

Supporting Statement for
FERC-912, PURPA Section 210(m) Notification Requirements Applicable to Cogeneration and Small Power Production Facilities

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve **FERC-912, PURPA Section 210(m) Notification Requirements Applicable to Cogeneration and Small Power Production Facilities**, for a three year period. FERC-912 (OMB Control No. 1902-0237) is an existing Commission data collection, as stated by 18 Code of Federal Regulations (CFR) 292.

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The use of FERC-912 is necessary to provide the Commission with the information needed to determine whether an order is appropriate to either terminate or reinstate the purchasing or selling of energy under the Public Utility Regulatory Policies Act of 1978 (PURPA) Section 210(m).

The Commission's implementing regulations, found in 18 CFR Part 292, provide the following procedures:

- §292.310: an electric utility's application for the termination of its obligation to purchase energy from a QF,
- §292.311: an affected entity or person's application to the Commission for an order reinstating the electric utility's obligation to purchase energy from a QF,
- §292.312: an electric utility's application for the termination of its obligation to sell energy and capacity to QFs, and
- §292.313: an affected entity or person's application to the Commission for an order reinstating the electric utility's obligation to sell energy and capacity to QFs.

Note that the reinstatement of an electric utility's obligation to sell or purchase electric power to/from a QF depends on a Commission determination that the qualifications that relieved the utility from the obligation of purchase or sale are no longer met.

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

The Commission uses the information collected by FERC-912 to determine if an order is appropriate and required under PURPA section 210(m)¹. Without this collection of information, the Commission would not be able to carry out its obligations under PURPA section 210(m).

¹ As amended by P.L. 109-58 Section 1253 (EPAAct 2005)

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

FERC-912 applicants use the eFiling system to file the required information to the Commission. Applicants should visit the eFiling website (<http://www.ferc.gov/docs-filing/efiling.asp>) to find information on what file formats are acceptable.

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 information filed in FERC-912 is unique in the universe of publicly available electric energy information. Commission staff searched for other sources of this information and found none. In addition, the Commission asked the public, through a Federal Register Notice, whether other sources existed and none were identified.

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

In Order No. 671, the Commission established a rebuttable blanket presumption that all QFs with a net capacity less than or equal to 20 MW do not have nondiscriminatory access to wholesale markets described in section 210(m).

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

Respondents file the FERC-912 information only when circumstances in 18 CFR Part 292 dictate so. This is not a collection conducted on a recurring basis. The Commission cannot conduct this information collection less frequently. The only way to conduct this collection less frequently would be to discontinue it. That would result in the Commission failing to meet its statutory mandates.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION

The information collection meets 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 requirements², the Commission published a 60-day notice³ and a 30-day notice⁴ to the public regarding this information collection on 8/24/2015 and 11/4/2015, 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

There are no payments or gifts to FERC-912 respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The Commission does not consider the information collected in FERC-912 filings to be confidential. However, the filer may request privileged treatment of a filing that may contain information harmful to the competitive posture of the applicant if released to the general public.⁵

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

The Commission considers the questions within the FERC-912 neither sensitive in nature nor private.

² 5 CFR 1320.8(d)

³ 80 FR 51252

⁴ 80 FR 68311

⁵ 18 CFR 388.112

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The Commission estimates the Public Reporting Burden for this information collection as:

FERC-912: PURPA Section 210(m) Notification Requirements Applicable to Cogeneration and Small Power Production Facilities						
	Number of Respondents (1)	Annual Number of Responses per Respondent (2)	Total Number of Responses (1)*(2)=(3)	Average Burden & Cost Per Response⁶ (4)	Total Annual Burden Hours & Total Annual Cost (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)
Termination of obligation to purchase	5	1	5	12 hrs.; \$864	60 hrs.; \$4,320	\$864
Reinstatement of obligations to purchase	0	0	0	0 hrs.; \$0	0 hrs.; \$0	\$0
Termination of obligation to sell	0	0	0	0 hrs.; \$0	0 hrs.; \$0	\$0
Reinstatement of obligation to sell	0	0	0	0 hrs.; \$0	0 hrs.; \$0	\$0
TOTAL					60 hrs.; \$4,320	\$864

(See #15 for an explanation of the rows showing 0 filings which are expected in the next 3 years.)

13. ESTIMATE OF TOTAL ANNUAL COST OF BURDEN TO RESPONDENTS

There are no non-labor start-up costs. All costs are related to burden hours and are addressed in Questions #12 and #15.

14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

	Number of Employees (FTEs)	Estimated Annual Federal Cost
PRA ⁷ Administration Cost ⁸	-	\$5,193

⁶ 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 hourly cost figure comes from the FERC Full-Time Equivalent (FTE) average salary plus benefits (\$149,489/year) for 2015. The Commission believes the FERC FTE average salary plus benefits to be representative of wages for industry respondents.

⁷ Paperwork Reduction Act of 1995 (PRA).

⁸ The PRA Administration Cost is \$5,193, and includes preparing supporting statements, notices, and other

Data Processing and Analysis	0.3	\$44,847
FERC Total		\$50,040

The Commission bases its estimate of the “Data Processing and Analysis” cost to the Federal Government on salaries and benefits for professional and clerical support. This estimated cost represents staff analysis, decision making, and review of any actual filings made in response to the information collection.

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

There is an overall decrease (from one to zero) in the number of respondents for the reinstatement of the obligation to purchase and for the reinstatement/termination of the obligation to sell. The regulations remain active and part of this OMB Control No., but staff does not expect any filings to be made in the next 3 years in those areas. (Question #12 shows 0 filings expected for those areas.)

Over the past three years, the Commission has received an average of 5 filings per year for the termination of the obligation to purchase, thus warranting the numbers seen in the tables above. The changes are due to normal business fluctuations in energy markets.

The following table shows the total burden of the new collection of information. The format, labels, and definitions of the table follow the ROCIS submission system’s “Information Collection Request Summary of Burden” for the metadata.

FERC-912	Total Request	Previously Approved	Change due to Adjustment in Estimate	Change Due to Agency Discretion
Annual Number of Responses	5	8	-3	0
Annual Time Burden (Hr.)	60	98	-38	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 metadata.

16. TIME SCHEDULE FOR PUBLICATION OF DATA

There are no tabulating, statistical or tabulating analysis or publication plans for the collection of information. The data are used for regulatory purposes only.

activities associated with Paperwork Reduction Act compliance.

17. DISPLAY OF EXPIRATION DATE

The OMB expiration dates are posted on <http://www.ferc.gov/docs-filing/info-collections.asp>.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions.