

FERC-920 (Electric Quarterly Report [EQR], OMB Control No. 1902-0255)  
Order issued 6/18/2020, in Docket Nos. RM01-8-000, RM10-12-000, RM12-3-000  
RIN 1902-AF27  
(7/16/2020)

Supporting Statement for  
**FERC-920, Electric Quarterly Report (EQR),  
as modified in Docket Nos. RM01-8-000, RM10-12-000, RM12-3-000**

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve the FERC-920 [Electric Quarterly Report (EQR)] information collection as modified in Docket Nos. RM01-8-000, RM10-12-000, RM12-3-000 by Commission Order (issued 6/18/2020).<sup>1</sup> The FERC-920 is a current collection and its reporting requirements are contained in Title 18 Code of Federal Regulations (CFR) Part 35.

We are requesting the current OMB expiration date of 11/30/2022.

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

The Commission set forth the EQR filing requirements in Order No. 2001 (Docket No. RM01-8-000, issued April 25, 2002, at [http://elibrary.ferc.gov/idmws/search/intermediate.asp?link\\_file=yes&doclist=2270047](http://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=2270047)). Order No. 2001 required public utilities to electronically file EQRs summarizing transaction information for short-term and long-term cost-based sales and market-based rate sales and the contractual terms and conditions in their agreements for all jurisdictional services.<sup>2</sup> The Commission established the EQR reporting requirements to help ensure the collection of information needed to perform its regulatory functions over transmission and sales, while making data more useful to the public and allowing public

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<sup>1</sup> The Order is posted in FERC's eLibrary at <https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15560990>.

<sup>2</sup> *Revised Public Utility Filing Requirements*, Order No. 2001, 67 FR 31043 (May 8, 2002), FERC Stats. & Regs. ¶ 31,127, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 72 FR 56735 (Oct. 4, 2007), 120 FERC ¶ 61,270, *order on reh'g and clarification*, Order No. 2001-H, 73 FR 1876 (Jan. 10, 2008), 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, 73 FR 65526 (Nov. 4, 2008), 125 FERC ¶ 61,103 (2008).

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utilities to better fulfill their responsibility under FPA section 205(c) to have rates on file in a convenient form and place. As noted in Order No. 2001, the EQR data is designed to “provide greater price transparency, promote competition, enhance confidence in the fairness of the markets, and provide a better means to detect and discourage discriminatory practices.”

Since issuing Order No. 2001, the Commission has provided guidance and refined the reporting requirements, as necessary, to simplify the filing requirements and to reflect changes in the Commission’s rules and regulations. The Commission also adopted an Electric Quarterly Report Data Dictionary, which provides in one document the definitions of certain terms and values used in filing EQR data.<sup>3</sup>

To increase transparency broadly across all wholesale markets subject to the Commission’s jurisdiction, the Commission issued Order No. 768 in 2012.<sup>4</sup> Order No. 768 required market participants that are excluded from the Commission’s jurisdiction under the Federal Power Act section 205 (non-public utilities) and have more than a *de minimis* market presence to file EQRs with the Commission. In addition, Order No. 768 revised the EQR filing requirements to build upon the Commission’s prior improvements to the reporting requirements and further enhance the goals of providing greater price transparency, promoting competition, instilling confidence in the fairness of the markets, and providing a better means to detect and discourage anti-competitive, discriminatory, and manipulative practices.

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

EQR information allows the Commission and the public to gain a more complete picture of interstate wholesale electric power and transmission markets by providing information concerning price formation and market concentration in these markets. Public access to power sales and transmission-related information in the EQR improves market

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<sup>3</sup> Order No. 2001-G, 120 FERC ¶ 61,270 (2007).

<sup>4</sup> *Elec. Mkt. Transparency Provisions of Section 220 of the Federal Power Act*, Order No. 768, 77 FR 61895 (Oct. 11, 2012), 140 FERC ¶ 61,232 (2012), *order on reh’g*, Order No. 768-A, 143 FERC ¶ 61,054 (2013), *order on reh’g*, Order No. 768-B, 150 FERC ¶ 61,075 (2015).

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participants' ability to assess supply and demand fundamentals and to price interstate wholesale electric market transactions. This, in turn, results in greater market confidence, lower transaction costs, and ultimately supports competitive markets. In addition, the data filed in the EQR strengthens the Commission's ability to exercise its oversight and enforcement responsibilities of wholesale electric and electric power transmission rates in accordance with the Federal Power Act. Without this information, the Commission would lack some of the data it needs to examine and approve or modify electric rates. It also strengthens the Commission's ability to identify potential exercises of market power or manipulation and to better evaluate the competitiveness of interstate wholesale electric markets.

As part of the transmission-related information currently collected in the EQR, transmission providers are required to report information about reassignments of point-to-point transmission service. In Order No. 890, the Commission determined that requiring transmission providers to report information about transmission capacity reassignments in the EQR is vital to ensure effective monitoring and oversight of this secondary capacity market.<sup>5</sup> In Order No. 768, the Commission eliminated the requirement to report time zone information related to contracts reported in the EQR, while retaining the requirement to report time zone information with respect to the transactions reported in the EQR. By doing so, however, the Commission inadvertently eliminated the ability for transmission providers to report the necessary time zone information in connection with individual transmission capacity reassignments.<sup>6</sup> The current information collection reinstates the requirement for transmission providers to report time zone information with respect to their transmission capacity reassignments. This time zone information is necessary to accurately identify when a transmission capacity reassignment took place and ensure that complete information is captured for transmission capacity reassignments.

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<sup>5</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 72 FR 12265 (Mar. 15, 2007), 118 FERC ¶ 61,119, at PP 820-821, *order on reh'g*, Order No. 890-A, 73 FR 2983 (Jan. 16, 2008), 121 FERC ¶ 61,297 (2007), *order on reh'g*, Order No. 890-B, 73 FR 39091 (July 8, 2008), 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890-C, 74 FR 12540 (Mar. 25, 2009), 126 FERC ¶ 61,228, *order on clarification*, Order No. 890-D, 74 FR 61511 (Nov. 25, 2009), 129 FERC ¶ 61,126 (2009).

<sup>6</sup> Order No. 768, 77 FR 61895, 140 FERC ¶ 61,232 at P 121.

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

Order No. 2001 required public utilities to electronically file Electric Quarterly Reports. Electronically filed EQRs improve the efficiency, convenience, and overall management of the filing process, facilitate public access to wholesale contract information, and reduce the industry's burden and expense associated with reporting and reviewing electric transactions. In addition, in Order No. 770,<sup>7</sup> the Commission adopted a web-based approach to filing EQRs that allows a public or non-public utility to file an EQR directly through the Commission's website, either through a web interface or by submitting an Extensible Mark-Up Language-formatted file. By adopting Order No. 770's improvements to the filing process, the Commission eliminated the need for EQR sellers and agents to download software from the Commission's web site.

**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 Commission's filing 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.

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

For non-public utilities, the Commission has exempted those entities under the *de minimis* market presence threshold of 4,000,000 MWh or less of annual wholesale sales (based on an average of the wholesale sales it made in the preceding three years). This *de minimis* threshold therefore excludes small non-public utilities. If the reporting requirements present an undue burden on small businesses, the affected entity may seek a waiver of the EQR reporting requirements from the Commission.

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<sup>7</sup> *Revisions to Electric Quarterly Report Filing Process*, Order No. 770, FERC Stats. & Regs. ¶ 31,338 (2012).

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

If the collection were conducted less frequently, the Commission would have difficulty performing its mandated oversight and review responsibilities.

**7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION**

There are no special circumstances.

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

On September 22, 2016, the Commission issued a notice<sup>8</sup> seeking comments on proposed revisions and clarifications of certain EQR reporting requirements and corresponding updates to the EQR Data Dictionary. The Commission specifically sought comments on whether to require: (a) transmission providers to report ancillary services transaction data; (b) filers to submit into the FERC Tariff Reference fields in the EQR certain tariff-related information that they currently submit in the eTariff system; and (c) filers to submit time zone information in connection with transmission capacity reassignment transactions. The Commission also proposed to clarify how booked out transactions should be reported in the EQR. In addition, the Commission explained that, unlike the minor or non-material changes implemented in the June Order, the proposed revisions and clarifications in the September Notice may be more significant for EQR filers to implement.

FERC Proposal and Public Comments: The Commission proposed to require transmission providers to report ancillary services transaction data. Commenters generally opposed this proposal, arguing, among other things, that the proposed requirement would be too burdensome for filers and would not further the Commission's goals of price transparency.

<sup>8</sup> The Notice is posted in FERC's eLibrary at <https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=14360006>; the News Release is posted at <https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=14360077>.

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FERC Response: The Commission did not adopt the proposed requirement and found that the benefit from requiring transmission providers to report ancillary services transaction data would be outweighed by the burden of providing this information.

FERC Proposal and Public Comments: With respect to the Commission's proposal to require filers to input tariff information in the EQR that they currently report in the eTariff system, commenters argued that such a requirement would be costly and difficult to implement due to the need for new software and business practices.

FERC Response: The Commission did not adopt the proposed requirement and instead provided guidance on how tariff-related information should be reported in the EQR.

FERC Proposal and Public Comments: The Commission proposed to require time zone information to be submitted in connection with the transmission capacity reassignment information reported in the EQR. Commenters questioned the need for submitting time zone information.

FERC Response: The Commission adopted the proposal, explaining that the time zone information is necessary to accurately identify when a transmission capacity reassignment took place and ensure that complete information is captured for transmission capacity reassignments.

FERC Proposal and Public Comments: The Commission proposed to require booked out energy and booked out capacity to be reported separately in the EQR. Commenters generally opposed the proposal.

FERC Response: The Commission did not adopt the proposal. With respect to the examples of how booked out transactions should be reported in the EQR, certain commenters argued that the reporting in a manner consistent with the examples could result in costly and burdensome changes to sellers' trade capture systems. The Commission did not adopt the examples, but rather directed its staff to engage in further discussions with industry regarding booked out transactions at a future EQR Users Group meeting.

The Commission Order Revising and Clarifying Electric Quarterly Report Reporting Requirements was issued (in Docket Nos. RM01-8-000, RM10-12-000, RM12-3-000,

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and ER02-2001-000) on 6/18/2020. The Order is posted in eLibrary at  
<https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15560990> and was  
published in the Federal Register on 7/15/2020 (85 FR 42692).

**9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS**

The Commission does not make payments or provide gifts to respondents related to FERC-920.

**10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS**

The information contained in the FERC-920 is publicly available. However, the Commission will consider specific requests for confidential treatment (e.g. Critical Energy/Electric Infrastructure Information [CEII] or non-public) to the extent permitted by law.<sup>9</sup>

**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 that are considered private in FERC-920.

**12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION**

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<sup>9</sup> 18 C.F.R. §§ 388.112 and 388.113. More information on the CEII definition, program and requirements is posted at <http://www.ferc.gov/legal/ceii-foia/ceii.asp>.

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The estimated modifications to the burden and cost<sup>10</sup> for the reporting requirements follow.<sup>11</sup>

<b>Burden Changes Due to Commission Order on Electric Quarterly Report (FERC-920) Reporting Requirements</b>							
	Annual No. of Respondents	Annual No. of Responses Per Respondent	Annual Total No. of Responses	Average Hours per Response	Weighted Hourly Cost (\$) for Wages & Benefits	Total Annual Burden Hours	Total Annual Cost (\$) for Wages & Benefits
	(1)	(2)	(1) * (2) = (3)	(4)	(5)	(3) * (4) = (6)	(3) * (4) * (5) = (7)
<b>Initial One Time Costs</b>							
<b>Public Utilities</b>							
"Time Zone" Field in Contracts	31	1	31	13.0	\$78.48	403	\$31,625.67
<b>Non-Public Utilities</b>							
"Time Zone" Field in Contracts	3	1	3	13.0	\$78.48	39	\$3,060.55
<b>Ongoing Annual Costs</b>							
<b>Public Utilities</b>							
"Time Zone" Field in Contracts	31	4	124	0.5	\$78.48	62	\$4,865.49
<b>Non-Public Utilities</b>							
"Time Zone" Field in Contracts	3	4	12	0.5	\$78.48	6	\$470.85
Initial Hours/Costs Public Utilities						403	\$31,625.67
Initial Hours/Costs Non-Public Utilities						39	\$3,060.55
<b>Total Initial Hours/Costs</b>						<b>442</b>	<b>\$34,686.22</b>
Ongoing Hours/Costs Public Utilities						62	\$4,865.49
Ongoing Hours/Costs Non-Public Utilities						6	\$470.85
<b>Total Ongoing Hours/Costs</b>						<b>68</b>	<b>\$5,336.34</b>

