly discriminatory practices.

This information assists FERC in being able to meet its statutory obligations and to prevent discrimination in interstate transmission services provided by the public utilities. The implementation of these data requirements will help the Commission carry out its responsibilities under the Federal Power Act of promoting the efficiency of the electric industry's operations.

24129. DESCRIBE ANY CONSIDERATION FOR THE USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN AND TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN

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FERC-1, 1-F, 3-Q, FERC-917, and FERC-717. There is an ongoing effort to determine the potential and value of improved information technology to reduce the burden. As one example, this ongoing effort led to FERC adopting user-friendly electronic filing formats in order to facilitate the required electronic formats for rate filings.¹⁸

The FERC Form Nos. 1 and 3-Q are submitted electronically (as described at <http://www.ferc.gov/docs-filing/forms/form-1/elec-subm-soft.asp>). Companies filing the FERC Form No. 1-F may file electronically or in hard copy.

FERC-717. The Commission's requirement for the use of OASIS to provide transmission service information to the public, further demonstrates the use of information technology to reduce the burden. Transmission customers are able to access information from any utility.

24130. 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.

The Commission's filings and data requirements are periodically reviewed in conjunction with OMB clearance expiration dates. This includes a review of the Commission's regulations and data requirements to identify any duplication. The Commission's staff is continuously reviewing its various filings in an effort to alleviate duplication.

FERC-1, FERC-1-F, and FERC-3-Q. While some jurisdictional entities may file similar information with the Securities and Exchange Commission (SEC), the level of detail concerning assets, liabilities, stockholders' equity along with the revenues, expenses, gains and losses is different for the Commission and the SEC. The financial statements filed with the SEC are on a consolidated, or parent company basis. The Commission notes that a majority of the jurisdictional entities that it regulates file financial information with the SEC that consolidates their assets, liabilities and profits with their parent company, or combine the regulated and unregulated operations in the reports to the SEC. While consolidation is

¹⁸ Electronic Tariff Filings, Order No. 714, 73 FR 57515 (Oct. 3, 2008), FERC Stats. & Regs ¶ 31,276 (2008). Electronically filed tariffs and rate change applications improved the efficiency, convenience, and overall management of the tariff and tariff change filing process, facilitated public access to tariff information, and reduced the burden and expense associated with paper tariffs and tariff changes. The one-time compliance filing will be filed electronically through the eTariff system (available at <http://www.ferc.gov/docs-filing/etariff.asp>).

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appropriate for SEC reporting, the Commission requires more detailed information concerning the results of operations, and the financial position of each jurisdictional entity in order to meet its regulatory needs. Therefore, the Commission has required jurisdictional entities to file financial information on a jurisdictional entity level basis using a uniform system of accounts.

FERC-917 - 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.

FERC-717- The OASIS posting is specific to each individual entity and is not available elsewhere.

24131. METHODS USED TO MINIMIZE BURDEN IN COLLECTION OF INFORMATION INVOLVING SMALL ENTITIES

FERC-1, 1-F, 3-Q, -917, and -717. As described in the Regulatory Flexibility Act section (Paragraph 208) of the Final Rule in RM11-24: “[t]he rule applies exclusively to public utilities that own, control, or operate facilities for transmitting electric energy in interstate commerce and not electric utilities per se. Based on the filers of the 2011 annual FERC Form No. 1 and Form No. 1-F, as well as the number of companies that have obtained waivers, we estimate that 44 entities (20 percent of the filers) affected by this proposed rule are “small.” For each of the 44 “small” entities, the Commission estimates an additional annual burden of only ten hours (seven hours for the annual Form 1 or Form 1-F (averaging implementation over years 1-3), plus one hour per quarter for the Form 3-Q). The Commission believes this rule will not have a significant economic impact on a substantial number of small entities....”

Forms 1, 1-F, and 3-Q. As noted previously, the Form 1 is filed by major utilities or licensees and as such does not apply to small entities. The Form 1-F is filed by public utilities with total sales of 10,000 megawatt-hours or more that are not major utilities. If the reporting requirements represent an undue burden on small businesses, the affected entity may seek a waiver of the disclosure requirements from the Commission. However, the Commission believes that the information collected on these forms is the minimum necessary to provide a meaningful review of financial conditions and would impose the least possible burden on entities.

FERC-917. Without FERC-917 information, the Commission would not be able to meet its statutory obligation under the Federal Power Act to ensure that

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Commission-jurisdictional services are provided at rates, terms and conditions that are just and reasonable and not unduly discriminatory or preferential and to prevent undue discrimination. Similar to Form 1-F, we impose the least possible burden on entities.

The FERC market based rate regulations require that each corporate family have on file one MBR tariff of general applicability, with all affiliates with market-based rate authority separately identified in the tariff. Although this initially increased the burden of document preparation and organization for parent utilities, long-term benefits have been realized that have reduced burdens on utilities and the Commission. For example, a tariff of general applicability decreases document preparation by providing a clearly defined statement of the information sought by the Commission. Moreover, a single tariff for each corporate family has reduced the filing burden on utilities. Small entities affiliated with a parent utility have not had to prepare a separate tariff; rather, they merely add their company name to their parent utility's tariff. Thus, the burden is decreased.

The triennial review submissions that provide updated market power analyses are required for the retention of market-based rate authority. Category 2 utilities must submit this analysis, which poses no change to the burden already in place. The qualified smaller utilities' (Category 1) have been able to retain market-based rate authority without having to make triennial review filings. Those who do have to file have been able to use simplifying assumptions.

24132. CONSEQUENCE TO FEDERAL PROGRAM IF COLLECTION WERE CONDUCTED LESS FREQUENTLY

FERC-1, FERC-1-F, and FERC-3-Q. The existing Form Nos. 1 and 1-F are required by the Commission to be submitted annually (with quarterly updates provided in the 3-Q). Annual reporting is consistent with the reporting to the companies' own management, the Internal Revenue Service, state and other Federal agencies' (including Office of Management and Budget) requirements. Further, Section 304(a) of the Federal Power Act (16 U.S.C. 825(c)) states the following:

“Every licensee and every public utility shall file with the Commission such annual and other periodic or special reports as the Commission may by rules and regulations or order prescribe as necessary or appropriate to assist the Commission in the proper administration of this Act. The Commission may prescribe the manner and form in which such reports shall be made, and require from such persons specific answers to all questions upon which

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FERC-717 (1902-0173), -and FERC-917 (1902-0233)**^{Error: Reference source not found}
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the Commission may need information. The Commission may require that such reports shall include, among other things, full information as to assets and liabilities, capitalization, net investment, and reduction thereof, gross receipts, interest due and paid, depreciation, and other reserves, cost of project and other facilities, cost of maintenance and operation of the project and other facilities, cost of renewals and replacement of the project works and other facilities, depreciation, generation, transmission, distribution delivery, use, and sale of electric energy. The Commission may require any such person to make adequate provision for currently determining such costs and other facts. Such reports shall be made under oath unless the Commission otherwise specifies.”

Therefore, the Commission is meeting its statutory obligations as well as implementing a reporting frequency that coincides with industry business practices and OMB guidelines as noted above.

FERC-917. FERC-917 pro forma tariff information is provided only once per utility.

FERC-717. Per 18CFR37.2, “[t]he purpose of this part is to ensure that potential customers of open access transmission service receive access to information that will enable them to obtain transmission service on a non-discriminatory basis from any Transmission Provider. These rules provide standards of conduct and require the Transmission Provider (or its agent) to create and operate an Open Access Same-time Information System (OASIS) that gives all users of the open access transmission system access to the same information.” The OASIS posting required in the final rule in RM11-24 (new 18CFR37.6k) will be posted and then updated annually; the data are not submitted to FERC.

It is not possible to collect this data less frequently. If the collection were conducted less frequently, the Commission would be unable to perform its mandated oversight and review responsibilities with respect to electric market based rates being just and reasonable.

24133. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

FERC-1, FERC-1-F, FERC-3-Q, FERC-917, and FERC-717. These collections meet OMB’s section 1320.5 requirements.

**FERC Form Nos. 1 (1902-0021), 1-F (1902-0029), and 3-Q (1902-0205);
FERC-717 (1902-0173), -and FERC-917 (1902-0233)**^{Error: Reference source not found}
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**24134. DESCRIBE EFFORTS TO CONSULT OUTSIDE THE AGENCY:
SUMMARIZE PUBLIC COMMENTS AND AGENCY'S RESPONSE TO THESE
COMMENTS**

Each FERC rulemaking (both proposed and final rules) is published in the Federal Register, thereby providing public utilities and licensees, state commissions, Federal agencies, and other interested parties an opportunity to submit data, views, comments or suggestions concerning the collection of data.

FERC-1, FERC-1-F, FERC-3-Q, FERC-917, and FERC-717^{Error: Reference source not found}. The Notice of Inquiry soliciting comments was issued 6/16/2011. The proposed rule (issued 6/22/2012) was published in the Federal Register (77FR40414, 7/9/2012) and solicited public comments. The public comments are addressed in the Final Rule. (The public comments are available on ferc.gov in FERC's eLibrary system by doing a search on Docket No. RM11-24.) The Final Rule was published in the Federal Register (78FR46178, 7/30/2013).

The public comments and FERC's responses to them are too numerous to repeat here; the public comments are addressed in the Final Rule. An example of FERC's response to public comments on one of the reporting requirements proposed in the NOPR (the 20 percent screen) is provided below and found in paragraphs 73-74 of the final rule.

“The Commission will not adopt the optional market power screen for ancillary services as proposed in the NOPR. As suggested by EEI, ESPA and others, the fact that the proposed optional screen would not consider the full amount of competing supply available to a buyer likely means that the screen may result in so many false positive indications of potential market power that it would provide little benefit to the effort to foster competition in ancillary service markets.

The comments also indicate that establishing the reporting requirements associated with the optional market power screen would not be a trivial task, particularly given the lack of consensus regarding the granularity of information needed. The Commission believes that the costs of developing and imposing this new reporting requirement on transmission providers might not be justified, particularly in light of the other actions taken in this Final Rule. The need for the proposed optional screen, and its associated reporting requirement, is significantly reduced because this Final Rule, as explained above, will permit sellers to apply the existing market power screens to imbalance and operating reserve ancillary services. As such, the Commission has determined not to adopt the optional market power screen and its associated reporting requirement.”

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

FERC-1, FERC-1-F, FERC-3-Q, FERC-917, and FERC-717. The Commission does not provide compensation or remuneration to entities subject to its jurisdiction.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

FERC-1, FERC-1-F, FERC-3-Q, FERC-917, and FERC-717. The data are considered public. Individual requests for confidentiality may be made pursuant to 18 CFR 388.112.

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

FERC-1, FERC-1-F, FERC-3-Q, FERC-917, and FERC-717. There are no questions of a sensitive nature that are considered private.

12. ESTIMATED BURDEN ON COLLECTION OF INFORMATION

FERC-1, FERC-1-F, FERC-3-Q, FERC-917, and FERC-717. The additional estimated annual public reporting burdens and costs for the requirements in this final rule are as follows.

Data Collection	Number of Respondents (a)	Change in the Number of Hours Per Filing (averaging implementation over Yrs. 1-3)¹⁹ (b) (hrs.)	Filings Per Respondent Per Year (c)	Change in the Total Annual Hours for this Collection (averaging implementation over Yrs. 1-3) (aXbXc=d) (hrs.)	Estimated Annual Cost (averaging implementation over Yrs. 1-3) (at \$120/hr.) (dX\$120/hr.) (\$)
Form No. 1	210	7 [3 hrs.]	1	1,470	176,400

¹⁹ For the Forms 1 and 1-F, the one-time implementation burden in Year 1 is estimated to be 3 hours per respondent. However, for the burden and cost estimates, we are averaging those additional 3 hours over Years 1-3, giving an average annual one-time implementation burden of 1 hour. That 1 hour is in addition to the normal annual filing burden of 6 hours each, giving an average annual estimate of 7 hours for Forms 1 and 1-F, for Years 1-3.

**FERC Form Nos. 1 (1902-0021), 1-F (1902-0029), and 3-Q (1902-0205);
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		(one-time implementation in Year 1), plus 6 hrs. annually]			
Form No. 1-F	5	7 [3 hrs. (one-time implementation in Year 1), plus 6 hrs. annually]	1	35	4,200
Form No. 3-Q	213	1	3	639	76,680
FERC-917 [includes one-time filing of Pro forma open-access transmission tariff (OATT) & data sharing] ²⁰	132	17.33 averaged over Years 1-3 [4 hrs. one-time in Yr. 1, plus an average recurring burden in Years 1-3 of 16 hrs.]	1	2,288 averaged over Years 1-3	274,560 averaged over Years 1-3
FERC-516 Error: Reference source not found	no change	no change	no change	no change	no change
FERC-717	176	1	1	176	9,889 ²¹

²⁰ This includes the one-time refiling of OATT Schedule 3 (estimated average of 4 hours per utility respondent), and if requested, the utility's sharing data and a narrative description with its self-supplying customer(s) (estimated average of 4 customer requests per utility respondent per year, taking 4 hours per request). The estimated annual burden per utility is

- Year 1: 4 hrs. (for one-time refiling) + (4 requests * 4 hrs.), giving an estimate of 20 hrs. per utility
- Years 2 and 3, each: 4 requests * 4 hrs., giving 16 hrs. per utility per year.

When the one-time implementation burden (of 4 hours) is averaged over Years 1-3, the annual additional burden per utility is 17.33 hours.

(OASIS posting under 18 CFR 37.6k)					
Total				4,608 (averaged over Years 1-3)	\$541,729 (averaged over Years 1-3)

In the past, FERC included cost related to burden hours in the ROCIS metadata field for industry cost. That approach has changed, and the metadata field now includes only industry cost not related to burden hours. (The last FERC-917 ICR 201205-1902-005 for Docket RM10-23-001 estimates the off-site storage costs of the recordkeeping requirements to be \$7,400,000. The \$7,400,000 given in the ROCIS metadata field is not related to burden hours.)

13. ESTIMATE OF THE TOTAL COST BURDEN TO RESPONDENTS

FERC-1, FERC-1-F, FERC-3-Q, FERC-917, and FERC-717: There are no capital or start-up costs; all costs are related to burden hours and are provided in #12 above.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

FERC-1, FERC-1-F, FERC-3-Q, FERC-917, and FERC-717. For the reporting requirements in the final rule in RM11-24, the estimated average annual costs to the Commission (averaged over Years 1-3) follow.

	No. of FTE's	Estimated Annual Cost (averaged over Years 1-3)
Final Rule in RM11-24		
Estimated Average Annual Figure for analysis of all submitted data [average cost for 1 FTE (including salary + benefits) is \$145,818 per year for 2013]	1.0	\$145,818
Estimated Average Annual Forms Clearance		\$2,250

²¹ Based on the 2012 data from the Bureau of Labor Statistics at http://bls.gov/oes/current/naics2_22.htm, the hourly cost of salary plus benefits would be \$56.19.

**FERC Form Nos. 1 (1902-0021), 1-F (1902-0029), and 3-Q (1902-0205);
 FERC-717 (1902-0173), -and FERC-917 (1902-0233)^{Error: Reference source not found}
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Review for 2013 ²²		
Estimated Hardware and Software Costs ^{Error: Reference source not found} Reference source not found ²³		\$0
Total Estimated Annualized Federal Cost (averaged over Years 1-3)		\$148,068

There is one interconnected IT system for the Forms 1, 1F, and 3Q, so the federal hardware and software costs cannot be separated. In addition, the staff time spent processing and analyzing the filings and postings (as well as performing the PRA clearance work) is difficult to separate between the information collections affected by the final rule. *Therefore, for the final rule in RM11-24, the estimated annual federal cost of \$148,068 will all be included in the Form 1 ICR in reginfo.gov and ROCIS.*

As noted in the final rule, Form Nos. 1 and 3-Q must be submitted using electronic media.²⁴ The current forms software is outmoded and unsustainable, so the Commission will soon discontinue its use of the software.^{Error: Reference source not found} Moreover, because of the software limitations, the new and revised form schedules will not be available to utilities with energy storage assets and those that acquire the assets later as of the effective date of this Final Rule. Consequently, utilities with energy storage assets and those that acquire the assets at a later date must continue or begin, as appropriate, using the existing form schedules to report energy storage assets pending availability of the new and revised schedules in the new filing platform. The Commission’s Chief Accountant will issue interim accounting and reporting guidance for utilities to report to the Commission the costs of energy storage operations contemplated in the Final Rule in the existing filing software system until the new and revised schedules are available in the new filing platform.²⁵ Commission staff will issue appropriate notices and hold technical conferences if necessary concerning the new reporting platform system. In addition, FERC would submit the information

²² The estimate is based on the assumption that it takes 24 hours of work time to perform the work required to request and obtain OMB clearance for the collections.

