

Supporting Statement for
**FERC-585, Reporting of Electric Shortages and Contingency Plans Under Public
Utility Regulatory Policies Act (PURPA) 206**

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve **FERC-585 (Reporting of Electric Shortages and Contingency Plans Under PURPA 206)** for a three year period. FERC-585 (OMB Control No. 1902-0138) is an existing Commission data collection (filing requirements), as stated by 18 Code of Federal Regulations Part 294.

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

The Commission issues uses the data within the FERC-585 information collection to implement the statutory provisions of Section 206 of the Public Utility Regulatory Policies Act of 1979 (PURPA)¹. Section 206 of PURPA amended the Federal Power Act (FPA) by adding a subsection to Section 202 under which the Commission (by rule) requires each public utility to (1) report to the Commission and appropriate state regulatory authorities of any anticipated shortages of electric energy or capacity which would affect the utility's capability to serve its wholesale customers; and (2) report to the Commission and any appropriate state regulatory authority with contingency plan that would outline what circumstances might give rise to such occurrences.

In Order No. 575², the Commission modified the reporting requirements in 18 CFR 294.101(b)(5) to provide in its rates and schedules to firm power wholesale customers that: (a) during electric energy and capacity shortages it will treat firm power wholesale customers without undue discrimination or preference, prejudice, or disadvantage firm power wholesale customers and (b) it will report any modifications to its contingency plan for accommodating shortages within 15 days to the appropriate state regulatory agency and to the affected wholesale customers. The utility then needs not file with the Commission an additional statement of contingency plan for accommodating such shortages since this revision merely changed the reporting mechanism. The public utility's contingency plan would be contained within its filed rate rather than in a separate document.

The Commission modified the reporting requirements³ in 18 CFR 294.101(f) to set forth the means by which public utilities must comply with the requirements to report shortages and anticipated shortages. The original requirement mandated filing an original and at least two copies to the Commission as well as one copy to relevant state regulators and firm power wholesale customers. The revised requirement is to promptly submit a

1 Pub. L. 95-617, 92 Stat. 3117

2 [Order No. 575](#)

3 [Order 659](#)

single electronic report to the Commission via the Office of Electric Reliability's emergency mailbox at emergency@ferc.gov².

The Commission defines *anticipated shortages of electric or energy* as:

“(1) Any situation anticipated to occur in which the generating and bulk purchased power capability of a public utility will not be sufficient to meet its anticipated demand plus appropriate reserve margins and this shortage would affect the utility's capability adequately to supply electric services to its firm power wholesale customers; or

(2) Any situation anticipated to occur in which the energy supply capability of a public utility is not sufficient to meet its customers' energy requirements and this shortage would affect the utility's capability adequately to supply electric services to its firm power wholesale customers.”

18 CFR 294 establishes the reporting requirements for public utilities. A report filed in compliance with Part 294 must include the nature and projected duration of the anticipated shortage, a list of firm wholesale customers likely to be affected by the shortage, procedures for accommodating the shortage, and a contact person at the public utility⁴.

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

The Commission uses the information collected by FERC-585 to evaluate and formulate an appropriate option for action in the event of an unanticipated electrical shortage. Without this information, the Commission and state agencies would be unable to: (1) examine and approve or modify utility actions, (2) prepare a response to anticipated shortages in electric energy, and (3) ensure equitable treatment of all public utility customers under the shortage situations.

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

The Commission allows the option of filing all documents in proceedings through the eFiling interface except for specified exceptions, and of utilizing online forms to allow “documentless” interventions in all filings.

⁴ 18 CFR 294.101(a)

With the advent of eFiling 7.0, the Commission has expanded its ability to receive electronic filings through its eFiling and eLibrary systems and now includes these self-certification filings. Submission guidelines can be found here: <http://www.ferc.gov/docs-filing/efiling/filing.pdf>.

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

The Commission published a notice within the Federal Register⁵ to help identify any duplication of the information in FERC-585. No comments were received. There are no other Federal agencies responsible for evaluating and formulating an appropriate option for action in the event of an unanticipated electrical shortage. No similar information can be used or modified.

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

The Commission permits the option of filing all documents in proceedings through the eFiling interface as a means of reducing burden for respondents including small entities. The burden will vary among applicants, since the information should be specific for each applicant and site.

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

If the Commission did not collect this information, it would not fulfill its responsibilities specified within the statutory provisions of 16 USC 791a-825r.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

The requirements meet all of OMB's section 1320.5 requirements.

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

In accordance with OMB requirements⁶, the Commission published a 60-day notice⁷ and a 30-day notice⁸ to the public regarding this information collection on 1/16/2015 and 4/10/2015 respectively. Within the public notices, the Commission noted that it would be requesting a three-year extension of the public reporting burden with no change to the existing requirements concerning the collection of data. No comments were received.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

No payments or gifts have been made to FERC-585 respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The Commission does not consider the information collected in FERC-585 filings to be confidential. However, the Commission will consider specific requests for confidential treatment to the extent permitted by law and pursuant to FERC's regulations⁹. The Commission will review each request for confidential treatment on a case-by-case basis.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE

There are no questions of sensitive nature that are considered private in the FERC-585 information collection.

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The currently approved public reporting burden for the FERC-585 information collection is:

FERC-585: Reporting of Electric Shortages and Contingency Plans Under PURPA 206					
	Number of Respondents	Number of Responses Per Respondent	Total Number of Responses	Average Burden Hours per Response	Estimated Total Annual Burden
	(A)				

⁶ 5 CFR 1320.8(d)

⁷ 80 FR 2405

⁸ 80 FR 19305

⁹ 18 CFR 388.112(a)(1)

		(B)	(A)x(B)=(C)	(D)	(C)x(D)
Contingency Plan	1	1	1	73	73
Capacity Shortage	1	1	1	0.25	0.25
Total	N/A	N/A	N/A	N/A	73.25

The revised burden amounts presented in this clearance package for the FERC-585 renewal are detailed in the response to Question #15 below.

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There are no non-labor costs currently associated with the FERC-585 information collection.

All of the costs in this collection are associated with burden hours (labor) and described in either Question #12 or Question #15.

14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

The estimated annualized cost to the Federal Government for FERC-585 as related to information collection requirements follows:

	Number of Employees (FTE)	Estimated Annual Federal Cost
FERC-585 Analysis and Processing of filings ¹⁰	0.5	\$74,745
PRA ¹¹ Administrative Cost ¹²		\$5,193
FERC Total		\$79,938

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

¹⁰ Based upon FERC's 2015 FTE average salary plus benefits (\$149,489)

¹¹ Paperwork Reduction Act of 1995 (PRA)

¹² The PRA Administrative Cost is a Federal Cost associated with preparing, issuing, and submitting materials necessary to comply with the Paperwork Reduction Act (PRA) for rulemakings, orders, or any other vehicle used to create, modify, extend, or discontinue an information collection. This average annual cost includes requests for extensions, all associated rulemakings, and other changes to the collection.

The requirements within the FERC-585 did not change from the previously approved information collection request (ICR No. 201205-1902-001). Moreover, the estimated total burden for the FERC-585 did not change. The only change in regards to the estimated burden is a slight increase in the total annual cost to respondents. This figure increase due entirely to an increase estimate of the FERC employee average salary (plus benefits) and its equivalent in the private sector.

The Commission currently estimates the annual public reporting burden for the information collection as:

FERC-585 (Reporting of Electric Shortages and Contingency Plans Under PURPA 206)						
	Number of Respondents (1)	Annual Number of Responses per Respondent (2)	Total Number of Responses (1)*(2)=(3)	Average Burden & Cost Per Response¹³ (4)	Total Annual Burden Hours & Total Annual Cost (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)
Contingency Plan	1	1	1	73 \$5,256	73 \$5,256	\$5,256
Capacity Shortage	1	1	1	0.25 \$18	0.25 \$18	\$18
TOTAL					73.25 \$5,274	\$5,274

FERC-585	Total Request	Previously Approved	Change due to Adjustment in Estimate	Change Due to Agency Discretion
Annual Number of Responses	1	1	0	0
Annual Time Burden (Hr)	73	73	0	0
Annual Cost Burden (\$)	0	0	0	0

The format, labels, and definitions of the table above follow the ROCIS system’s “ICR Summary of Burden” for the meta-data.

¹³ The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * 72.00 per Hour = Average Cost per Response. The Cost per hour figure is the 2015 FERC average salary plus benefits.

FERC-585 supporting statement
OMB Control No. 1902-0138

16. TIME SCHEDULE FOR THE PUBLICATION OF DATA

There is no data published as a result of this collection.

17. DISPLAY OF THE EXPIRATION DATE

The expiration date is displayed in a table posted on ferc.gov at
<http://www.ferc.gov/docs-filing/info-collections.asp>.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

The data collected for this reporting requirement is not used for statistical purposes. Therefore, the Commission does not use, as stated in item (i) of the certification to OMB, "effective and efficient statistical survey methodology."