

FERC Form 549D (OMB Control No. 1902-0253)
Docket No. IC20-9-000
(updated 10/22/2020)

Supporting Statement
**FERC Form 549D: Quarterly Transportation and Storage Report for Intrastate
Natural Gas and Hinshaw Pipelines**

The Federal Energy Regulatory Commission (FERC or Commission) requests that the Office of Management and Budget (OMB) review and approve the FERC Form No. 549D (Quarterly Transportation and Storage Report for Intrastate Natural Gas and Hinshaw Pipelines) for a three year period under OMB Control Number 1902-0253. FERC-549D is an existing data collection.

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

The reporting requirements under FERC Form No. 549D¹ set forth the Commission's policies in accordance with the general authority in Section 1(c) of the Natural Gas Act (NGA)², and Section 311 of the Natural Gas Policy Act of 1978 (NGPA)³

Subpart C of the Commission's open access regulations⁴ implements the provisions of NGPA Section 311 concerning transportation by intrastate pipelines. 18 CFR Section 284.224 provides for the issuance of blanket certificates to Hinshaw pipelines to provide open access transportation service to the same extent and in the same manner as intrastate pipelines are authorized to perform such service by Subpart C. Further, the Commission finds that certain types of additional information should be published in order to enable shippers, other market participants and for the Commission to determine the extent to which particular transactions are comparable to one another (a prerequisite for determining the rights of similarly situated shippers and for detecting undue discrimination). The Commission has not imposed on intrastate pipelines all of the Part 284 requirements imposed on interstate pipelines⁵ to remain consistent with the NGPA's goal of encouraging intrastate pipelines to provide interstate service.

¹ 18 CFR 284.126

² 15 USC 717-817w

³ 15 USC 3301-3432

⁴ 18 CFR Part 284

⁵ Associated Gas Distributors v. FERC, 824 F.2d 981, 1002-1003 (D.C, Cir. 1987) (AGD); Mustang Energy Corp. v. Federal Energy Regulatory Commission, 859 F.2d 1447, 1457 (10th Cir. 1988), cert. denied, 490 U.S. 1019 (1988); see also EPGT Texas Pipeline, 99 FERC ¶ 61,295 (2002).

The requirement of Section 311 intrastate and Hinshaw pipelines to report this additional information concerning each transaction makes the reporting requirements for those pipelines more comparable to the transactional posting requirements for interstate pipelines. Section 284.13(b)(1) requires interstate pipelines to post similar information concerning contract rates, duration, receipt and delivery points, entitlements to service, and affiliate relationships.⁶ Most of the remaining information which Section 284.13(b) requires interstate pipelines to post is not required of Section 311 or Hinshaw pipelines to report.

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

This collection promotes transparency by collecting and making available intrastate and Hinshaw pipeline transactional information. The Commission collects the data upon a standardized form with all requirements outlined in 18 CFR 284.126.

The FERC Form No. 549D collects the following information:

- Full legal name and identification number of the shipper receiving service;
- Type of service performed for each transaction;
- The rate charged under each transaction;
- The primary receipt and delivery points for the transaction, specifying the rate schedule/name of service and docket were approved;
- The quantity of natural gas the shipper is entitled to transport, store, and deliver for each transaction;
- The term of the transaction, specifying the beginning and ending month and year of current agreement;
- Total volumes transported, stored, injected or withdrawn for the shipper; and
- Annual revenues received for each shipper excluding revenues from storage services.

Filers submit Form No. 549D on a quarterly basis. The implementation of these data requirements will help the Commission to carry out its responsibilities under both the NGA and the NGPA to monitor the activities and evaluate transactions of the natural gas industry to ensure competitiveness and to assure the improved efficiency of the industry's operations. The Commission's Office of Energy Market Regulation, Office of Enforcement, and the Office of the General Counsel will use the data in rate proceedings to review rate and tariff changes by natural gas companies for the transportation of gas, for general industry oversight, and to supplement the documentation used during the

⁶ See 18CFR 284.13(b)(1)(ii), (iv), (v), and (vii) and (2)(iv)(v)(vi) and (ix).

Commission's audit process.

The Commission would be unable to monitor and evaluate transactions and operations of interstate pipelines and perform its regulatory functions without collecting these data.

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

There is an ongoing effort to increase the use of improved information technology in order to reduce the compliance burden. The FERC No. 549D may be filed electronically through FERC's eFiling system.

In general, electronically filed forms and applications: (1) improve the efficiency and overall management of the filing process, (2) facilitate public access and the FERC's monitoring of the energy markets, and (3) enhance competition within industries (by providing the customers with electronic means of comparing the rates, terms and conditions, and other provisions applicable to the regulated entities).

The FERC Form No. 549D must be filed in either a standardized PDF or Extensible Markup Language (XML) format in order to minimize the burden upon respondents by use of a readily available format.

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 the renewal of OMB clearance expiration dates. This includes a review of the Commission's regulations and data requirements to identify any duplication. The Commission, in the Order on Rehearing (Order 735-A), addressed the issue of duplication of reporting requirements and contemporaneously began a rule making process that ultimately resulted in eliminating largely duplicative reporting requirements. To date, no duplication of the data requirements has been found. The Commission staff is continuously reviewing its various filings in an effort to alleviate duplication. There are no similar sources of information available that can be used or modified for use.

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

The Commission is not imposing on intrastate and Hinshaw pipelines the same reporting requirements as it imposes on interstate pipelines. FERC is not requiring the intrastate and Hinshaw pipelines to make daily postings of transactional information on their own websites. The Commission also recognizes that some respondents (with few transactions) may prefer to use PDF rather than XML. However, other respondents with a large number of transactions and experience with XML would probably prefer to use XML. As a result, the Commission will allow respondents to select the method of filing (XML or PDF) that is most appropriate to their circumstances.

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

By requiring Section 311 and Hinshaw pipelines to make quarterly transactional reports containing similar information to that reported by interstate pipelines, the Commission has sought to balance the benefits of increased transparency of intrastate and Hinshaw pipeline transactions with the interest in avoiding unduly burdensome requirements for those pipelines.

The quarterly response frequency of the 18 CFR 284.126(b) transactional reports by intrastate and Hinshaw pipelines provides shippers and the Commission with more timely and more useful information concerning the transactions entered into by Section 311 and Hinshaw pipelines.

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 notice⁷ and a 30-day notice⁸ in Docket No. IC20-9-000 to the public regarding this information

⁷ 85 FR 12281, March 2, 2020

⁸ 85 FR 27738, May 11, 2020

collection on March 2, 2020 and May 11, 2020 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 No. 549D requirements.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The Commission does not consider the information collected in FERC Form No. 549D filings to be confidential. There are no confidentiality provisions associated with the data requirements of FERC Form No. 549D.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE THAT ARE CONSIDERED PRIVATE.

There are no questions of a sensitive nature associated with the FERC Form No. 549D reporting requirements.

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The Commission estimates the annual public reporting burden⁹ and cost for the FERC Form No. 549D information collection as follows:

FERC-549D (Quarterly Transportation and Storage Report for Intrastate Natural Gas and Hinshaw Pipelines)

⁹ The Commission defines burden 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, reference 5 Code of Federal Regulations 1320.3.

	Average Annual Number of Respondents (1)	Average Annual Number of Responses per Respondent (2)	Average Annual Total Number of Responses (1)*(2)=(3)	Average Burden Hrs. & Cost (\$) Per Response (4)	Total Annual Burden Hours & Total Annual Cost (\$) (rounded) (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)
PDF and XML filings	120	4	480	12.5 hrs. \$1,133	6,000 hrs. \$543,840	\$4,532
TOTAL			480		6,000 hrs.; \$543,840	

This burden estimate comprises the entirety of the FERC Form No. 549D information collection burden. The total annual burden (6,000 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

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 collections.

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.

	Number of Employees (FTE)	Estimated Annual Federal Cost
Analysis and Processing of filings ¹⁰	1	\$167,091
PRA ¹¹ Administrative Cost		\$4,832
FERC Total		\$171,923

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

There have been two adjustments in the estimated annual burden.

First, the estimated number of respondents has increased from 109 to 120. That increase reflects the Commission’s recent experience with this information collection, and is likely due to an increase in Section 311 intrastate and Hinshaw pipelines that have come under FERC jurisdiction over the last three years. This adjustment results in an increase in the estimated number of responses from 436 to 480 annually.

Second, the Commission has adjusted the number of hours per response. Three years ago, the Commission estimated 10 hours per XML response and 12.5 hours per PDF response. The Commission has determined that either type of filing takes 12.5 hours per response, and has adjusted the hours per response accordingly, with appropriate adjustments in the total burdens.

The adjustments are summarized in the following table.

FERC Form No. 549D	Total Request	Previously Approved	Change due to Adjustment in Estimate	Change Due to Agency Discretion
Average Annual Number of Responses	480	436	+44	0
Average Annual Time Burden (Hr)	6,000	5,120	+880	0

16. TIME SCHEDULE FOR THE PUBLICATION OF DATA

10 Based upon 2019 FTE average salary plus benefits (\$167,091)

11 Paperwork Reduction Act of 1995 (PRA)

There are no publication plans for the collection of information. The data are used for regulatory purposes only.

17. DISPLAY OF EXPIRATION DATE

The Commission collects FERC Form 549D data on a standard, preprinted form which displays the expiration date in the upper right-hand portion of each page of the form.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions.