

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. IC22-27-000]

COMMISSION INFORMATION COLLECTION ACTIVITIES (FERC-915)
COMMENT REQUEST; EXTENSION

(September 30, 2022)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection 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-915 (Public Utility Market-Based Rate Authorization Holders – Records Retention Requirements).

DATES: Comments on the collection of information are due [**INSERT DATE 60 days after date of publication in the Federal Register**].

ADDRESSES: You may submit your comments (identified by Docket No. IC22-27-000) by one of the following methods:

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:

- o 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.
- o Hand (including courier) delivery: Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All 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, telephone at (202) 502-8663.

SUPPLEMENTARY INFORMATION:

Title: FERC-915, Public Utility Market-Based Rate Authorization Holders – Records Retention Requirements

OMB Control No. 1902-0250.

Type of Request: Three-year extension of the FERC-915 information collection requirements with no changes to the current record retention requirements.

Abstract: In accordance with the Federal Power Act, the Department of Energy Organization Act (DOE Act), and the Energy Policy Act of 2005 (EPA 2005), the

Commission regulates the transmission and wholesale sales of electricity in interstate commerce, monitors and investigates energy markets, uses civil penalties and other means against energy organizations and individuals who violate FERC rules in the energy markets, administers accounting and financial reporting regulations, and oversees conduct of regulated companies.

The Commission imposes the FERC-915 record retention requirements, in 18 CFR 35.41(d), on applicable sellers to retain, for a period of five years, all data and information upon which they bill the prices charged for “electric energy or electric energy products sold pursuant to Seller's market-based rate tariff, and the prices it reported for use in price indices.”

The record retention period of five years is necessary due to the importance of records related to any investigation of possible wrongdoing and related to assuring compliance with the codes of conduct and the integrity of the market. The requirement is necessary to ensure consistency with the rule prohibiting market manipulation (adopted in Order No. 670¹) and the generally applicable statute of limitations where the Commission seeks civil penalties for violations of the Anti-Manipulation Rules or other rules, regulations, or orders to which the price data may be relevant.

Type of Respondent: Sellers, as that term is defined in 18 C.F.R. 35.36

¹ Prohibition of Energy Market Manipulation, Order No. 670, 71 FR 4244 (Jan. 26, 2006), FERC Stats. & Regs. ¶ 31,202 (2006)

Estimate of Annual Burden²: The Commission estimates the annual public reporting burden and cost³ (rounded) for the information collection as follows:

FERC-915, Public Utility Market-Based Rate Authorization Holders – Records Retention Requirements						
FERC Requirement	Number of Respondents (1)	Annual Number of Responses per Respondent (2)	Total Number of Responses (1)*(2)=(3)	Average Burden & Cost Per Response (4)	Total Annual Burden Hours & Cost (3)*(4)=(5)	Annual Cost per Respondent (\$) (5)÷(1)
FERC-915	2,510	1	2,510	1 hr.; \$34.00	2,510 hrs.; \$85,340	\$34.00
Total:			2,510		2,510 hrs.; \$85,340	

In addition, there are records storage costs. For all respondents, we estimate a total of 65,000 cu. ft. of records in off-site storage. Based on an approximate storage cost of \$0.24 per cubic foot, we estimate total annual storage cost to be \$15,600.00 (or \$6.22 annually per respondent). The total annual cost for all respondents (burden cost plus off-site storage) is \$100,940.00 (or \$85,340 + \$15,600); the average total annual cost per respondent is \$40.22 (\$6.22 + \$34.00).⁴

² 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.

³ The estimated hourly cost (for wages plus benefits) provided in this section are based on the figures posted by the Bureau of Labor Statistics (BLS) for the Utilities section available (at https://www.bls.gov/oes/current/naics2_22.htm) and benefits information (for June 2022, issued March 2022, at <https://www.bls.gov/news.release/ecec.nr0.htm>). The hourly estimates for salary plus benefits are:

File Clerk (Occupation code: 43-4071), \$34.38 an hour. We are rounding the hourly cost to \$34.00.

⁴ Given that the Commission has found (1) that Sellers use standard computer-based methods to store the retained information automatically on electronic media and (2) that storage space needed costs pennies per Gigabyte, estimating burden and storage assuming

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

use of traditional paper records provides an extreme boundary on the estimated costs.