<sup>10</sup> The estimated hourly costs (salary plus benefits) are based on the figures for May 2019 posted by the Bureau of Labor Statistics for the Utilities sector (available at [http://www.bls.gov/oes/current/naics2\\_22.htm](http://www.bls.gov/oes/current/naics2_22.htm)) and updated (for Dec 2019, issued March 19, 2020) for benefits information (at <http://www.bls.gov/news.release/ecec/nr0.htm>). The hourly estimates for salary plus benefits are: (a) Legal (code 23-0000), \$142.65; (b) Computer and mathematical (code 15-0000), \$64.69; (c) Computer and information systems manager (code 11-3021), \$101.58; (d) Information security analyst (code 15-1122), \$71.47; (e) Auditing and accounting (code 13-2011), \$56.66; and (f) Information and record clerk (43-4199), \$41.03. The percentage of time each skill set contributes is: legal, 12.5%; computer and mathematical, 37.5%; computer and information system managers, 16.7%; information security analysts, 12.5%; accountants and auditors, 12.5%; and information and record clerks, 8.3%. The corresponding estimated weighted hourly cost for wages and benefits is \$78.48.

<sup>11</sup> The burden and cost estimates below do not include burden and cost associated with transmission providers reporting ancillary services transaction data, reporting eTariff data in the EQR, and distinguishing between booked out transactions because the Commission is not adopting those proposed requirements in this order.



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The additional hours (442 in Year 1, and 68 each in Years 2 and 3) are being averaged over the 3-year period, giving an annual average increase of 192.67 hours  $([442+68+68]/3)$ . There is no change in the number of responses. [For ROCIS and reginfo.gov, the no. of responses is listed as 34 due to creating a separate IC.]

**13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS**

There are no costs which are not related to burden hours. Burden hour costs are explained in Questions 12 and 15.

**14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT**

The Commission bases its cost estimate of the “Analysis and Processing of filings” 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.

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.

The estimated annual federal cost related for FERC-920 follows:

	<b>Number of Employees (FTE)</b>	<b>Estimated Annual Federal Cost</b>
Analysis and Processing of filings <sup>12</sup>	10	\$1,723,290
PRA <sup>13</sup> Administrative Cost <sup>14</sup>		\$6,475
<b>FERC Total</b>		<b>\$1,729,765</b>

<sup>12</sup> Based upon FERC’s 2020 average salary plus benefits of one FTE (full-time equivalent) of \$172,329 per year.

<sup>13</sup> Paperwork Reduction Act of 1995 (PRA)

<sup>14</sup> Based upon FERC’s 2020 estimated average annual PRA Administrative Cost: \$6,475.

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

The following table shows estimated program increases due to this Commission order and reflects metadata used in ROCIS (and reginfo.gov). Note the additional burden is being averaged over Years 1-3 ( $([442+68+68]/3)$ ), giving an annual average of +193 hrs.); there is no increase in the number of responses.

*Note that there will be no additional responses from industry. However, because we have inserted a new IC in OMB’s ROCIS system for administrative purposes, it displays an additional 34 responses (shown in the table below).*

The time zone information that this current information collection requires transmission providers to report regarding transmission capacity reassignments is necessary to accurately identify when a transmission capacity reassignment took place and ensure that complete information is captured for transmission capacity reassignments.

	<b>Total Request</b>	<b>Previously Approved</b>	<b>Change due to Adjustment in Estimate</b>	<b>Change Due to Agency Discretion</b>
Annual Number of Responses	10,414	10,380	0	+34
Annual Time Burden (Hr.)	188,071 (rounded)	187,878	0	+193 (rounded)
Annual Cost Burden (\$)	0	0	0	0

**16. TIME SCHEDULE FOR PUBLICATION OF DATA**

There is no publication of data associated with FERC-920 information.

**17. DISPLAY OF EXPIRATION DATE**

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

**18. EXCEPTIONS TO THE CERTIFICATION STATEMENT**

There are no exceptions.