

174 FERC ¶ 61,221
DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

18 CFR Part 35

[Docket No. RM16-17-000; Order No. 860]

Data Collection for Analytics and Surveillance and Market-Based Rate Purposes

(Issued March 18, 2021)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule; delay of compliance.

SUMMARY: The Commission delays the compliance date for the requirements of Order No. 860 until July 1, 2021.

EFFECTIVE DATE: The compliance date for the requirements of Order No. 860 published on July 26, 2019, at 84 FR 36390, is delayed to July 1, 2021.

FOR FURTHER INFORMATION CONTACT:

Ryan Stertz (Technical Information)
Office of Energy Market Regulation
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
(202) 502-6473
ryan.stertz@ferc.gov

Regine Baus (Legal Information)
Office of the General Counsel
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
(202) 502-8757
regine.baus@ferc.gov

174 FERC ¶ 61,221
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Richard Glick, Chairman;
Neil Chatterjee, James P. Danly,
Allison Clements, and Mark C. Christie.

Data Collection for Analytics and Surveillance and Market-Based Rate Purposes Docket No. RM16-17-000

ORDER NO. 860

FINAL RULE – DELAY OF COMPLIANCE

(Issued March 18, 2021)

1. In this Final Rule, the Commission delays the compliance date for the requirements of Order No. 860 until July 1, 2021.

I. Background

2. On July 18, 2019, the Commission issued Order No. 860,¹ which revised certain aspects of the substance and format of information submitted for market-based rate purposes by Sellers.² Specifically, the Commission adopted the approach to data collection proposed in the Notice of Proposed Rulemaking issued in July 2016, i.e., to

¹ *Data Collection for Analytics & Surveillance and Market-Based Rate Purposes*, Order No. 860, 84 FR 36390 (Jul. 26, 2019) 168 FERC ¶ 61,039 (2019), *order on reh'g*, Order No. 860-A, 85 FR 13013 (Mar. 6, 2020) 170 FERC ¶ 61,129 (2020).

² A Seller is defined as any person that has authorization to or seeks authorization to engage in sales for resale of electric energy, capacity or ancillary services at market-based rates under section 205 of the Federal Power Act (FPA). 18 CFR 35.36(a)(1); 16 U.S.C. 824d.

collect market-based rate information in a relational database.³ The current effective date of Order No. 860 is April 1, 2021.⁴

3. On March 18, 2021, the Commission issued a Notice Seeking Comments (Notice) on a proposal to collect additional data from certain Sellers through revisions to the data dictionary and XML schema that accompany the relational database established in Order No. 860 (MBR Data Dictionary).⁵ Specifically, the Notice proposes to update the MBR Data Dictionary and add three new attributes to the Entities to Entities table. This requirement includes submitting into the relational database the docket number of the section 203(a)(2) blanket authorization, the identifier(s) of the upstream affiliate(s) whose securities were acquired pursuant to the section 203(a)(2) blanket authorization, and the type of identifier(s) reported. The appropriate Sellers would be required to submit the docket number of the proceeding in which the Commission granted the section 203(a)(2) blanket authorization and the proper identifier(s) for the upstream affiliate(s) whose securities were acquired pursuant to the section 203(a)(2) blanket authorization.

II. Discussion

4. The Notice requests that comments on the proposal be filed 60 days after the publication to the Federal Register. A delay in the compliance date of Order No. 860 is

³ *Data Collection for Analytics & Surveillance and Market-Based Rate Purposes*, Notice of Proposed Rulemaking, 81 FR 51726 (Aug. 04, 2016), 156 FERC ¶ 61,045 (2016).

⁴ On May 20, 2020, the Commission issued a Notice of Extension of Time that extended the effective date of Order No. 860 by six months to April 1, 2021.

⁵ *Data Collection for Analytics & Surveillance and Market-Based Rate Purposes*, Notice Seeking Comments, 174 FERC ¶ 61,214 (2021).

necessary to allow for public comment on the Commission's proposal in the Notice and for the Commission to have adequate time to review those comments. Accordingly, we extend the compliance date for the requirements of Order No. 860 from April 1, 2021, to July 1, 2021. Other implementation dates in Order No. 860 are correspondingly extended as shown in the attached Appendix.

5. Notice and comment on this delay in compliance is unnecessary because the delay is short, the compliance dates remain aligned with the dates established in Order No. 860 (as shown in the Appendix), and there is no change to the policy effectuated by Order No. 860.

III. Information Collection Statement

6. This final rule delays compliance to Order No. 860 but does not change any reporting or recordkeeping requirements. Therefore, there is no change in estimated burden or cost from Order No. 860.

IV. Environmental Analysis

7. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.⁶ The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.⁷

The actions proposed here fall within a categorical exclusion in the Commission's

⁶ *Regulations Implementing the National Environmental Policy Act*, Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

⁷ *Id.*

regulations, i.e., they involve information gathering, analysis, and dissemination.⁸

Therefore, environmental analysis is unnecessary and has not been performed.

V. Regulatory Flexibility Act

8. This final rule delays compliance to Order No. 860 but does not change any reporting or record keeping requirements. Therefore, there is no change in the estimated impact on small entities. Accordingly, we certify that this final rule will not have a significant economic impact on a substantial number of small entities.

VI. Document Availability

9. In addition to publishing the full text of this document in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.gov>). At this time, the Commission has suspended access to the Commission's Public Reference Room due to the President's March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19).

10. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

⁸ 18 CFR 380.4.

11. User assistance is available for eLibrary and the FERC's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202)502-8659. E-mail the Public Reference Room at public.referenceroom@ferc.gov.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

Appendix

Activity	Current Order No. 860 Schedule	Revised, Three-month Delay of Compliance Schedule
Testing period for the MBR Database	Through Mar. 31, 2021	Through Jun. 30, 2021
Effective date of Order No. 860	Apr. 1, 2021	Jul. 1, 2021
“Go-live” date of MBR Database	Apr. 1, 2021	Jul. 1, 2021
Sellers should create needed identifiers (FERC Generated IDs and Asset IDs) in the MBR Portal and prepare their baseline submissions	Apr. 1, 2021 – June 30, 2021	Jul. 1, 2021 – Sep. 30, 2021
Baseline submissions are due	By Aug. 2, 2021	By Nov. 2, 2021
First change in status filings under new timelines are due	By Aug. 31, 2021	By Nov. 30, 2021
Second change in status filings under quarterly reporting requirement are due	By Oct. 31, 2021	By Jan. 31, 2022