

FERC-600 (OMB Control No. 1902-0180)
Docket No. IC20-17-000

Supporting Statement
FERC-600: Rules of Practice and Procedure: Complaint Procedures
Request for Three-Year Extension

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

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

In accordance with 18 CFR 385.206, any person may file a complaint seeking Commission action against any other person alleged to be in violation of "any statute, rule, order, or other law administered by the Commission, or for any other alleged wrong over which the Commission may have jurisdiction." Regulations at 18 CFR Part 343 provide for additional procedures and information collection requirements for complaints and other filings that pertain to oil pipelines under the Interstate Commerce Act.

As discussed below, FERC-600 authorizes persons to file complaints that assist in the Commission's implementation of the Federal Power Act (FPA), the Public Utility Regulatory Policies Act (PURPA), the Natural Gas Act (NGA), the Natural Gas Policy Act (NGPA), and the Interstate Commerce Act (ICA).

FPA

Under section 19 of the FPA,¹ and as a condition of a hydropower license, the Commission may, upon complaint of any person aggrieved or upon its own initiative, exercise regulation and control over services, rates, and charges within a State if the State has not provided for such regulation and control. This authority endures only until the State has provided a commission or other authority for such regulation and control.

Section 206(a) of the FPA² authorizes the Commission to hold a hearing upon its own motion or upon complaint, in order to determine whether or not any of the following items pertaining to a public utility are unjust, unreasonable, unduly discriminatory, or preferential: (1) rate, (2) charge, (3) classification, (4) rule, (5) regulation, (6) practice, or (7) contract. A complaint or Commission motion submitted pursuant to section 206(a) must state the proposed change(s) and the reasons for such change(s).

¹ 16 U.S.C. 812.

² 16 U.S.C. 824e(a).

Section 215(d)(5) of the FPA³ provides that the Commission, upon its own motion or upon complaint, may order an 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 section 215.

Section 206 of the FPA⁴ provides that any person, electric utility, State, municipality, or State commission may complain of anything done or omitted to be done by any licensee, transmitting utility, or public utility in contravention of the FPA. Such filing shall briefly state the facts.

Section 307(a) of the FPA⁵ 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.

PURPA

Section 210(h)(2)(B) of PURPA⁶ 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.

NGA

Section 5(a) of the NGA⁷ authorizes the Commission to hold a hearing upon its own motion or upon complaint of any State, municipality, State commission, or gas distribution company. The purpose of such hearing is to determine whether or not any of the following items pertaining to a natural gas company are unjust, unreasonable, unduly discriminatory, or preferential: (1) rate, (2) charge, (3) classification, (4) rule, (5) regulation, (6) practice, or (7) contract.

Section 5(b) of the NGA⁸ provides that the Commission, upon its own motion or upon a request of a State commission, may investigate and determine the cost of the production or transportation by a natural gas company in cases where the Commission has no

3 16 U.S.C. 824o(d)(5).

4 16 U.S.C. 825e.

5 16 U.S.C. 825f(a).

6 16 U.S.C. 824a-3(h)(2)(B).

7 15 U.S.C. 717d(a).

8 15 U.S.C. 717d(b).

authority to establish a rate governing the transportation or sale by such natural gas company.

Section 13 of the NGA⁹ provides that any State, municipality, or State commission may complain of anything done or omitted to be done by any natural-gas company in contravention of the NGA. Such petition must briefly state the facts.

Section 14(a) of the NGA¹⁰ provides that the Commission may permit any person to file with it a statement in writing as to any or all facts and circumstances concerning a matter which may be the subject of an investigation.

NGPA

Section 311(b)(6) of the NGPA¹¹ provides that the Commission may, upon complaint of any interested person, terminate previously authorized sales of natural gas by an intrastate pipeline to an interstate pipeline or to a local distribution company served by an interstate pipeline. (Alternatively, the Commission may take such action upon its own initiative.)

ICA

The Hepburn Act of 1906 added oil pipelines to the list of “common carriers” that were regulated by the Interstate Commerce Commission (ICC). During the 1970s and 1980s, the enactment of a series of statutes resulted in the elimination of the ICC, and the transfer of some of the ICC’s responsibilities to the Commission. The Commission now has authority to regulate rates and services of oil pipelines.¹² The Commission implements that authority under the 1988 edition of the Interstate Commerce Act (ICA).¹³

Section 1(5)(a) of the ICA authorizes the Commission to regulate rates and charges of common carriers engaged in the transportation of oil, and requires the relevant rates and charges to be just and reasonable. Section 6 of the ICA governs the filing of tariffs by oil pipelines. Section 13 of the ICA provides that any person may file a complaint regarding anything done or omitted to be done by an oil pipeline. Section 15(7) of the ICA authorizes the Commission, upon complaint or upon its own motion, to investigate the rates charged by oil pipeline companies subject to its jurisdiction.

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

⁹ 15 U.S.C. 717l.

¹⁰ 15 U.S.C. 717m.

¹¹ 15 U.S.C. 3371(b)(6).

¹² See 49 U.S.C. 60502.

¹³ 49 App. U.S.C. 1, *et seq.*

Respondents provide the information in FERC-600 voluntarily. The information enables the Commission to evaluate efficiently, and take appropriate action on, a variety of public and industry concerns. Depending on the particular statutory provision involved, the Commission may use the information to determine whether or not to issue an order addressing the matters at issue, provide relief, undertake further investigation, hold a hearing, or refer the matter to a regulated entity.

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

Respondents may use the Commission's eFiling system to submit FERC-600 information electronically, reflecting the Commission's commitment to using information technology to minimize the burden on respondents and maximize the usefulness of the data reported. .

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 to the FERC-600 information that are available and that can be used or modified for use for the purpose described in Item 1. Each complaint contains information specific to the relevant factual 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 information reporting requirements. 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 Hotline¹⁴ and Dispute Resolution Service¹⁵) have been made by the Commission to minimize the burden imposed on the general public, shippers, and jurisdictional companies.

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

¹⁴ <https://www.ferc.gov/enforcement/enforce-hotline.asp>.

¹⁵ <https://www.ferc.gov/legal/adr.asp>.

to reduce where possible the burden imposed on small businesses.¹⁶

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

The Commission has not mandated the filing of complaints nor prescribed the frequency for filing complaints, which are made to resolve disputes between parties as may arise from time to time. They are received as voluntary filings made by parties as events occur and at times where the disputes cannot be resolved consensually.

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 notice (85 FR 23020) on April 24, 2020. The public comment period ended on June 23, 2020. 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 information filed in a complaint 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 CONSIDERED PRIVATE

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

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

¹⁶ <https://www.ferc.gov/legal/complaints/form-comp/simplified.asp>.

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

| FERC-600 (Rules of Practice and Procedure: Complaint Procedures) | | | | | | |
|---|--------------------------------------|--|--|--|--|---|
| | Number of Respondents (1) | Annual Number of Responses per Respondent (2) | Total Number of Responses (1)*(2)=(3) | Average Burden & Cost Per Response¹⁷ (4) | Total Annual Burden & Total Annual Cost (3)*(4)=(5) | Cost per Respondent (\$) (5)÷(1) |
| FERC-600 | 62 | 1 | 62 | 160 hrs.; \$12,800 | 9,920 hrs.; \$793,600 | \$12,800 |

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 ¹⁸ | 4 | \$668,364 |
| PRA ¹⁹ Administrative Cost ²⁰ | | \$4,832 |
| FERC Total | | \$673,196 |

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 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

¹⁷ The Commission staff thinks that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. Based upon the FERC’s 2019 average cost for salary plus benefits: \$167,091 per year and \$80 per hour.

¹⁸ Based upon Based upon the FERC’s 2019 average cost for salary plus benefits: \$167,091 per year.

¹⁹ Paperwork Reduction Act of 1995 (PRA)

²⁰ 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.

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.