

Supporting Statement  
**FERC-917 (Electric Transmission Facilities) and FERC-918 (Standards for  
Business Practices and Communication Protocols for Public Utilities)**  
(Three-year approval for extension requested)

The Federal Energy Regulatory Commission (FERC or Commission) requests the Office of Management and Budget (OMB) extend its approval of the FERC-917 (Electric Transmission Facilities) and FERC-918 (Standards for Business Practices and Communication Protocols for Public Utilities), both collections under OMB Control Number (1902-0233), for an additional three years. The reporting requirements have not changed for these information collections.

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

The Commission has a statutory obligation under the Federal Power Act (FPA) to prevent unduly discriminatory practices in transmission access. Specifically, section 206 of the FPA obligates the Commission to remedy unjust and unreasonable, or unduly discriminatory or preferential, rates, terms, and conditions of transmission service.<sup>1</sup> Toward this goal, in its 1996 landmark Order No. 888,<sup>2</sup> the Commission implemented open access to transmission facilities owned, operated, or controlled by a public utility.

In Order No. 888, the Commission required public utility transmission providers to offer transmission service on an open and non-discriminatory basis pursuant to a pro forma Open Access Transmission Tariff (pro forma OATT) that sets forth the non-rate terms and conditions of transmission service that the Commission deemed necessary. The Commission also required public utility transmission providers to provide transmission customers with equal and timely access to transmission and ancillary service tariff information through Open Access Same-Time Information System (OASIS) website postings. The Commission found that transmission customers must have simultaneous access to the same information available to transmission providers if truly nondiscriminatory transmission

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<sup>1</sup> 16 U.S.C. 824e.

<sup>2</sup> *Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, 62 FR 12274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048 (1997), *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000) (*TAPS v. FERC*), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

services are to exist. In Order No. 889, the Commission adopted business practice standards and information requirements for OASIS. During their development, the Commission relied heavily on the assistance provided by all segments of the wholesale electric power industry and its customers in ad hoc working groups that offered consensus proposals for the Commission's consideration.

The Commission determined that more work was needed to remedy undue discrimination related to transmission service, leading to the issuance of Order No. 890<sup>3</sup>. The Commission found that the requirements in Order No. 890 were necessary to: (1) strengthen the pro forma OATT to ensure that it achieves its original purpose of remedying undue discrimination; (2) provide greater specificity to reduce opportunities for undue discrimination and facilitate the Commission's enforcement; and (3) increase transparency in the rules applicable to planning and use of the transmission system.

In Order Nos. 1000 and 1000-A<sup>4</sup>, the Commission addressed inadequacies in the Order No. 890 requirements to ensure that Commission-jurisdictional services are provided at just and reasonable rates and on a basis that is just and reasonable and not unduly discriminatory or preferential. Order 1000-A affirmed the Order No. 1000 transmission planning reforms that:

1. require that each public utility transmission provider participate in a regional transmission planning process that produces a regional transmission plan and that has
  - i. a regional cost allocation method for the cost of new transmission facilities selected in a regional transmission plan for purposes of cost allocation and
  - ii. an interregional cost allocation method for the cost of new transmission facilities that are located in two neighboring transmission planning regions and are jointly evaluated by the two regions in the interregional transmission coordination process required by this Final Rule.

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<sup>3</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 72 FR 12,266 (March 15, 2007), FERC Stats. & Regs. ¶ 31,241 (2007) (Order No. 890), order on reh'g, Order No. 890-A, 73 FR 2984 (Jan. 16, 2008), FERC Stats. & Regs. ¶ 31,261 (2007) (Order No. 890-A)

<sup>4</sup> *Transmission Planning and allocation* (quoting Order No. 1000, FERC Stats. & Regs. ¶ 31,323 76 FERC 49,842 (Aug. 11, 2011) and *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities* (quoting Order No. 1000-A) FERC Stats. & Regs. ¶ 61,132 (2012)

2. provide that local and regional transmission planning processes must provide an opportunity to identify and evaluate transmission needs driven by public policy requirements established by state or federal laws or regulations
3. improve coordination between neighboring transmission planning regions for new interregional transmission facilities; and
4. remove from Commission-approved tariffs and agreements a federal right of first refusal.

Additionally, Order 1000-A affirms the Order No. 1000 requirement that each cost allocation method must satisfy six cost allocation principles.

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

The information collected by the Commission on FERC-917 and FERC-918 requires that public utility transmission providers amend their OATTs at Schedule 3 (Regulation and Frequency Response Service) to explain how they will take into account the speed and accuracy of regulation resources in determining Regulation and Frequency Response reserve requirements. Each public utility's open access transmission tariff, at Schedule 3 – Regulation and Frequency Response Service, must include provisions explaining how it will determine its Regulation and Frequency Response reserve requirements.

These provisions must take into account speed and accuracy of regulation resources and include a description of how the public utility transmission provider would make adjustments to the capacity requirement when a customer opts to purchase from third-parties or self-supply its requirements using resources with speed and accuracy characteristics that differ from the set of resources otherwise being used for Regulation and Frequency Response Service.

OASIS website posting is ongoing and used by the public utility transmission providers and stakeholders to improve the processes of (1) planning transmission projects; (2) considering transmission needs driven by Public Policy Requirements; (3) determining possible alternatives that would be more efficient or cost effective; and (4) allocating costs of transmission projects among the beneficiaries of the projects.

The consequences of not collecting this information means the Commission would not be able to meet its statutory obligation under the Federal Power Act to ensure that Commission-jurisdictional services are provided at rates, terms and conditions that are just and reasonable and not unduly discriminatory or preferential and to prevent undue discrimination.

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

Some of the filings are efiled at FERC; other components are posted at each company's individual website. This allows those users to minimize their submission burden using electronic submission as opposed to more traditional means (e.g. mail, messenger-service). The Commission continually reevaluates the potential and value of improved information technology to reduce burden. The Tariff changes are efiled at FERC.

**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 is the only federal agency to regulate interstate electric power transmission; therefore, other agencies would not be expected to collect this tariff-specific information. There is no other known source for the information.

The Commission periodically reviews filing requirements concurrent with OMB review or as the Commission deems necessary to eliminate duplicative filing and to minimize the filing burden.

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

FERC-917 and FERC-918 data requires the pro forma tariff information be provided only once per utility. The collection of this data imposes the least possible burden for small and large entities while collecting the information required of FERC by statute.

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

The pro forma tariff information is provided only once per utility. FERC Form 917 and 918 data cannot be collected less frequently. If the collection were conducted less frequently, the Commission would be unable to perform its mandated oversight and review responsibilities with respect to electric market-based rates being just and reasonable.

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

There are no special circumstances related to FERC-917 or FERC-918.

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

In accordance with OMB requirements<sup>5</sup>, the Commission published a 60-day notice on 07/12/2021 (86 FR 36540) and a 30-day notice on 9/15/2021 (86 FR 51348) to the public regarding these information collections. 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 in response the 60-day notice regarding the renewal of FERC-917 (Electric Transmission Facilities) and FERC-918 (Standards for Business Practices and Communication Protocols for Public Utilities).

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

There are no payments or gifts to respondents associated with FERC-917 and FERC-918.

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

The Commission does not consider the information collected in FERC-917 and FERC-918 filings to be confidential.

If an entity chooses to seek confidential treatment of the information, it must submit a request for the Commission to treat this information as confidential and non-public, consistent with 18 CFR 388.112.

**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 reporting requirements for FERC-917 and FERC-918.

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

The FERC-917 and FERC-918 information collections are both approved under the OMB Control Number 1902-0233. The estimated annual public reporting

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<sup>5</sup> CFR 1320.8(d)

burden<sup>6</sup> and cost<sup>7</sup> for FERC-917 (requirements in 18 CFR 35.28) and FERC-918 (requirements in 18 CFR 37.6 and 37.7) are listed in the table below.

<b>FERC-917 (Electric Transmission Facilities) and FERC-918 (Standards for Business Practices and Communication Protocols for Public Utilities)</b>						
	<b>No. of Respondents (1)</b>	<b>Annual No. of Responses per Respondent (2)</b>	<b>Annual No. of Responses (1)*(2)=(3)</b>	<b>Average Annual Burden Hrs. &amp; Cost Per Response (4)</b>	<b>Total Average Annual Burden Hours &amp; Total Annual Cost (\$) (3)*(4)=(5)</b>	<b>Average Annual Cost per Respondent (\$) (5)÷(1)=(6)</b>
<b>18 CFR 35.28 (FERC-917)</b>						
Conforming tariff changes (Reporting)	20	1	20	20 hrs.; \$1,460.00	400 hrs.; \$29,200.00	\$1,460.00
Revision of Imbalance Charges (Reporting)	21	1	21	25 hrs.; \$1,825.00	525 hrs.; \$38,325.00	\$1,825.00
ATC revisions (Reporting)	11	1	11	20 hrs.; \$1,460.00	220 hrs.; \$16,060.00	\$1,460.00
Planning (Attachment K) (Reporting) <sup>8</sup>	162	1	162	100 hrs., \$7,300.00	16,200 hrs., \$1,182,600.00	\$7,300.00

<sup>6</sup> 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.

<sup>7</sup> The estimated hourly cost (salary plus benefits) provided in this section is based on the salary figures for March 2021 posted by the Bureau of Labor Statistics for the Utilities sector and benefits based on BLS report; issued June 17, 2021 Employer Costs for Employee Compensation Summary (available at <https://www.bls.gov/news.release/ecec.nr0.htm>). The hourly rates are displayed below:

Legal (Occupation Code: 23-0000): \$142.25  
 Management Analyst (Occupation Code: 13-1111): \$68.39  
 Office and Administrative Support (Occupation Code: 43-000): \$44.47  
 Electrical Engineer (Occupation Code: 17-2071): \$72.15  
 Information Security Analyst (Occupation Code: 15-1122): \$73.57  
 File Clerk (Occupation Code: 43-4071): \$35.83

The skill sets are assumed to contribute equally, so the hourly cost is an average [(\$142.25 + \$68.39 + \$44.47 + \$72.15 + \$73.57 + 35.83) ÷ 6 = \$72.78]. The figure is rounded to \$73.00 per hour.

<sup>8</sup> The increase in the number of responses from 134 (from OMB's currently approved inventory for FERC-917/918) to 162 is based on the increased number of companies subject to compliance

## FERC-917 and FERC-918 (OMB Control No. 1902-0233)

Congestion studies (Reporting)	162	1	162	300 hrs., \$21,900.00	48,600 hrs., \$3,547,800.00	\$21,900.00
Attestation of network resource commitment (Reporting)	162	1	162	1 hr., \$73.00	162 hrs., \$11,826.00	\$73.00
Capacity reassignment (Reporting)	162	1	162	100 hrs., \$7,300.00	16,200 hrs., \$1,182,600.00	\$7,300.00
Operational Penalty annual filing (Record Keeping) <sup>9</sup>	162	1	162	10 hrs., \$358.30	1,620 hrs., \$58,044.60	\$358.30
Creditworthiness – include criteria in the tariff <sup>10</sup> (Reporting)	0	0	0	0	0	0
<b>FERC-917, Sub-Total of Record Keeping Requirements</b>					1,620 hrs., \$58,044.60	
<b>FERC-917, Sub-Total of Reporting Requirements</b>					82,307 hrs., \$6,008,411.00	
<b>FERC-917 -- Sub Total of Reporting and Recordkeeping Requirements</b>					<b>83,927 hrs., \$6,066,455.60</b>	
<b>18 CFR 37.6 &amp; 37.7 (FERC-918)</b>						
Implementation by each utility <sup>8</sup> (Reporting) <sup>11</sup>	0	0	0	0	0	0

and changes in the last few years as identified by the NERC registry.

<sup>9</sup> While we are using the average hourly rate for the majority of the calculations, all recordkeeping tasks are solely completed by a file clerk at \$35.83/hour.

<sup>10</sup> The zeroes for respondents and responses are based on having no filings of this type over the past four years. In addition, we estimate no filings during the next three years. The requirements remain in the regulations and are included as part of OMB Control Number 1902-0233.

<sup>11</sup> ATC-related standards include: Implementation by each utility (Reporting), NERC/NAESB Team to develop (Reporting), and Review and comment by utility (Reporting).

## FERC-917 and FERC-918 (OMB Control No. 1902-0233)

NERC/NAESB Team to develop <sup>8</sup> (Reporting)	0	0	0	0	0	0
Review and comment by utility <sup>8</sup> (Reporting)	0	0	0	0	0	0
Mandatory data exchanges (Reporting)	162	1	162	80 hrs., \$5,840.00	12,960 hrs., \$946,080.00	\$5,840.00
Explanation of change of ATC values (Reporting)	162	1	162	100 hrs., \$7,300.00	16,200 hrs., \$1,182,600.00	\$7,300.00
Reevaluate CBM and post quarterly (Record Keeping)	162	1	162	20 hrs., \$716.60	3,240 hrs., \$116,089.20	\$716.60
Post OASIS metrics; requests accepted/denied (Reporting)	162	1	162	90 hrs., \$6,570.00	14,580 hrs., \$1,064,340.00	\$6,570.00
Post planning redispatch offers and reliability redispatch data (Record Keeping)	162	1	162	20 hrs., \$716.60	3,240 hrs., \$116,089.20	\$716.60
Post curtailment data (Reporting)	162	1	162	1 hr., \$73.00	162 hrs., \$11,826.00	\$73.00
Post Planning and System Impact Studies (Reporting)	162	1	162	5 hrs., \$365.00	810 hrs., \$59,130.00	\$365.00
Posting of metrics for System Impact Studies (Reporting)	162	1	162	100 hrs., \$7,300.00	16,200 hrs., \$1,182,600.00	\$7,300.00
Post all rules to OASIS (Record Keeping)	162	1	162	5 hrs., \$179.15	810 hrs., \$29,022.30	\$179.15
<b>FERC-918, Sub-Total of Record Keeping Requirements</b>					7,290 hrs., \$261,200.70	
<b>FERC-918</b>					60,912 hrs.,	

<b>Sub-Total of Reporting Requirements</b>					\$4,446,576.00	
<b>FERC-918 -- Sub Total of Reporting and Recordkeeping Requirements</b>					68,202 hrs., \$4,707,776.70	
<b>Total FERC-917 and FERC-918 (Reporting and Recordkeeping Requirements)</b>					<b>152,129 hrs., \$10,774,232.30</b>	

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

There are no non-labor start-up costs.

Total Capital and Start-up cost: \$0

Total Operation, Maintenance, and Purchase of Services: \$0

The last renewal of FERC-917/918 (ICR Ref. No. 201802-1902-002), included a \$7,400,000 cost for off-site storage facility for record keeping. This cost was not related to burden hours, rather an annual estimate of the fees related to offsite storage. This cost has been removed as all recordkeeping is retained electronically per 18 CFR §37.7(b) states: “Audit data must remain available for download on the OASIS for 90 days, except ATC/TTC postings that must remain available for download on the OASIS for 20 days.

All costs are related to burden hours and are addressed in Question #12 and #15.

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

The estimated annualized cost to the Federal Government for FERC-917 and FERC-918 is:

<b>FERC-917</b>	Number of Employees (FTEs)	Estimated Annual Federal Cost

Analysis and Processing of filings <sup>12</sup>	1	\$180,703
Paperwork Reduction Act Administrative Cost <sup>13</sup>		\$8,279
<b>TOTAL for FERC-917</b>		<b>\$188,982</b>
<b>FERC-918</b>	Number of Employees (FTEs)	Estimated Annual Federal Cost
Analysis and Processing of filings	1	\$180,703
Paperwork Reduction Act Administrative Cost		\$8,279
<b>TOTAL for FERC-918</b>		<b>\$188,982</b>
<b>TOTAL for FERC-917 and FERC-918</b>		<b>\$377,964</b>

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.

The PRA Administrative Cost is a Federal Cost associated with preparing, issuing, and submit-ting materials necessary to comply with the Paperwork Reduction Act (PRA) for rulemakings, orders, or any other vehicle used to create, modify, extend, or discontinue an information collection. This average annual cost includes requests for extensions, all associated rulemakings, other changes to the collection, and publications in the Federal Register.

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

As explained in sections 1 and 2 of this supporting statement, the requirements are not changing for FERC-917 and FERC-918 information collections. However, as explained below, there is a change in estimated burden due to an adjustment, and a change in estimated burden due to agency discretion.

<sup>12</sup> Based upon FERC’s 2021 FTE average annual salary plus benefits (\$180,703).

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

*Change Due to Adjustment in Estimate*

- (increase of 56 respondents and 27,241 burden hours): The increase in the number of respondents from 134 (from OMB's currently approved inventory for FERC-917/918) to 162 is based on the increased number of companies subject to compliance and changes in the last few years as identified by the NERC registry. The burden hours have increased accordingly.
- (decrease of \$7,400,000 cost): The last renewal of FERC-917/918 (ICR Ref. No. 201802-1902-002), included a \$7,400,000 cost for off-site storage facility for record keeping. This cost was not related to burden hours, rather an annual estimate of the fees related to offsite storage. This cost has been removed as all recordkeeping is retained electronically per 18 CFR §37.7(b) states: "Audit data must remain available for download on the OASIS for 90 days, except ATC/TTC postings that must remain available for download on the OASIS for 20 days. The audit data are to be retained and made available upon request for download for five years from the date when they are first posted in the same electronic form as used when they originally were posted on the OASIS." Therefore, there are no additional costs to account for outside of the table listed below.

<b>FERC-917 and FERC-918</b>	<b>Total Request</b>	<b>Previously Approved</b>	<b>Change due to Adjustment in Estimate</b>	<b>Program Change Due to Agency Discretion</b>
Annual Number of Responses	324	268	56	0
Annual Time Burden (Hr.)	152,129	124,888	27,241	0
Annual Cost Burden (\$)	\$0	\$7,400,000	-7,400,000	0

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

There is no publication of data associated with FERC-917 and FERC-918.

**17. DISPLAY OF EXPIRATION DATE**

FERC-917 and FERC-918 (OMB Control No. 1902-0233)

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The expiration dates are posted on ferc.gov at  
<https://www.ferc.gov/enforcement-legal/legal/information-collections>

**18. EXCEPTIONS TO THE CERTIFICATION STATEMENT**

There are no exceptions for FERC-917 nor FERC-918.