

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. IC22-13-000]

COMMISSION INFORMATION COLLECTION ACTIVITIES (FERC-914)
COMMENT REQUEST; EXTENSION

(DATE)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collections and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-914 (Cogeneration and Small Power Production - Tariff Filings), which will be submitted to the Office of Management and Budget (OMB) for review.

The Commission published a 60-day notice in the Federal Register on May 2, 2022.¹ The Commission received no comments.

DATES: Comments on collections of information are due **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Send written comments on FERC-914 (IC22-13-000) to OMB through www.reginfo.gov/public/do/PRAMain, Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number 1902-0231 (Cogeneration and Small Power Production - Tariff Filings) in the subject line. Your

¹ Federal Register citation: 87 FR 25634:
<https://www.federalregister.gov/documents/2022/05/02/2022-09347/commission-information-collection-activities-ferc-914-comment-request-extension>

comments should be sent within 30 days of publication of this notice in the Federal Register.

Please submit copies of your comments (identified by Docket No. IC22-13-000) to the Commission as noted below. Electronic filing through <http://www.ferc.gov>, is preferred.

- Electronic Filing: Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.
 - Mail via U.S. Postal Service only, addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, N.E., Washington, DC 20426.
 - Hand (including courier) delivery to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at www.reginfo.gov/public/do/PRAMain. Using the search function under the “Currently Under Review field,” select Federal Energy Regulatory Commission; click “submit” and select “comment” to the right of the subject collection. FERC submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov>. For user assistance, contact FERC Online Support by e-mail at ferconlinesupport@ferc.gov, or by phone at: (866) 208-3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at

<http://www.ferc.gov>.

FOR FURTHER INFORMATION: Ellen Brown may be reached by e-mail at DataClearance@FERC.gov and telephone at (202) 502-8663.

SUPPLEMENTARY INFORMATION:

Title: FERC-914, Cogeneration and Small Power Production - Tariff Filings

OMB Control No.: 1902-02 31

Type of Request: Three-year extension of the FERC-914 information collection requirements with no changes to the current reporting requirements.

Abstract: Section 205(c) of the Federal Power Act (FPA) (16 U.S.C. 824d(c)) and 18 CFR 292 require that every public utility have all its jurisdictional rates and tariffs on file with the Commission and make them available for public inspection, within such time and in such form as the Commission designates. Section 205(d) of the FPA (16 U.S.C. 824d(d)) requires that every public utility must provide notice to the Commission and the public of any changes to its jurisdictional rates and tariffs, file such changes with the Commission, and make them available for public inspection as directed by the Commission. In addition, FPA section 206 (16 U.S.C. 82e) requires the Commission, upon complaint or its own motion, to modify existing rates or services that are found to be unjust, unreasonable, unduly discriminatory, or preferential. FPA section 207 (16 U.S.C. 824f) requires the Commission upon complaint by a state commission and a finding of insufficient interstate service, to order the rendering of adequate interstate

service by public utilities, the rates for which would be filed in accordance with FPA sections 205 and 206.

In Order Nos. 671 and 671-A,² the Commission revised its regulations that govern qualifying small power production and cogeneration facilities. The Commission eliminated certain exemptions from rate regulation that were previously available to qualifying facilities (QFs). New QFs may need to make tariff filings if they do not meet the exemption requirements.

FERC implemented the Congressional mandate of the Energy Policy Act of 2005 (EPAct 2005) to establish criteria for new qualifying cogeneration facilities by:

- (1) amending the exemptions available to qualifying facilities from the FPA and from Public Utility Holding Company Act (PUHCA) [resulting in the burden imposed by FERC-914, the subject of this notice]; (2) ensuring that these facilities are using their thermal output in a productive and beneficial manner; that the electrical, thermal, chemical and mechanical output of new qualifying cogeneration facilities is used fundamentally for commercial, residential or industrial purposes; and there is continuing progress in the development of efficient electric energy generating technology;
- (3) amending the FERC Form No. 556³ to reflect the criteria for new cogeneration QFs;
- and (4) eliminating ownership limitations for cogeneration and small power production

² Revised Regulations Governing Small Power Production and Cogeneration Facilities, Order No. 671, 71 FR 7852 (2/15/2006), FERC Stats. & Regs. ¶ 31,203 (2006); and Revised Regulations Governing Small Power Production and Cogeneration Facilities, Order 671-A, 71 FR 30585 (5/30/2006), in Docket No. RM05-36.

³ The FERC Form 556 (Certification of Qualifying Facility (QF) Status for a Small Power Production or Cogeneration Facility) is cleared separately as OMB Control No. 1902-0075 and is not a subject of this notice.

QFs. The Commission satisfied the statutory mandate and its continuing obligation to review its policies encouraging cogeneration and small power production, energy conservation, efficient use of facilities and resources by electric utilities, and equitable rates for energy customers.

Type of Respondents: New QFs and small power producers that do not meet Commission exemption criteria

*Estimate of Annual Burden:*⁴ The Commission estimates the annual public reporting burden and cost⁵ for the information collection as:

FERC-914: Cogeneration and Small Power Production – Tariff Filings						
	Number of Respondents (1)	Annual Number of Responses per Respondent (2)	Total Number of Responses (1)*(2)=(3)	Average Burden Hours & Cost (\$) Per Response (4)	Total Annual Burden Hours & Total Annual Cost (\$) (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)
FPA Section 205 Filings	40	1	40	185 hrs.; \$16,095	7,400 hrs.; \$643,800	\$16,095
Electric Quarterly Reports	35	4	140	6 hrs.; \$522	840 hrs.; \$73,080	\$2,088
Change of Status	10	1	10	3 hrs.; \$261	30 hrs.; \$2,610	\$261
TOTAL			190		8,270 hrs.; \$719,490	

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including

⁴ Burden is the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

⁵ FERC staff estimates that industry costs for salary plus benefits are similar to Commission costs. The cost figure is the FY2021 FERC average annual salary plus benefits (\$180,702/year or \$87/hour).

whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Kimberly D. Bose,
Secretary.