

Supporting Statement
**FERC-917 (Electric Transmission Facilities) and FERC-918 (Standards for
Business Practices and Communication Protocols for Public Utilities)**
(Three-year approval for extension requested)

The Federal Energy Regulatory Commission (FERC or Commission) requests the Office of Management and Budget (OMB) extend its approval of the FERC-917 (*Electric Transmission Facilities*) and FERC-918 (*Standards for Business Practices and Communication Protocols for Public Utilities*), both collections under OMB Control Number (1902-0233), for an additional three years. The reporting requirements have not changed for these information collections.

**1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF
INFORMATION NECESSARY**

The Commission has a statutory obligation under the Federal Power Act (FPA) to prevent unduly discriminatory practices in transmission access. Specifically, section 206 of the FPA obligates the Commission to remedy unjust and unreasonable, or unduly discriminatory or preferential, rates, terms, and conditions of transmission service.¹ Toward this goal, in its 1996 landmark Order No. 888,² the Commission implemented open access to transmission facilities owned, operated, or controlled by a public utility.

In Order No. 888, the Commission required public utility transmission providers to offer transmission service on an open and non-discriminatory basis pursuant to a pro forma Open Access Transmission Tariff (pro forma OATT) that sets forth the non-rate terms and conditions of transmission service that the Commission deemed necessary. The Commission also required public utility transmission providers to provide transmission customers with equal and timely access to transmission and ancillary service tariff information through Open Access Same-Time Information System (OASIS) website postings. The Commission found that transmission customers must have simultaneous access to the same information available to transmission providers if truly nondiscriminatory transmission

¹ 16 U.S.C. 824e.

² *Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, 62 FR 12274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048 (1997), *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000) (*TAPS v. FERC*), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

services are to exist. In Order No. 889, the Commission adopted business practice standards and information requirements for OASIS. During their development, the Commission relied heavily on the assistance provided by all segments of the wholesale electric power industry and its customers in ad hoc working groups that offered consensus proposals for the Commission's consideration.

The Commission determined that more work was needed to remedy undue discrimination related to transmission service, leading to the issuance of Order No. 890.³ The Commission found that the requirements in Order No. 890 were necessary to: (1) strengthen the pro forma OATT to ensure that it achieves its original purpose of remedying undue discrimination; (2) provide greater specificity to reduce opportunities for undue discrimination and facilitate the Commission's enforcement; and (3) increase transparency in the rules applicable to planning and use of the transmission system.

In Order Nos. 1000 and 1000-A,⁴ the Commission addressed inadequacies in the Order No. 890 requirements to ensure that Commission-jurisdictional services are provided at just and reasonable rates and on a basis that is just and reasonable and not unduly discriminatory or preferential. Order 1000-A affirmed the Order No. 1000 transmission planning reforms that:

1. require that each public utility transmission provider participate in a regional transmission planning process that produces a regional transmission plan and that has
 - i. a regional cost allocation method for the cost of new transmission facilities selected in a regional transmission plan for purposes of cost allocation and
 - ii. an interregional cost allocation method for the cost of new transmission facilities that are located in two neighboring transmission planning regions and are jointly evaluated by the two regions in the interregional transmission coordination process required by this Final Rule.

³ *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 72 FR 12,266 (March 15, 2007), FERC Stats. & Regs. ¶ 31,241 (2007) (Order No. 890), order on reh'g, Order No. 890-A, 73 FR 2984 (Jan. 16, 2008), FERC Stats. & Regs. ¶ 31,261 (2007) (Order No. 890-A)

⁴ *Transmission Planning and allocation* (quoting Order No. 1000, FERC Stats. & Regs. ¶ 31,323 76 FERC 49,842 (Aug. 11, 2011) and *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities* (quoting Order No. 1000-A) FERC Stats. & Regs. ¶ 61,132 (2012)

2. provide that local and regional transmission planning processes must provide an opportunity to identify and evaluate transmission needs driven by public policy requirements established by state or federal laws or regulations
3. improve coordination between neighboring transmission planning regions for new interregional transmission facilities; and
4. remove from Commission-approved tariffs and agreements a federal right of first refusal.

Additionally, Order 1000-A affirms the Order No. 1000 requirement that each cost allocation method must satisfy six cost allocation principles.

On May 13, 2024, the Commission issued Order No. 1920 in Docket No. RM21-17-000. This rule revised the Open Access Transmission Tariff and subsequently the information collection requirements in the FERC-917 collection. However, this renewal and extension request is for the unchanged portions of the information collection and does not contain the revisions as stated in Order 1920.

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

The information collected by the Commission on FERC-917 requires that public utility transmission providers submit their Open Access Transmission Tariff (OATT) and keep it on file at the Commission. The FERC-918 requires and filers publish information on the OASIS system that is defined in the filers tariff.

OASIS website posting is ongoing and used by the public utility transmission providers and stakeholders to improve the processes of (1) planning transmission projects; (2) considering transmission needs driven by Public Policy Requirements; (3) determining possible alternatives that would be more efficient or cost effective; and (4) allocating costs of transmission projects among the beneficiaries of the projects.

The consequences of not collecting this information means the Commission would not be able to meet its statutory obligation under the Federal Power Act to ensure that Commission-jurisdictional services are provided at rates, terms and conditions that are just and reasonable and not unduly discriminatory or preferential and to prevent undue discrimination.

3. DESCRIBE ANY CONSIDERATION FOR THE USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE

BURDEN AND TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN

Some of the filings are efiled at FERC; other components are posted at each company's individual website. This allows those users to minimize their submission burden using electronic submission as opposed to more traditional means (e.g. mail, messenger-service). The Commission continually reevaluates the potential and value of improved information technology to reduce burden. The Tariff changes are efiled at FERC.

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 is the only federal agency to regulate interstate electric power transmission; therefore, other agencies would not be expected to collect this tariff-specific information. There is no other known source for the information.

The Commission periodically reviews filing requirements concurrent with OMB review or as the Commission deems necessary to eliminate duplicative filing and to minimize the filing burden.

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

FERC-917 and FERC-918 data requires the pro forma tariff information be provided only once per utility. The collection of this data imposes the least possible burden for small and large entities while collecting the information required of FERC by statute.

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

The pro forma tariff information is provided only once per utility. FERC Form 917 and 918 data cannot be collected less frequently. If the collection were conducted less frequently, the Commission would be unable to perform its mandated oversight and review responsibilities with respect to electric market-based rates being just and reasonable.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION

There are no special circumstances related to FERC-917 or FERC-918.

**8. DESCRIBE EFFORTS TO CONSULT OUTSIDE THE AGENCY:
SUMMARIZE PUBLIC COMMENTS AND AGENCY'S RESPONSE
TO THESE COMMENTS**

In accordance with OMB requirements,⁵ the Commission published a 60-day notice on 06/07/2024 (89 FR 48609) and a 30-day notice on 8/15/2024 (89 FR 66381) to the public regarding these information collections. Within the public notices, the Commission noted that it would be requesting a three-year extension of the public reporting burden.

The Commission received no comments in response the 60-day notice regarding the renewal of FERC-917 (Electric Transmission Facilities) and FERC-918 (Standards for Business Practices and Communication Protocols for Public Utilities).

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

There are no payments or gifts to respondents associated with FERC-917 and FERC-918.

**10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY
PROVIDED TO RESPONDENTS**

The Commission does not consider the information collected in FERC-917 and FERC-918 filings to be confidential.

If an entity chooses to seek confidential treatment of the information, it must submit a request for the Commission to treat this information as confidential and non-public, consistent with 18 CFR 388.112.

**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 associated with the reporting requirements for FERC-917 and FERC-918.

12. ESTIMATED BURDEN ON COLLECTION OF INFORMATION

The FERC-917 and FERC-918 information collections are both approved under the OMB Control Number 1902-0233.

Due to the timing of this extension, there was a concurrent effort to revise this collection in Docket No. RM21-17-000. This extension did not include the

⁵ CFR 1320.8(d)

revisions as they had not been approved by OMB at the time of issuing the public notices pertaining to the extension. Therefore, the burden reflected below reflects the burden related to the information collection requirements that OMB had approved prior to the RM21-17-000 revisions.

FERC-917 (Electric Transmission Facilities) and FERC-918 (Standards for Business Practices and Communication Protocols for Public Utilities)						
	No. of Respondents (1)	Annual No. of Responses per Respondent (2)	Annual No. of Responses (1)*(2)= (3)	Average Annual Burden Hrs. & Cost⁶ Per Response (\$) (4)	Total Average Annual Burden Hours & Total Annual Cost⁷ (\$) (3)*(4)= (5)	Average Annual Cost per Respondent (\$) (5)÷(1)= (6)
FERC-917 & FERC-918						
Non-Discriminatory Open Access Transmission Tariff (reporting)	162	1	162	566 hrs.; \$56,600	91,692 hrs.; \$9,169,200	\$56,600
Open Access Transmission Tariff (record keeping)	162	1	162	10 hrs. \$1000	1,620 hrs. \$162,000	\$1000
Information to be posted on the OASIS and Auditing	162	1	162	376 hrs. \$37,600	60,912 hrs. \$6,091,200	\$37,600

⁶ The Commission staff estimates that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. Based on FERC's 2024 annual average of \$207,786 (for salary plus benefits), the average hourly cost is \$100/hour.

Transmission service (reporting)						
Information to be posted on the OASIS and Auditing Transmission service (record keeping)	162	1	162	45 hrs. \$4,500	7,290 hrs. \$6,091,200	\$4,500
Total					161,514 hrs. \$16,151,400	

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There are no non-labor start-up costs.

Total Capital and Start-up cost: \$0

Total Operation, Maintenance, and Purchase of Services: \$0

All costs are related to burden hours and are addressed in Question #12 and #15.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

The estimates of the cost for analysis and processing of filings are based on salaries and benefits for professional and clerical support. The 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 a Federal Cost associated with preparing, issuing, and submitting materials necessary to comply with the PRA⁸ for rulemakings, orders, or any other vehicle used to create, modify, extend, or discontinue an information collection. This average annual cost

⁸ 5 CFR pt. 1320.

includes requests for extensions, all associated rulemakings, other changes to the collection, and publications in the *Federal Register*.

The chart below represents the existing estimated annualized cost to the Federal Government for FERC-917 is shown below:

FERC-917	Number of Employees (FTEs)	Estimated Annual Federal Cost
Analysis and Processing of filings ⁹	7	\$1,454,502
Paperwork Reduction Act Administrative Cost		\$8,396
TOTAL for FERC-917		\$1,462,898

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

There is a small increase in burden hours in this request for extension due to an agency adjustment in our estimate. Previously, the burden hours related to maintaining and submitting the Non Discriminatory Open Access Transmission Tariff reflected 508 hours per response, but now believes a better estimate is 566 hours per response. This adjustment results in an increase in burden hours of 9,385.¹⁰

There is no change in burden related to the table in ROCIS:

FERC-917 and FERC-918	Total Request	Previously Approved	Change due to Adjustment in Estimate	Program Change Due to Agency Discretion
Annual Number of Responses	1,016	1,016	0	0
Annual Time Burden (Hr.)	470,354	460,969	9,385	0
Annual Cost Burden	\$0	\$		0

⁹ Based upon FERC’s 2024 FTE average annual salary plus benefits (\$207,786).

¹⁰ The public notices (89 FR 48609 and 89 FR 66381) that were issued by the FERC only addressed the burden specifically to the two existing information collection activities up for renewal.

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16. TIME SCHEDULE FOR PUBLICATION OF DATA

There is no publication of data associated with FERC-917 and FERC-918.

17. DISPLAY OF EXPIRATION DATE

The expiration dates are posted on ferc.gov at <https://www.ferc.gov/enforcement-legal/legal/information-collections>

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions for FERC-917 nor FERC-918.