

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. IC14-6-000]

COMMISSION INFORMATION COLLECTION ACTIVITIES (FERC-600);
COMMENT REQUEST; EXTENSION

(February 3, 2014)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, 44 USC 3506(c)(2)(A) (2006), (Pub. L. No. 104-13), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-600 (Rules of Practice and Procedure: Complaint Procedures).

DATES: Comments on the collection of information are due [insert date that is 60 days after publication in the Federal Register].

ADDRESSES: You may submit comments (identified by Docket No. IC14-6-000) by either of the following methods:

- eFiling at the Commission's Web Site: <http://www.ferc.gov/docs-filing/efiling.asp>
- Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov/help/submission-guide.asp>. For user assistance contact

FERC Online Support by e-mail at ferconlinesupport@ferc.gov, or by phone at: (866) 208-3676 (toll-free), or (202) 502-8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at

<http://www.ferc.gov/docs-filing/docs-filing.asp>.

FOR FURTHER INFORMATION: Ellen Brown may be reached by e-mail at DataClearance@FERC.gov, telephone at (202) 502-8663, and fax at (202) 273-0873.

SUPPLEMENTARY INFORMATION:

Title: FERC-600, Rules of Practice and Procedure: Complaint Procedures

OMB Control No.: 1902-0180

Type of Request: Three-year extension of the FERC-600 information collection requirements with no changes to the current reporting requirements.

Abstract: The information is used by the Commission to implement the statutory provisions of the Federal Power Act (FPA), 16 USC 791a-825r; the Natural Gas Act (NGA), 15 USC 717-717w; the Natural Gas Policy Act (NGPA), 15 USC 3301-3432; the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 USC 2601-2645; the Interstate Commerce Act (ICA), 49 USC App. 1 *et. seq.*; the Outer Continental Shelf Lands Act, 43 USC 1301-1356; and the Energy Policy Act of 2005, (PL 109-58) 119 Stat. 594.

For the natural gas industry, section 14(a) of the NGA¹ provides that the Commission may permit any person to file with it a statement in writing, under oath or otherwise, as it

¹ 15 USC 717m; accord 15USC 717d.

shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of an investigation.

For public utilities, section 307(a) of the FPA² provides that the Commission may permit any person to file with it a statement in writing, under oath or otherwise, as it shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of an investigation.

Section 215(d) (5) of the FPA³ provides that the Commission, upon its own motion or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

For hydropower projects, section 19 of the FPA⁴ provides that, as a condition of a license, jurisdiction is conferred upon the Commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control over services, rates, and charges until such time as the State shall have provided a commission or other authority for such regulation and control.

For qualifying facilities, section 210(h)(2)(B) of PURPA⁵ provides that any electric utility, qualifying cogenerator, or qualifying small power producer may petition the Commission to enforce the requirements of the Commission's PURPA regulations.

² 16 USC 825f(a); accord 16 USC 824e.

³ 16 USC 824o(d)(5).

⁴ 16 USC 812.

⁵ 16 USC 824a-3(h)(2)(B).

For oil pipelines, in Part 1 of the Interstate Commerce Act, sections 1, 6 and 15 (recodified by PL 95-473 and found as an appendix to Title 49 U.S.C.),⁶ the Commission is authorized to investigate the rates charged by oil pipeline companies subject to its jurisdiction. If an oil rate has been filed and allowed by the Commission to go into effect without suspension and hearing, the Commission can investigate the effective rate on its own motion or by complaint filed with the Commission. Section 13 of the ICA⁷ provides that any person can file a complaint complaining of anything done or omitted to be done by an oil pipeline.

In Order No. 602,⁸ the Commission revised its regulations governing complaints filed with the Commission under the above statutes. Order No. 602 was designed to encourage and support consensual resolution of complaints, and to organize the complaint procedures so that all complaints are handled in a timely and fair manner. In order to achieve this result, the Commission revised Rule 206 of its Rules of Practice and Procedure (18 CFR 385.206) to require that a complaint satisfy certain informational requirements, to require that answers be filed in a shorter, 20-day time frame, and to provide that parties may employ various types of alternative dispute resolution procedures to resolve their disputes.

The data in complaints filed by interested/affected parties regarding jurisdictional oil, natural gas, electric and hydropower operations, facilities, and services are used by the Commission in establishing a basis to make an initial determination regarding the merits of

⁶ 49 App. USC §1 et seq (1988).

⁷ Id. 13.

⁸ 64 FR 17087 (April 8, 1999)

the complaint and whether or not to undertake further investigation. Investigations may range from whether there is undue discrimination in rates or services to questions regarding market power of regulated entities to environmental concerns. In order to make an informed determination, it is important to know the specifics underlying any oil, gas, electric, and hydropower complaint “up-front” in a timely manner and in sufficient detail to allow the Commission to act swiftly. In addition, such complaint data helps the Commission and interested parties to monitor, e.g., the market for undue discrimination or exercises of market power. The information is voluntary but submitted pursuant to prescribed filing requirements. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Parts 343 and 385.

Type of Respondents: Interested/affected parties regarding oil, natural gas, electric and hydropower operations, facilities, and services.

Estimate of Annual Burden⁹: The estimated annual burden and cost follow.

	Number of Respondents (1)	Annual Number of Responses per Respondent (2)	Total Number of Responses (1)*(2)=(3)	Average Burden Hours & Cost Per Response (4)	Total Annual Burden Hours & Total Annual Cost (5)	Average Annual Cost per Respondent (6)
FERC-600	62	1	62	160 ¹⁰ \$11,280 ¹¹	9,920 ¹² \$699,360 ¹³	\$11,280

⁹ The Commission defines “burden” as the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

¹⁰ We have re-evaluated the time and effort involved in preparing and filing a complaint, in light of

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Kimberly D. Bose,
Secretary.

the current complexities of the industries regulated by FERC. As a result, we think an estimate of 160 hours per complaint is a more realistic average of the burden per filing. The reporting requirements have not been revised.

11 \$70.50/hour is the average hourly cost of a FERC employee (salary plus benefits) for Fiscal Year 2014. We assume that the respondents to this collection are similarly situated in terms of salary plus benefits.

Average cost per response=Average burden hours per response [160 hours] * \$70.50 per hour.

12 Total annual burden hours=Total number of responses [62] * Average burden hours per response [160].

13 Total annual cost=Total annual burden hours [9,920] * hourly cost [\$70.50].