

Supporting Statement for
**FERC-915, Public Utility Market-Based Rate Authorization Holders-Records
Retention Requirements**

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve FERC- 915, Public Utility Market-Based Rate Authorization Holders - Records Retention Requirements, for a three-year period. FERC-915 (OMB Control No. 1902-0250) is an existing Commission data collection (filing requirements) as stated in 18 Code of Federal Regulation (CFR) 35.41(d).

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

The use of FERC-915 is necessary to ensure consistency with the Commission rule prohibiting market manipulation and the generally applicable five-year statute of limitations where the Commission seeks civil penalties for violations of the anti-manipulation rules or other rules, regulations, or orders to which the price information may be relevant.

The Federal Power Act (FPA), the Department of Energy Organization Act (DOE Act), and the Energy Policy Act of 2005 (EPAct 2005), the Commission regulates the transmission and wholesale sales of electricity in interstate commerce, monitors and investigates energy markets, uses civil penalties and other means against energy organizations and individuals who violate Commission rules in the energy markets, and administers accounting and financial reporting regulations and oversees conduct of regulated companies.

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

The Commission is required under legislation to monitor and enforce civil penalties in wholesale jurisdictional markets and maintain the integrity of the market.

The required information must be collected in order for the Commission to accomplish its

mission per the requirements in 18 CFR 35.41(d), which directs the Commission to impose record-retention requirements on all sellers to retain, for a period of five years, all information upon which they bill their prices charged for electric energy or electric energy products sold pursuant to their market-based rate tariff and the prices reported for use in price indices.

The consequences of not collecting the information would cause failure to the mission mandated in 18 CFR 35.41(d).

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

The Commission implemented the capability and requirement for filing FERC-915 in various formats including the capability of electronic filing via [eFiling](#) on FERC's webpage. Entities are encouraged to retain records in an electronic format thereby reducing the burden of storage costs.

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 duplication. No duplication of the FERC-915 information collection requirements has been found. In addition, the changes to filing requirements discussed herein are required by Congress.

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

The Commission encourages both large and small entities to store records in electronic format thereby reducing physical space needed for storage. Any benefit of reduced necessary space is experienced by both large and small entities.

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

The Commission cannot conduct this information collection less frequently. If entities did not retain these records, the Commission would be unable to accomplish its mission per the requirements in 18 CFR 35.41(d).

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

There is one special circumstance related to this information collection. OMB's guidelines at 5 CFR 1320.5(d)(2)(iv) direct that agencies should not require respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years. The Commission is requiring that respondents retain records for a period of five years. This is necessary to ensure consistency with the EPOA 2005 anti-manipulation provisions and the generally applicable five-year statute of limitations where the Commission seeks civil penalties for violations of the anti-manipulation rules or other rules, regulations, or orders to which the price information may be relevant.

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

In accordance with OMB requirements¹, the Commission published a 60-day notice² and a 30-day notice³ to the public regarding this information collection on 2/20/2019 and 4/12/2019 respectively.

On 4/12/2019, the Commission published a 30-day public notice regarding the extension of information collection FERC-915. The 30-day notice was issued in error and was rescinded.⁴

Within the 60-day public notice issued on 2/20/2019, 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.

¹ 5 CFR 1320.8(d)

² 84 FR 5076

³ 84 FR 4055

⁴ 84 FR 16483

A 30-day notice was published on 4/29/2019.⁵

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

There are no payments or gifts to respondents associated with the FERC-915 information collection.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

In general, for all submittals to the Commission, filers may submit specific requests for confidential treatment to the extent permitted by law; details are available in 18 CFR §388.112. 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 a sensitive nature in the reporting or recordkeeping requirements of the FERC-915 information collection

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The Commission estimates the annual burden⁶ and cost⁷ for this information collection as:

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⁶ 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 CFR 1320.3.

⁷ The estimated hourly cost (for wages plus benefits) provided in this section are based on the figures posted by the Bureau of Labor Statistics (BLS) for the Utilities section available (at https://www.bls.gov/oes/current/naics2_22.htm) and benefits information (for December 2017, issued March 20, 2018, at <https://www.bls.gov/news.release/ecec.nr0.htm>). The hourly estimates for salary plus benefits are:

File Clerk (Occupation code: 43-4071), \$33.39 an hour. We are rounding the hourly cost to \$33.00.

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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 Response (4)	Total Annual Burden Hours & Total Annual Cost (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)
Electric Utilities with Market-Based Rate Authority (paper and electronic storage)	2,510	1	2,510	1 hr.; \$33.00	2,510 hrs.; \$82,830	\$33.00
TOTAL			2,510		2,510 hrs; \$82,830	

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

In addition to the burden and cost for labor (discussed in Question 12), there are records storage costs⁸ associated with this collection. For all respondents, we estimate a total of 65,000 cu. ft. of records in off-site storage. Based on an approximate storage cost of

⁸FERC currently pays the following for federal records storage on a monthly basis: Washington National Records Centers and Iron mountain.

\$0.24 per cubic foot, we estimate total storage cost to be \$15,600.⁹ (or \$6.22 annually per respondent).

All of the costs associated with burden hours are described in Questions #12 and #15 in this supporting statement.

14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

The estimate of the cost for analysis and processing of filings is based on salaries and benefits for professional and clerical support. This estimated cost represents staff analysis, decision-making, and review of any actual filings submitted in response to the information collection.

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.

	Number of Employees (FTEs)	Estimated Annual Federal Cost
PRA Administration Cost		\$4,931
Analysis and Processing of filings	0	0
FERC Total		\$4,931

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

The number of responses has increased based on the number of companies that apply to and are approved by the Commission to sell under market-based rates and industry influx. The number of companies is based on a bi-monthly list of approved market-based rate holders. The number of companies has increased but the annual burden hours is reduced due to the electronic filing system used. This increase is driven by industry and does not

⁹ The large reduction associated with the record storage cubic footage in this collection is due to a decrease in the amount of space needed for electronic records compared to the amount of space needed for paper record. FERC also has a better estimate on the actual storage cost per cubic foot in 2019.

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change due to agency discretion.

The following table shows the total burden of the 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-915	Total Request	Previously Approved	Change due to Adjustment in Estimate	Change Due to Agency Discretion
Annual Number of Responses	2,510	1,955	555	0
Annual Time Burden (Hr)	2,510	2,933	-423	0
Annual Cost Burden (\$)	\$15,600	\$432,916	- \$417,316	\$0

16. TIME SCHEDULE FOR PUBLICATION OF DATA

There are no publications of the information.

17. DISPLAY OF EXPIRATION DATE

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

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions.