

Supporting Statement for
FERC-920, Electric Quarterly Report (EQR)¹

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)] for three years. The FERC-920 reporting requirements are not being changed and are contained in Title 18 Code of Federal Regulations (CFR) Part 35.

**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, available through the link at [Order No. 2001](#)). 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.² 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 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

¹ The activities in the instant Docket No. IC21-38-000 are separate from, and do not address, the activities in *Technical Conference on Reassessment of the Electric Quarterly Report Requirements*, Docket No. AD21-8-000 (technical conferences designed to provide a forum for Commission staff, filers, and data users to discuss potential changes to the current EQR data fields).

² *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).

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 the definitions of certain terms and values used in filing EQR data.³

To increase transparency broadly across all wholesale markets subject to the Commission’s jurisdiction, the Commission issued Order No. 768 in 2012.⁴ 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 that have more than a *de minimis*⁵ 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

The Federal Power Act provides that “every public utility shall file with the Commission, within such time and in such form as the Commission may designate, and shall keep open

³ Order No. 2001-G, 120 FERC ¶ 61,270 (2007). See the Data Dictionary at https://www.ferc.gov/sites/default/files/2020-11/Data_Dictionary_V3_5_Clean.pdf

⁴ *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).

⁵ 18 CFR § 35.10b(b) provides that the term “*de minimis* market presence” means “any non-public utility that makes 4,000,000 megawatt hours or less of annual wholesale sales, based on the average annual sales for resale over the preceding three years as published by the Energy Information Administration’s Form 861.”

in convenient form and place for public inspection schedules showing all rates and charges for any transmission or sale subject to the jurisdiction of the Commission, and the classification, practices, and regulations affecting such rates and charges, together with all contracts which in any manner affect or relate to such charges, classifications, and services.”⁶ The EQR is the reporting mechanism FERC uses for public utilities to fulfill their responsibility under section 205(c) of the Federal Power Act (FPA).

EQR data falls into four general categories: (1) Identification data that ensures that the filings are submitted by authorized personnel; (2) Contract data that outlines the necessary information about the contracts and any terms that relate to the rates and charges; (3) Transactional data provides the specific rates of the transactions, along with other critical information necessary for analysis of those rates; and (4) For a small subset of filers that report some or all of their data to price index reporters, data regarding the types of transactions that are reported. EQR data requirements are outlined in a Data Dictionary that is posted on FERC’s website. The EQR filing process is outlined in a Submission Guide that is also posted on FERC’s website.

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.⁷

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

⁶ 16 USC 824d

⁷ *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).

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. EQR information 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.

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 EQRs. 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. 770,⁸ 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 which includes both manual submission or uploading of comma separated variable (CSV files) 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.

Additional information is posted at <https://www.ferc.gov/power-sales-and-markets/electric-quarterly-reports-eqr>. It includes information on electronic filing on the EQR site, reference materials, the Data Dictionary, allowable entries for Hubs and Balancing Authority Areas, and all materials necessary for EQR filers to meet their reporting responsibilities.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION AND SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY

⁸ *Revisions to Electric Quarterly Report Filing Process*, Order No. 770, FERC Stats. & Regs. ¶ 31,338 (2012).

**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.

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

The quarterly information provides the Commission and the public with updated and timely information regarding a company's electric transactions. Quarterly filings allow for regular and consistent review of the market and strengthens the Commission's ability to ensure that public utility rates are just, reasonable, and not unduly discriminatory. 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**

Commission staff conducts regular outreach with the filing community. Outreach efforts range from assistance with required filings to researching more complex filer issues. Commission staff conducts EQR User Group meetings and/or Technical Conferences to

discuss various aspects of the EQR program. EQR meetings and technical conferences are generally attended by several hundred participants. The meetings and conferences promote dialog between staff and the filing community and raise attention to filer concerns.

The Commission published a 60-day notice in Docket No. IC21-38-000 in the Federal Register on September 24, 2021 (86 FR 53048). Public comments were due on November 23, 2021, and none were received.

The Commission issued a 30-day notice (6/10/2022)⁹ requesting public comment. The Notice will also be published in the Federal Register.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

The Commission does not make payments or provide gifts to respondents of the 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.¹⁰

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

⁹ The notice is posted in FERC's eLibrary in Docket No. IC21-38.

¹⁰ 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>.

The estimated burden¹¹ and cost¹² (rounded) for the reporting requirements follow.¹³

FERC-920: Electric Quarterly Report (EQR)						
Requirements	Number of Respondents	Average Annual Number of Responses per Respondent	Total Number of Responses	Average Annual Burden Hrs. & Cost Per Response	Total Average Annual Burden Hours & Total Annual Cost	Cost per Respondent (\$)
	1	2	(1)*(2)=(3)	4	(3)*(4)=(5)	(5)÷(1)
Electric Quarterly Report	2,929	4	11,716	18.1 \$1,575	212,060 \$18,452,700	\$6,300
Total					212,060 \$18,452,700	\$6,300

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

¹¹ Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, 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 Code of Federal Regulations 1320.3.

¹² The cost is based on FERC’s 2021 Commission-wide average salary cost (salary plus benefits) of \$87.00/hour. The Commission staff believes the FERC FTE (full-time equivalent) average cost for wages plus benefits is representative of the corresponding cost for the industry respondents.

¹³ The current OMB-approved inventory for FERC-920 includes a separate Information Collection (IC) labelled “Adding time zone (Order issued 6/18/2020), implementation & ongoing burden averaged over Years 1-3.” It covers 34 responses and 193 burden hours. The stand-alone IC and the related figures (averaged over three years) are being consolidated into the the overall estimates for the EQR.

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 (rounded) related for FERC-920 follows:

	Number of Employees (FTE)	Estimated Annual Federal Cost
Analysis and Processing of filings ¹⁴	3.5	\$632,461
PRA ¹⁵ Administrative Cost ¹⁶		\$8,279
FERC Total		\$640,740

¹⁴ Based upon FERC's 2021 average wages plus benefits of one FTE (full-time equivalent) of \$180,703/year (or \$87/hour).

¹⁵ Paperwork Reduction Act of 1995 (PRA).

¹⁶ Based upon FERC's 2021 estimated average annual PRA Administrative Cost of \$8,279.

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

There are no changes to the reporting requirements or filing frequency. However, there are increases (adjustments in the estimates) to include 2,929 filings each quarter (11,716 annually) and 212,060 annual burden hours due to normal industry fluctuations. (The figures are rounded.)

	Total Request	Previously Approved	Change due to Adjustment in Estimate	Change Due to Agency Discretion
Annual Number of Responses	11,716	10,414	+1,302	0
Annual Time Burden (Hr.)	212,060	188,071	+23,989	0
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

FERC provides the OMB Control Numbers of the information collections along with their expiration dates at www.ferc.gov/information-collections.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions.