

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) Part 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).

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 60-day 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 require the filing. This is not a recurring collection. 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

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

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**

The Commission issued a 60-day Notice² in Docket No. IC19-10-000 on 12/31/2018. Due to the partial government shutdown (affecting the Federal Register), the 60-day Notice was not published in the Federal Register until 1/31/2019 (84 FR 700). No comments were received.

The 30-day Notice is being published in the Federal Register, providing another opportunity for the public to comment.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

There are no payments or gifts to 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.³

**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 questions are not sensitive in nature or private.

² The 60-day Notice was posted on 12/31/2018 in FERC's eLibrary at <https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=15131704>.

³ 18 CFR 388.112.

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The Commission estimates the annual burden and cost, as follows.⁴

FERC-912, PURPA SECTION 210(M) NOTIFICATION REQUIREMENTS APPLICABLE TO COGENERATION AND SMALL POWER PRODUCTION FACILITIES						
	Number of Respondents (1)	Number of Responses Per Respondent (2)	Total Number of Responses (1) x (2) = (3)	Average Burden Hrs. & Average Cost per Response (4)	Total Annual Burden Hrs. & Total Annual Cost (3) x (4) = (5)	Cost per Respondent (5) ÷ (1) = (6)
Termination of obligation to purchase	7	1	7	12 hrs.; \$948	84 hrs.; \$6,636	\$948
Reinstatement of obligations to purchase	0	0	0	0 hrs.; \$0	0 hrs.; \$0	\$0
Termination of obligation to sell	2	1	2	8 hrs.; \$632	16 hrs.; \$1,264	\$632
Reinstatement of obligation to sell	0	0	0	0 hrs.; \$0	0 hrs.; \$0	\$0
Total					100 hrs.; \$7,900	\$1,580

(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

⁴ The Commission staff believes the FERC FTE average salary plus benefits is representative of wages for the industry respondents. The FERC 2018 average salary plus benefits for one FERC FTE is \$164,820/year (or \$79.00/hour). (This is an update to the cost figures used in the 60-day Notice.)

	Number of Employees (FTEs)	Estimated Annual Federal Cost
PRA ⁵ Administration Cost		\$4,931
Data Processing and Analysis ⁶	0.3	\$49,446
FERC Total		\$54,377

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 actual filings.

The Paperwork Reduction Act (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.

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

Over the past three years, there have not been any filings for the reinstatement of the obligation to purchase and for the reinstatement 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 three years in those areas. (Question #12 shows zero filings expected for those areas.)

Over the past three years, the Commission has received a total average of 9 filings per year for the termination of the obligation to purchase and the termination of the obligation to sell, thus warranting the numbers seen in the tables. The changes are due to normal business fluctuations in energy markets.

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-912	Total Request	Previously Approved	Change due to Adjustment in Estimate	Change Due to Agency

⁵ Paperwork Reduction Act of 1995 (PRA).

⁶ The FERC 2018 average salary plus benefits for one FTE \$164,820/year (or \$79.00/hour).

				Discretion
Annual Number of Responses	9	5	+4	0
Annual Time Burden (Hr.)	100	60	+40	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.

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.