

Supporting Statement for
FERC-914, Cogeneration and Small Power Production—Tariff Filings

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve **FERC-914 (Cogeneration and Small Power Production—Tariff Filings)** for a three-year period. FERC-914 (OMB Control No. 1902-0231) is an existing Commission data collection. The collection requires public electric utilities to submit their tariff rates and any changes of status to the Commission under the Federal Power Act (FPA) Sections 205 and 206 (16 U.S.C. 824d and 824e).

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

Section 1253 of the Energy Policy Act of 2005 (EPA 2005) modified Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA).

The Commission implemented the Congressional mandate of the EPA 2005 by, *inter alia*, establishing criteria for new qualifying cogeneration facilities by:

- 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 industrial, commercial, residential or industrial purposes; and there is continuing progress in the development of efficient electric energy generating technology;
- amending the FERC Form No. 556 (OMB Control No. 1902-0075) to reflect the criteria for new qualifying cogeneration facilities; and
- eliminating ownership limitations for qualifying cogeneration and small power production facilities. 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.

Previously, the Commission issued Order Nos. 671¹ and 671-A to revise related regulations. The Commission eliminated certain exemptions from rate regulations that were previously available to qualifying facilities (QFs). New QFs may need to make tariff filings (i.e., the subject of FERC-914) if they do not meet the revised exemption requirements.

In the FERC-914, those qualifying cogeneration and small power production facilities, required to do so, will submit to FERC:

- FPA Section 205 and/or 206 filings,

¹ Order Nos. 671 and 671-A were issued in February 2006 and May 2006 respectively. Neither of these orders expanded the number of qualifying cogenerators and small power production facilities required to file FERC-914.

- Change of status notifications.

Section 205 filings refer to Section 205(c) of the Federal Power Act (FPA), which requires that every public utility have all of 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 may designate. Section 205(d) of the FPA requires that every public utility must provide notice to the Commission and the public of any changes to its jurisdictional rates and tariffs. In addition, FPA section 206 allows the Commission, upon complaint or its own motion, to modify existing rates or services that the Commission finds to be unjust, unreasonable, unduly discriminatory or preferential.

Finally, the QFs that are subject to section 205 must provide the Commission with change of status notifications.

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

The information filed under FERC-914 enables the Commission to exercise its electric oversight and enforcement responsibilities in accordance with the FPA, as revised by EAct 2005. It also allows Commission staff and other parties to examine and evaluate the cost element of rates (as well as other financial information).

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

The Commission makes ongoing efforts to apply improved information technology to reduce the burden related to this information collection. Most documents may be filed electronically with the Commission via the Internet (e.g., via eFiling, eForms, eTariff). These efforts are part of Commission compliance with the Paperwork Reduction Act, the Government Paperwork Elimination Act, and the E-Government Act of 2002.

By issuing Order No. 714 in 2008, the Commission revised its regulations to require electronic filing of all tariffs, tariff revisions and rate change applications by, among others, public utilities, starting in April 2010.

FERC-914 data can be embedded within the XML schema of the new eTariff system. Off-the-shelf software and computers provide all eTariff filers with what they need to prepare the data and submit it within an XML schema. New FERC-914 filers must only request and obtain a Company ID from the Commission to login and use the eTariff system for submitting their data. The Commission provides an eTariff viewer and the eLibrary interface so all filed tariff materials can be viewed over the Internet by interested parties. Filings in eTariff are also available through the Commission's document storage system, eLibrary. The latter is also easily accessible through the Internet. Providing FERC-914 filers with the eTariff system for submitting information

has reduced physical storage space needs and document processing time. It has also provided easier tracking of document filing activity and reduced mailing and courier fees.

The eTariff system allows concurrent access to FERC-914 tariff filings by multiple parties as well as the ability to download and print tariff filings. It automatically sends filers an email indicating their filing has arrived at the Commission and of its acceptance.

All FERC-914 filings are also available electronically in the Commission's eLibrary system.

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 published a notice in the Federal Register on 5/2/2022 (87 FR 25634) to help identify any duplication of the information in FERC-914. The Commission received no comments regarding this collection. No similar information can be used or modified. There are no other Federal agencies responsible for addressing the operations of the cogeneration and/or the small power production facility which makes the filing on behalf of its customers as reflected in the related tariff.

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

The Commission minimized burden imposed upon all companies that file the FERC-914 by using eTariff to file tariffs. Additionally, the Commission attempts to impose the least burden possible upon respondents in any requirements for data and any requisite filings made.

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

For FERC-914 data, there is no set filing cycle. Once a cogeneration QF or small power production QF submits an initial filing, the Commission requires additional filings only when a change of the tariff is necessary. There is also no substantial relationship between the collection frequency of FERC-914 data and the efficacy of the information collection.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION

There are no special circumstances related to this 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,² the Commission published a 60-day notice³ and a 30-day notice⁴ to the public regarding this information collection on 5/2/2022 and 7/15/2022 respectively. In the public notices, the Commission noted that it would be requesting a three-year extension of the public reporting burden with no change to the existing requirements concerning the collection of data. No comments were received.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

There are no payments or gifts to FERC-914 respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The Commission does not consider the information collected in FERC-914 filings to be confidential. However, the filer may request privileged treatment of a filing that may contain information harmful to the competitive posture of the applicant if released to the general public.⁵

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 sensitive nature in the information collection.

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The Commission estimates the burden and cost⁶ for this information collection as:

FERC-914: Cogeneration and Small Power Production – Tariff Filings

² 5 CFR 1320.8(d).

³ 87 FR 25634.

⁴ 87 FR 42451.

⁵ 18 CFR 388.112.

⁶ 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).

	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	

13. ESTIMATE OF TOTAL ANNUAL COST OF BURDEN TO RESPONDENTS

The eTariff system became operational in 2010. Since then, all public utilities, natural gas pipelines, oil pipelines and power marketing authorities have been required to file tariffs, tariff revisions and rate change applications electronically using an xml schema through eTariff. There have been no changes to using the eTariff process since start up and no changes are planned at this time during the upcoming 2022-2025 reporting period for the FERC-914. Therefore, projections are there will be no start up and maintenance costs for new respondents using the eTariff system to file FERC-914 tariffs, tariff revisions and rate change applications. Our experience shows that most of the new facilities that would be required to file FERC-914 are affiliated with electric utilities that are already filing in eTariff.

FERC-914 respondents incur the costs related to the time and expertise it takes to prepare the contents of FERC 914 filings (i.e., tariffs, tariff revisions, and rate changes).

There are no non-labor start-up costs. All costs are related to burden hours and are addressed in Questions #12 and #15.

14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

	Number of Employees (FTEs)	Estimated Annual Federal Cost
PRA ⁷ Administration Cost ⁸	-	\$8,279
Data Processing and Analysis	1.6	\$239,182
FERC Total		\$247,461

The Commission bases its estimate of the “Data Processing and Analysis” 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 made in response to the information collection.

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

There are no program changes, and the requirements within FERC-914 have not changed. The adjustments are due to: (1) normal business fluctuations in energy markets, and (2) corrections of the burden estimates in the previous information collection request.

Estimated numbers of responses: First, the total number of responses reported previously in ROCIS (31) did not match the total number of responses reported previously in the supporting statement (134). Apparently, the number reported in ROCIS reflected only one of the three activities listed in the supporting statement. To correct this error, we are comparing the responses requested now (190) to those reported previously in the supporting statement (134).

Second, the Commission has been able to improve data collection and tracking systems to more accurately track the number of co-generators and small power producers (i.e., any respondent of the FERC-914). Due to the improvement of more accurate data tracking systems, the Commission has been able to estimate that there is a larger number of responses than estimated previously in FERC-914. Thus, the total number of responses increased from 134 to 190.

Third, the Commission erroneously estimated previously that respondents would file three (instead of four) quarterly reports annually. In this request, we are counting four quarterly reports annually.

Estimated burden hours: An erroneous calculation in the previous supporting statement resulted in 7,725 total estimated burden hours. The burden hours for the three collection activities in the previous request were:

⁷ Paperwork Reduction Act of 1995 (PRA).

⁸ The PRA Administration Cost is \$8,279, and includes preparing supporting statements, notices, and other activities associated with Paperwork Reduction Act compliance.

- 5,673 hours for “FPA Section 205 Filings,”
- 558 hours for “Electric Quarterly Reports,” and
- 30 hours for “Change of Status.”

Correct arithmetic should have resulted in a total of 6,261 hours for the previous request.

The overall result, taking into account corrections and normal business fluctuations is an increase in the total number of responses (from 134 to 190) accompanied by an increase in overall reporting burden for the collection (from 6,261 hours to 8,270 hours). These adjustments are itemized in the following tables:

**Table 15-1
Adjustments in Numbers of Responses**

A. Type of Response	B. Requested Number of Responses	C. Responses Reported in Previous Supporting Statement⁹	D. Net Adjustments (Column B – Column C)
FPA Section 205 Filings	40	31	+9 responses
Electric Quarterly Reports	140	93	+ 47 responses
Change of Status	10	10	No change
Totals	190	134	+56 responses

⁹ We are aware that the burden changes shown in this supporting statement differ from the changes shown in ROCIS. In short, we cannot provide a credible comparison between the requested burdens and those reported previously in ROCIS.

In this supporting statement, we are comparing the burdens we are requesting to the burdens we reported in the previous supporting statement instead of the burdens reported previously in ROCIS. As explained above, the previous ROCIS entry apparently omitted responses for two of the three information collection activities, even though those activities were being continued. In contrast, the previous supporting statement reported the responses for all three activities. For that reason, the estimate in the previous supporting statement provides for a credible comparison, but the estimate in ROCIS does not.

**Table 15-2
Adjustments in Numbers of Burden Hours**

A. Type of Response	B. Requested Number Burden Hours	C. Responses Reported in Previous Supporting Statement¹⁰	D. Net Adjustments (Column B – Column C)
FPA Section 205 Filings	7,400	5,673	+1,727 hours
Electric Quarterly Reports	840	558	+282 hours
Change of Status	30	30	No change
Totals	8,270	6,261	+2,009 hours

**Table 15-3
Total Changes Due to Adjustments**

A. Type of Response	B. Requested	C. Previously Reported	D. Change Due to Adjustments in Agency Estimate
Responses	190	134	+56
Hours	8,270	6,261	+2,009
Annual Costs	0	0	-

16. TIME SCHEDULE FOR PUBLICATION OF DATA

There is no tabulating, statistical or tabulating analysis or publication plans for the collection of information. The data are used for regulatory purposes only.

17. DISPLAY OF EXPIRATION DATE

The OMB expiration dates are posted on [Information Collections | Federal Energy Regulatory Commission \(ferc.gov\)](#).

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

¹⁰ We are aware that the burden changes shown in this supporting statement differ from the changes shown in ROCIS. In this supporting statement, and as explained above, we are correcting the numbers of responses and we are correcting a mis-calculation of total burden hours. We cannot make those corrections in the previous ROCIS submission.

FERC-914 (OMB Control No. 1902-0231)

There are no exceptions.