²³ As discussed in the Final Rule, the changes made to FERC Forms 1, 1-F, and 3-Q will be incorporated into a “refresh” of the IT system. Therefore the costs for hardware, filing platform system, and related human resource costs for the material required by RM11-24 will be included as a part of the overall cost for the new system. When and if associated FERC notices are issued, if the PRA is triggered, the federal cost for the new system will be included in related PRA submittals.

²⁴ Form No. 1-F filers may also submit the reports electronically; however, the Commission’s regulations do not explicitly require these filers to submit the reports electronically.

²⁵ Filers with energy storage assets and operations may be required to amend and resubmit their 2013 Form Nos. 1 and 1-F and 2014 Form No. 3-Qs. However, these filers will not be required to amend and resubmit previously submitted 2013 Form No. 3-Qs.

**FERC Form Nos. 1 (1902-0021), 1-F (1902-0029), and 3-Q (1902-0205);
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to OMB for review if the Paperwork Reduction Act is triggered by the implementation of the new reporting platform system.

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

FERC-1, FERC-1-F, FERC-3-Q, FERC-917, and FERC-717. FERC is revising its regulations to foster competition and transparency in ancillary services markets and to better account for and report transactions associated with the use of energy storage devices in public utility operations.

FERC requested comment in the NOPR that explained:

“there is growing interest in rate flexibility by both purchasers and sellers of ancillary services. A variety of resources are poised to provide ancillary services but may be frustrated from doing so by certain aspects of the Commission’s market-based rate policies. At the same time, transmission customers and sellers alike are seeking greater transparency with regard to reserve requirements for ancillary services, with a particular focus on Regulation and Frequency Response. As the Commission has considered ways to foster transparency and competition in ancillary services markets, issues also have arisen related to accounting for and reporting of sales from energy storage devices that, if left unresolved, could impair the ability of these resources to participate in markets for ancillary services and other services subject to the Commission’s jurisdiction...”

Based on the comments received in response to the NOI and NOPR, the Commission revises certain aspects of its market-based rate regulations, ancillary services requirements under the *pro forma* open-access transmission tariff (OATT), and accounting and reporting requirements.

The changes in the burden are: (a) program increases in the estimated burden per response due to the new accounting and data requirements, (b) new one-time OATT filings under FERC-917 that account for one response from each of the existing 132 respondents, (c) OASIS posting under FERC-717 (for 18 CFR 37.6k), and (d) agency adjustments resulting from changes in the number of entities.

Summary of Changes to the Forms 1, 1-F, and/or 3-Q:

Page No. 3 added two new schedules to the List of Schedules (plus related but unchanged pages 2 and 4 of the List of Schedules)—corresponds to page 1 in Form 1-F

**FERC Form Nos. 1 (1902-0021), 1-F (1902-0029), and 3-Q (1902-0205);
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Page Nos. 204-207 (Form 1) added 3 lines to Electric Plant in Service (Accounts 101,102, 103 and 106)—corresponds to pages 15, 15a, 16, 16a in Form 1-F.

Page Nos. 320-323 (Form 1) added 7 lines to Electric Operation and Maintenance Expenses—corresponds to substitute pages 320-323 of Form 1-F.

Pages 324a and 324b (Form 3-Q only) added lines for expenses related to operation and maintenance of storage equipment

Pages Nos. 326-327 (Form 1) revised title of Column (g) and added new Column (h)—corresponds to pages 23 and 23a of Form 1-F.

Page No. 397 (Form 1) added new line 3—corresponds to page 30 of Form 1-F.

Page No. 401a (Form 1) added 2 lines to Electric Energy Account.

Page Nos. 408-409 [both inadvertently marked page 408 in the final rule] added 2 lines to Pumped Storage Generating Plant Statistics (Large Plants)—corresponds to pages 32 and 32a in Form 1-F

Added 2 new schedules, pages 414-416 (Form 1—corresponds to pages 33, 33a, and 33b in Form 1-F), Energy Storage Operations (Large Plants); and pages 419-420 (Form 1—corresponds to pages 34 and 34a in Form 1-F), Energy Storage Operations (Small Plants)

FERC-1, Adjustment Unrelated to RM11-24. In addition, in ICR 201110-1902-001 on Form 1 (approved 12/27/2011), the estimated number of respondents was 209, with a burden per respondent of 1,162 hours per year. In this supporting statement, FERC updates the number of respondents to 210 (from 209). Correspondingly, the burden is being adjusted by +1,162 hours.

Program Changes to the 5 Collections Due to RM11-24, Plus Unrelated Adjustments. The following table shows the changes to the existing figures.

Data Collection Error:	After Final Rule in RM11-24	Total Request	Previously Approved^{d26}	Change due to Adjustment	Change Due to Agency

**FERC Form Nos. 1 (1902-0021), 1-F (1902-0029), and 3-Q (1902-0205);
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Reference source not found				in Estimate	Discretion
FERC Form 1	Annual Number of Responses	210	209	+1	0
	Annual Time Burden (Hr)	245,490	242,858	1,162	1,470
	Annual Cost Burden (\$)	0	0	0	0
FERC Form 1-F	Annual Number of Responses	5	5	0	0
	Annual Time Burden (Hr)	615	580		35
	Annual Cost Burden (\$)	0	0	0	0
FERC Form 3-Q	Annual Number of Responses	1,101	1,101	0	0
	Annual Time Burden (Hr)	184,575	183,936	0	639
	Annual Cost Burden (\$)	0	0	0	0
FERC-717 ²⁷	Annual Number of Responses	322	146	0	176
	Annual Time Burden (Hr)	198,822	198,646	0	176
	Annual Cost Burden (\$)	0	0	0	0
FERC-917 [The totals given here are for the entire	Annual Number of Responses	804	672	0	132
	Annual Time	160,042	157,754	0	2,288

²⁶ In reginfo.gov and ROCIS as of 7/31/2013

²⁷ A new IC called “RM11-24 Final Rule Burden Change” includes the FERC-717 requirements related to RM11-24.

**FERC Form Nos. 1 (1902-0021), 1-F (1902-0029), and 3-Q (1902-0205);
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	Burden (Hr)				
Control No., though	Annual Cost Burden (\$)	7,400,000	7,400,000	0	0

Administrative Splitting of FERC Form 3-Q between Electric and Gas.

Unrelated to the final rule in RM11-24, FERC is making administrative changes in reginfo.gov (ROCIS) and including separate IC’s for the electric Form 3-Q and the natural gas Form 3-Q. As a result of this administrative separation and increased detail, the existing burden hours and numbers of respondents and responses are being allocated between the electric and gas entities and the corresponding ICs (2 ICs rather than being consolidated in one IC). A file titled “Details on FERC Form 3-Q --Nos. for Gas and for Electric” is included in Supplementary Documents for the ICR related to the FERC Form 3-Q. It shows the current inventory figures and details the split between natural gas and electric of the Form 3-Q after implementation of the final rule in RM11-24.

16. TIME SCHEDULE FOR THE PUBLICATION OF DATA

FERC-1, FERC-1-F, FERC-3-Q, FERC-917, and FERC-717. The data are being collected or posted for regulatory purposes and not for the purpose of publication.

17. DISPLAY OF EXPIRATION DATE

Forms 1, 1-F, and 3-Q. The expiration dates are displayed on the Forms 1, 1-F, and 3-Q, available at <http://www.ferc.gov/docs-filing/forms.asp>.

FERC-917 and FERC-717. The information collected is not on a standardized filing format or a preprinted form that would avail itself of displaying the OMB control number.

18. EXCEPTION TO THE CERTIFICATION STATEMENT

FERC-1, FERC-1-F, FERC-3-Q, FERC-917, and FERC-717. The data collected for these reporting and recordkeeping requirements are not used for statistical purposes.

