

reliance on Order No. 2000 for approving the JDA's disparate treatment and responding to Orangeburg's overlapping Federal Power Act, preemption, and Commerce Clause arguments was untenable for a number of reasons.¹⁶ The court concluded that because the Commission [has not] offer[ed] a valid reason for the disparity, the court could not affirm [the Commission's] approval of the JDA provisions that establish disparate treatment of native-load and non-native-load wholesale customers, and incorporates [the North Carolina Commission's] potentially unlawful regulatory regime.¹⁷ Accordingly, the court vacated in part the JDA Orders and remanded the matter to the Commission for further explanation regarding its approval of the JDA.¹⁸

II. Discussion

6. We establish a briefing schedule to allow the parties and other interested persons to address the two issues noted below that the D.C. Circuit raised in its decision. Further briefing on these issues will help develop a better record for the Commission to respond to the court's directive to reconsider these issues.

7. We request briefing on the following issues, in particular:

(a) Is the JDA's disparate treatment of native and non-native load wholesale customers unduly discriminatory or preferential? In answering this question, please address the following:

(i) Explain why the JDA treats native and non-native load wholesale customers disparately and whether the differences between these customers justify the disparate treatment.

(ii) Specify in detail the contractual provisions in current or future wholesale contracts that would qualify a wholesale customer for native load treatment under the JDA,¹⁹ as well as any contractual provisions that would disqualify a wholesale customer for native load treatment under the JDA.

(iii) Explain why wholesale sales between Duke Energy Carolinas and CP&L are excluded from the definition

of non-native load sales and how the JDA would treat such a sale between the utilities.

(b) Do the North Carolina Commission's regulatory conditions²⁰ impermissibly interfere with this Commission's jurisdiction over wholesale ratemaking, in violation of the Federal Power Act²¹ or the Commerce Clause of the United States Constitution?²²

8. We require Duke Energy Carolinas and CP&L to submit—and others may submit—initial briefs on or before 45 days from the date of this order. Reply briefs must be submitted on or before 30 days following the due date of the initial briefs. Any person who is not currently a party to the proceeding and who wishes to submit a brief must file a notice of intervention or motion to intervene, as appropriate.

The Commission Orders

(A) Duke Energy Carolinas and CP&L are required to submit, and other parties are hereby permitted to submit initial briefs on or before forty-five (45) days of the date of this order, as discussed in the body of this order.

(B) Parties are hereby permitted to file reply briefs on or before thirty (30) days of the date of filing of initial briefs.

(C) All interested persons who wish to submit briefs but that are not currently parties to Docket Nos. ER12–1338–003 or ER12–1347–004 may submit notices of intervention or motions to intervene, as appropriate, within 21 days of the date of this order. The briefing schedule described in Ordering Paragraphs (A) and (B) will apply to such persons.

(D) The Secretary is hereby directed to publish this order in the **Federal Register**.

By the Commission.

Issued: May 10, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–10402 Filed 5–15–18; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD18–4–000]

Commission Information Collection Activities (FERC–725G); Comment Request; Revision

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of revised information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comments on revisions to the information collection, FERC–725G (Reliability Standards for the Bulk Power System: PRC Reliability Standards) in Docket No. RD18–4–000 and will be submitting FERC–725G to the Office of Management and Budget (OMB) for review of the information collection requirements.

DATES: Comments on the collection of information are due July 16, 2018.

ADDRESSES: You may submit comments identified by Docket No. RD18–4–000 by either of the following methods:

- *eFiling at Commission's Website:*
<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 email 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 CONTACT:

Ellen Brown may be reached by email at DataClearance@FERC.gov, telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–725G, Reliability Standards for the Bulk Power System: PRC Reliability Standards.

OMB Control No.: 1902–0252.

Type of Request: Revision of FERC–725G information collection requirements.

¹⁶ *Id.* at 1085–1087.

¹⁷ *Id.* at 1087.

