

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

Three-year approval of extension requested

The Federal Energy Regulatory Commission (FERC or Commission) requests that the Office of Management and Budget (OMB) review and approve the FERC-600 (Rules of Practice and Procedure: Complaint Procedures) information collection for a three-year period under OMB Control Number 1902-0180. The information collections requirements are contained in the Commission's regulations in 18 CFR Parts 343 and 385.206.

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The information is used by the Commission to implement the statutory provisions of the Federal Power Act (FPA)¹, the Natural Gas Act (NGA)², the Natural Gas Policy Act (NGPA)³, the Public Utility Regulatory Policies Act of 1978 (PURPA)⁴, the Interstate Commerce Act (ICA)⁵, the Outer Continental Shelf Lands Act⁶, and the Energy Policy Act of 2005⁷.

For the natural gas industry, Section 14(a) of the NGA⁸ 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.

For public utilities, Section 307(a) of the FPA⁹ 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 FPA¹⁰ 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.

1 16 USC 791a-825r

2 15 USC 717-717w

3 15 USC 3301-3432

4 16 USC 2601

5 49 App. USC 1 *et. seq.*

6 43 USC 1301-1356

7 (P.L. 109-58) 119 Stat. 594

8 15 USC 717m; accord 15 USC 717d.

9 16 USC 825f(a); accord 16 USC 824e.

10 16 USC 824o(d)(5).

For hydropower projects, Section 19 of the FPA¹¹ 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 PURPA¹² 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.

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 USC),¹³ the Commission is authorized to investigate the rates charged by oil pipeline companies subject to its jurisdiction. If such 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 ICA¹⁴ provides that any person can file a complaint complaining of anything done or omitted to be done by an oil pipeline.

In Order No. 602,¹⁵ 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 20-day time frame, and to provide that parties may employ various types of alternative dispute resolution procedures to resolve their disputes.

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

Complaints may be filed by interested/affected parties regarding oil, natural gas, electric and hydropower operations, facilities, and services. The data in complaints are used by the Commission in establishing a basis to make an initial determination regarding the merits of the complaint and whether or not to undertake further investigation or provide relief. Investigations may range from whether there is undue discrimination in rates or services to questions regarding

¹¹ 16 USC 812.

¹² 16 USC 824a-3(h)(2)(B).

¹³ 49 App. USC 1 *et seq* (1988).

¹⁴ *Id.* 13.

¹⁵ 64 FR 17087 (April 8, 1999)

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 help the Commission and interested parties to monitor, e.g., the market for undue discrimination or exercises of market power. The information submitted 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 385.206.

If the FERC-600 information was not required, the Commission would be unable to efficiently evaluate and react to a variety of public/industry concerns within the Commission’s jurisdiction.

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

The reporting requirements for persons filing complaints were created to reflect the Commission’s commitment to using information technology to both reduce the burden on reporting entities and to increase the usefulness of the data reported. Complainants thus may submit their complaints electronically through the Commission’s eFiling system.

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.

Commission 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. There are no similar sources of information available that can be used or modified for use for the purpose described in Item 1. Each complaint contains information specific to the situation and time.

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

Large businesses -- as well as some small businesses and individuals -- may be affected by the FERC-600 reporting/data requirements; these filing requirements pertain to all complaint filings as indicated in Item 1. The Commission's regulations impact the day-to-day operations of shippers, the general public, major and non-major oil and natural gas pipelines, electric and hydroelectric companies. Specific efforts (such as the Enforcement Hotline and Dispute Resolution Service) have been made by the Commission to minimize the burden imposed on the general public, shippers, and jurisdictional companies.

The FERC-600 data requirements were designed to further the goals of promoting early resolution of contested matters and complaints by focusing on consensual decision making,

administrative dispute resolution and expeditious decision making. In addition, the Commission has instituted procedures for resolving complaints involving small claims where the amount in controversy is less than \$100,000 and the impact on other parties is minimal in order to reduce where possible the burden imposed on small businesses.

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

The Commission receives complaint information under FERC-600 on an ongoing basis. The Commission has not prescribed the frequency for filing complaints. They are received as voluntary filings by parties as events occur and at times where disputes cannot be resolved among the parties. These filings are made to the Commission to resolve these differences.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

There are no special circumstances related to the information collection.

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

In accordance with OMB requirements, the Commission published a 60-day notice¹⁶ and a 30-day notice¹⁷ to the public regarding this information collection on 3/23/2017 and 5/26/2017 respectively. Within the public notices, the Commission noted that it would be requesting a three-year extension of the public reporting burden. The Commission received no comments from the public regarding this information collection.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

There are no payments or gifts to respondents in the FERC Form 600 requirements.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The Commission generally does not consider the data filed in complaint filings to be confidential. A complainant nevertheless may request privileged treatment of information contained in a complaint to the extent permitted by law and pursuant to 18 CFR Section 388.112 of the Commission's regulations.

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

¹⁶ 82 FR 14893

¹⁷ 82 FR 24336

CONSIDERED PRIVATE

There are no questions of a sensitive nature associated with the FERC-600 reporting requirements.

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The Commission estimates the Public Reporting burden for the FERC-600 information collection as follows:

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	Number of Respondents (1)	Annual Number of Responses per Respondent (2)	Total Number of Responses (1)*(2)=(3)	Average Burden & Cost Per Response¹⁸ (4)	Total Annual Burden & Total Annual Cost (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)
FERC-600	62	1	62	160 hrs.; \$12,240	9,920 hrs.; \$758,880	\$12,240

This burden estimate comprises the entirety of the FERC-600 information collection burden. The total annual burden (9,920 hours) includes all of the ongoing burden for this collection.

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There are no capital or start-up costs associated with this collection. All of the costs are associated with the burden hours and accounted for in Question #12.

14. ESTIMATE OF THE TOTAL ANNUAL COST TO FEDERAL GOVERNMENT

	Number of Employees (FTE)	Estimated Annual Federal Cost
Analysis and Processing of filings ¹⁹	4	\$635,016
PRA ²⁰ Administrative Cost ²¹		\$5,723
FERC Total		\$640,739

The Commission bases its estimate of the “Analysis and Processing of filings” cost to the Federal Government on salaries and benefits for professional and clerical support. This

18 Commission staff thinks that respondents to the collection are similarly situated in terms of salary and benefits. \$76.50/hour is the average of the salary plus benefits for FERC employees for 2017.

19 Based upon 2017 FTE average salary plus benefits (\$158,754)

20 Paperwork Reduction Act of 1995 (PRA)

21 The PRA Administrative Cost is the average annual FERC cost associated with preparing, issuing, and submitting materials necessary to comply with the PRA for rulemakings, orders, or any other vehicle used to create, modify, extend, or discontinue an information collection. It also includes the cost of publishing the necessary notices in the Federal Register.

estimated cost represents staff analysis, decision-making, and review of any actual filings submitted in response to the information collection.

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

There are no program changes or revisions to FERC-600 reporting requirements.

The following table shows the burden. The table reflects format used in reginfo.gov and ROCIS.

	Total Request	Previously Approved	Change due to Adjustment in Estimate	Change Due to Agency Discretion
Annual Number of Responses	62	62	0	0
Annual Time Burden (Hr)	9,920	9,920	0	0
Annual Cost Burden (\$)	0	0	0	0

16. TIME SCHEDULE FOR THE PUBLICATION OF DATA

There are no tabulations, statistical analysis, or publications of information planned for the FERC-600 information collection. The Commission intends to use the data for regulatory purposes only.

17. DISPLAY OF EXPIRATION DATE

The expiration date is displayed in a table posted on ferc.gov at <http://www.ferc.gov/docs-filing/info-collections.asp>. The reporting requirements under FERC-600 are based on regulations and are not filed on formatted/printed forms. Thus, there is no data instrument on which to display an OMB expiration date.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

The Commission will not be using statistical survey methodology for this information collection.