¹⁸ *Id.*

¹⁹ The JDA provides that Native Load Customers include wholesale customers that have native load served by Duke Energy Carolinas or CP&L, for which Duke Energy Carolinas or CP&L has an obligation pursuant to current or future wholesale contracts, for the length of such contracts, to engage in planning and to sell and deliver electric capacity and energy in a manner comparable to the [utilities'] service to its Retail Native Load Customers. Duke Energy Carolinas, FERC Electric Tariff, Rate Schedule No. 341 at Article I, Definitions.

²⁰ Here, we are referring to the regulatory conditions that were in section 3.2 (c)(ii)–(iv) of the JDA, which the JDA Order required be removed.

²¹ 16 U.S.C. 824e(a) (2012); *see, e.g., Nantahala Power and Light Company v. Thornburg*, 476 U.S. 953 (1986); *Mississippi Power & Light Company v. Mississippi ex rel. Moore*, 487 US 354 (1988).

²² U.S. Const. art. 1, 8, cl. 3; *see, e.g., New England Power Company*, 455 U.S. 331 (1982).

Abstract: The information collected by the FERC-725G is required to implement the statutory provisions of section 215 of the Federal Power Act (FPA) (16 U.S.C. 824o). Section 215 of the FPA buttresses the Commission's efforts to strengthen the reliability of the interstate grid.

On March 16, 2018, the North American Electric Reliability Corporation (NERC, the Commission-approved ERO) submitted for Commission approval proposed Reliability Standard PRC-025-2, Generator Relay Loadability. The PRC-025-2 Reliability Standard addresses setting load-responsive protective relays associated with generation facilities at a level to prevent unnecessary tripping of generators during a system disturbance for conditions that do not pose a risk of

damage to the associated equipment. Proposed Reliability Standard PRC-025-2 improves upon currently-effective Reliability Standard PRC-025-1 by addressing certain relay setting application issues and by clarifying certain terminology and references. NERC requested that the Commission approve the proposed Reliability Standard and find that the proposed standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. NERC also requested that the Commission approve: (i) The associated Violation Risk Factors (VRFs) and Violation Severity Levels (VSLs), which remain unchanged from PRC-025-1; and (iii) the retirement of currently-effective Reliability Standard PRC-025-1.

NERC proposed that PRC-025-2 shall become effective on the first day of the first calendar quarter after the effective date of the applicable governmental authority's order approving the standard. NERC's Implementation Plan proposed phased-in compliance dates after the effective date of Reliability Standard PRC-025-2.¹

On May 2, 2018, the Commission approved Reliability Standard PRC-025-2 and the retirement of PRC-025-1.

Type of Respondents: Generator Owner (GO), Transmission Owner (TO), and Distribution Provider (DP).

*Estimate of Annual Burden*²: Details follow on the changes in Docket No. RD18-4-000 to FERC-725G.

FERC-725G, MANDATORY RELIABILITY STANDARD PRC-025-2, IN DOCKET NO. RD18-4-000

Entity	Number of respondents ³	Annual number of responses per respondent	Annual number of responses	Average burden hours and cost per response ⁴ (\$)	Total annual burden hours and total annual cost (\$)	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) = (6)
(One-time) Review & documentation of relay settings to ensure compliance.	994 GO/TO/DP ...	1	994	20 hrs.; \$1,298.20	19,880 hours; \$1,290,410.80.	\$1,298.20
(On-going) Record Retention (of compliance records for R1 and M1, for 3 years or until mitigation complete).	994 GO/TO/DP ...	1	994	2 hrs.; \$62.32	1,988 hours; \$61,946.08.	\$62.32

FERC-725G, MANDATORY RELIABILITY STANDARD PRC-025-1, RETIREMENT IN DOCKET NO. RD18-4-000

Entity	Number of respondents	Annual number of responses per respondent	Annual number of responses	Average burden hours and cost ⁵ (\$)	Total annual burden hours and total annual cost (\$)	Cost per respondent ⁶ (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) = (6)
(One-time) Review & documentation of relay settings to ensure compliance, (reduction).	1,019 GO/DP/TO.	1	1,019	20 hrs.; \$1,192.40 (reduction).	20,380 hours; \$1,215,055.60 (reduction).	\$1,192.40 (reduction).
(On-going) Record Retention (of compliance records for R1 and M1, for 3 years or until mitigation complete) (reduction).	1,019 GO/DP/TO.	1	1,019	2 hrs.; \$57.90 (reduction).	2,038 hours; \$59,000.10 (reduction).	\$57.90 (reduction).

¹ See NERC's Implementation Plan at https://www.nerc.com/pa/Stand/Project%20201604%20Modifications%20to%20PRC0251%20DL/Project_2016_04_Implementation_Plan_Clean_01092018.pdf.

² Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or 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.

³ According to the NERC compliance registry as of March 9, 2018, NERC has registered 415 distribution providers (DP), 985 generator owners (GO) and 336 transmission owners (TO). However, under NERC's compliance registration program, entities may be registered for multiple functions, so

these numbers incorporate some double counting. The number of unique entities responding will be approximately 994 entities registered as a transmission owner, a distribution provider, or a generator owner that is also a transmission owner and/or a distribution owner. This estimate assumes all of the unique entities apply load-responsive protective relays.

⁴ The hourly cost (for salary plus benefits) uses the figures from the Bureau of Labor Statistics, May 2017, for two positions involved in the reporting and recordkeeping requirements. These figures include salary (https://www.bls.gov/oes/current/naics2_22.htm) benefits <http://www.bls.gov/news.release/ecec.nr0.htm> and are: Engineer: \$64.91/hour, and File Clerk: \$31.16/hour. Hourly cost for the engineer are used for the one-time costs, and hourly cost for the file clerk are used for the ongoing record retention.

⁵ GO = Generator Owner, DP = Distribution Provider, TO = Transmission Owner, each of which applies load-responsive protective relays at the terminals of the Elements listed in the proposed standard at section 3.2 (Facilities).

⁶ The estimated hourly costs (salary plus benefits) are based on Bureau of Labor Statistics (BLS) information May 2014, (at http://bls.gov/oes/current/naics3_221000.htm#17-0000) for an electrical engineer (\$59.62/hour for review and documentation), and for a file clerk (\$28.95/hour for record retention). Those figures (and the number of respondents) were used when the standard was approved and added to the OMB inventory. Hourly cost for the engineer are used for the one-time costs, and hourly cost for the file clerk are used for the ongoing record retention.

Net Effect to Burden for FERC-725G: Due to the retirement of PRC-025-1 and implementation of PRC-025-2, the number of respondents is reduced by 25, and the number of annual burden hours is reduced by 550 hours. (The net changes are due to a change in the number of affected entities on the NERC Registry.) The burden per respondent for PRC-025-2 remains 22 hours (total for both one-time and ongoing burden, similar to the now-retired PRC-025-1).

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.

Dated: May 9, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018-10443 Filed 5-15-18; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18-477-000]

Notice of Application: UGI Central Penn Gas, Inc. and UGI Utilities, Inc.

Take notice that on May 2, 2018, UGI Central Penn Gas, Inc. (CPG), and UGI Utilities, Inc. (UGIU) (collectively, Applicants), both wholly-owned direct subsidiaries of UGI Corporation and both currently located at 2525 N. 12th Street, Reading, Pennsylvania 19605, filed in Docket No. CP18-477-000 an application pursuant to sections 7(b) and 7(f) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations. Specifically, the Applicants request: (i) Authority to abandon certain limited jurisdiction certificates for transportation services held by CPG pertaining to its Maryland local gas distribution system located in Maryland and Pennsylvania; and (ii) for transfer of CPG's service area determination to UGIU. The Applicants state that the requested authorizations are required to implement aspects of the pending transfer of the local natural gas

distribution assets from CPG into UGIU pursuant to a corporate merger, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at <http://www.ferc.gov> using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this application should be directed to Frank Merkle, Senior Counsel, UGI Corporation, Box 858, Valley Forge, Pennsylvania 19482; or by email at marklef@ugicorp.com.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the

proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern time on May 31, 2018.

Dated: May 10, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018-10400 Filed 5-15-18; 8:45 am]

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