

FERC-917 (OMB Control No. 1902-0233)
Docket No. RM21-17-001
RIN # 1902-AF87

**Supporting Statement for Order on Rehearing in Docket No. RM21-17-001
“Building for the Future Through Electric Regional Transmission Planning and
Cost Allocation”**

FERC-917 (Electric Transmission Filings)

The Federal Energy Regulatory Commission (FERC or Commission) requests that the Office of Management and Budget (OMB) review and approve the modification and extension of the information collection requirements in FERC-917 (“Electric Transmission Filings”). FERC-917 is an existing information collection and is being modified by the order on rehearing in Docket No. RM21-17-001.

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

Section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, obligates the Commission to remedy unjust, unreasonable, and unduly discriminatory or preferential rates, terms, and conditions of transmission service.

This information collection request involves Commission implementation of section 206 via:

- 18 CFR 35.28 (“Non-Discriminatory Open Access Transmission Tariff”); and
- The *pro forma* Open Access Transmission Tariff (OATT).

The Commission’s regulations at 18 CFR 35.28 require certain types of entities to have on file an OATT that contains minimum terms and conditions of non-discriminatory transmission service. This requirement applies to all public utilities¹ that own, control, or operate facilities used for transmitting electric energy in interstate commerce. Other provisions in section 35.28 of the Commission’s regulations apply to non-public utilities, but only if they seek voluntary compliance with jurisdictional transmission tariff reciprocity conditions. Non-public utilities are not affected by this information collection request.

The *pro forma* OATT, as originally developed by the Commission, is included in the final rule designated as Order No. 888, 61 FR 21540, at 21706 through 21724 (May 10,

¹ As defined at 16 U.S.C. 824(e), a “public utility” is any person who owns or operates facilities subject to the jurisdiction of the Commission under Subchapters II and III of the FPA.

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1996). As the term “*pro forma*” implies, the tariff contains standardized terms and conditions that public utilities must adopt in their own tariffs, unless they demonstrate that unique practices in a geographic region require modifications. The currently effective *pro forma* OATT² has been modified several times and is being modified by the final rule in Docket No. RM21-17-000.

The final rule, Order 1920, builds on Order Nos. 888, 890, and 1000, in which the Commission incrementally developed the requirements that govern regional transmission planning and cost allocation processes to ensure that Commission-jurisdictional rates and practices remain just and reasonable and not unduly discriminatory or preferential.

Order on Rehearing

This order on rehearing, Order No. 1920-A, provides a number of clarifications on the required reforms and, in some instances, sets aside, in part, Order No. 1920 requirements in response to arguments made on rehearing. Accordingly, in the order on rehearing, the Commission makes five substantive changes to the information collection requirements described in the final order.³

1. In Order No. 1920, the Commission required transmission providers in each transmission planning region to incorporate seven specific categories of factors in the development of Long-Term Scenarios. Here, we set aside, in part, the requirement for transmission providers to incorporate seven specific categories of factors in the development of Long-Term Scenarios by excluding corporate commitments from Factor Category Seven. We no longer require transmission providers to separately identify corporate commitments as a factor in their development of Long-Term Scenarios given that the effects of such commitments will be sufficiently incorporated in Long-Term Regional Transmission Planning through the incorporation of other Factor Categories.

² Pro Forma OATT – effective March 14, 2022, <https://www.ferc.gov/media/pro-forma-oatt-effective-march-14-2022>. This document is typically updated 12-18 months after the issuance of the final rule. This is common practice as the Pro Forma OATT can be modified during the rehearing process, that occurs after the original issuance of the final rule.

³ FERC Order 1920’s information collections were approved in ICR: 202403-1902-009 on 9/16/2024.

2. In Order No. 1920, the Commission required transmission providers in each transmission planning region to develop, at least once during the five-year Long-Term Regional Transmission Planning cycle, at least three distinct Long-Term Scenarios. Here, we clarify that transmission providers, when requested by Relevant State Entities in a transmission planning region, are required to conduct a reasonable number of additional analyses or scenarios, to provide Relevant State Entities with information that they can use to inform the application of Long-Term Regional Cost Allocation Method(s) or the development of cost allocation methods through the State Agreement Process(es).
3. In Order No. 1920, the Commission required transmission providers in each transmission planning region to revise the regional transmission planning process in their OATTs to outline an open and transparent process that provides stakeholders, including federally-recognized Tribes and states, with a meaningful opportunity to propose potential factors and to provide timely input on how to account for specific factors in the development of Long-Term Scenarios. In addition, the Commission required transmission providers to post this information after stakeholders, including states, have had the meaningful opportunity to propose potential factors and to provide input on how to account for specific factors in the development of Long-Term Scenarios. Here, we clarify that transmission providers must consult with and consider the positions of the Relevant State Entities and any other entity authorized by a Relevant State Entity as its representative as to how to account for factors related to states' laws, policies, and regulations when determining the assumptions that will be used in the development of Long-Term Scenarios.
4. In Order No. 1920, the Commission required transmission providers' evaluation processes, including selection criteria, to be transparent and not unduly discriminatory, and the Commission explained that transmission providers' evaluation of Long-Term Regional Transmission Facilities must culminate in a determination that is sufficiently detailed for stakeholders to understand why a particular Long-Term Regional Transmission Facility (or portfolio of Long-Term Regional Transmission Facilities) was selected or not selected. Here, we clarify that, once a transmission provider makes a selection decision, i.e., for each selected Long-Term Regional Transmission Facility (or portfolio of such Facilities), and, if a State Agreement Process is used, once a cost allocation method is agreed upon, transmission providers must make available, on a password-protected portion of OASIS or other password-protected website, a breakdown of how those estimated costs will be allocated, by zone (i.e., by

transmission provider retail distribution service territory/footprint or RTO/ISO transmission pricing zone), and a quantification of those estimated benefits as imputed to each zone, as such benefits can be reasonably estimated.

5. In Order No. 1920, the Commission declined to require future Engagement Periods, but noted that transmission providers may hold future Engagement Periods if they believe that such periods would be beneficial. Here, we set aside Order No. 1920, in part, and require that, as part of transmission providers' obligations with respect to transmission planning and cost allocation, transmission providers shall consult with Relevant State Entities (1) prior to amending the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process(es), or (2) if Relevant State Entities seek, consistent with their chosen method to reach agreement, for the transmission provider to amend that method or process.

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

FERC-917 Information Collection

The final rule in Order 1920 builds on Order No. 1000, which required public utility transmission providers to participate in a regional transmission planning process that results in the development of a regional transmission plan. The ongoing information collection activities associated with the final rule and the order on rehearing are the incremental requirements associated with developing a regional transmission plan by, for example, performing Long-Term Regional Transmission Planning.

Additionally, the final rule and order on rehearing requires public utilities to modify their tariffs and jurisdictional agreements to comply with the Commission's revised transmission planning and cost allocation requirements. The Commission will use the information collected in compliance filings to the final rule and order on rehearing to determine whether each transmission provider complies with the final rule and order on rehearing such that the rates, terms, and conditions for Commission-jurisdictional services are just and reasonable and not unduly discriminatory or preferential. Therefore, in addition to the ongoing information collection burdens described below, all of the reforms required by the final rule and order on rehearing would entail one-time information collection activities related to changing public utilities' tariffs and

jurisdictional agreements.

Further, in Order 1920-A, we adopt a number of modifications and clarifications to address the concerns raised in response to Order No. 1920. Order No. 1920 recognized the role that states will play in Long-Term Regional Transmission Planning and established various requirements to facilitate their participation in those processes; including the requirement for transmission providers to engage with states in developing cost allocation approaches for Long-Term Regional Transmission Facilities. With this order, FERC reaffirmed that meaningful engagement with states is critical to the success of the Long-Term Regional Transmission Planning reforms established in Order No. 1920. Specifically, in response to rehearing and clarification requests, we better integrate states' input into regional transmission planning and cost allocation processes, both in the transmission providers' development of Order No. 1920 compliance filings and the ongoing implementation of these reforms in the future. These modifications and clarifications address many of the concerns raised in the rehearing requests submitted in response to Order No. 1920, and they will increase the likelihood that Long-Term Regional Transmission Planning results in efficient and cost-effective transmission investment.

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

The Commission expects that public utilities will revise their tariffs in accordance with the final rule and order on rehearing in this docket by filing electronically using eTariff (described at <https://www.ferc.gov/ferc-online/etariff>). The tariffs are available to the public on the internet through the Commission's eTariff viewer. The compliance filings and agency action on the filings are also publicly available on [ferc.gov](https://www.ferc.gov) in eLibrary.

Additionally, the Commission requires 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.⁴ 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; (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 final rule and order on

⁴ See 18 CFR 37.6 (explaining the information to be posted on the OASIS).

rehearing requires public utilities to post certain data to their OASIS site on an ongoing basis, in a manner similar to currently existing reporting requirements.

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

The collection of this data imposes the least possible burden for small and large entities while collecting the information the Commission deems necessary to perform its statutory responsibilities. For example, the Commission encourages electronic filing of compliance filings and provides opportunities for support through the Commission's FERC Online help desk.⁵

The OATT is a unique document in the sense that the updates in the OATT simply need to be reflected into a regulated entity's tariff. For most filers, including small entities, this is a minor task to make the appropriate language updates. Furthermore, both small and large entities are typically able to recover their costs within their rates if they are in compliance with federal regulations.

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

If the Commission conducted these collections less frequently or did not conduct them at all, the Commission would be unable to fulfill its statutory obligation to ensure that rates, terms, and conditions of Commission-jurisdictional services are just and reasonable and not unduly discriminatory or preferential.

⁵ <https://www.ferc.gov/ferc-online/overview>

The reforms adopted by the final rule and order on rehearing are necessary because, absent reform, the existing regional transmission planning and cost allocation requirements fail to ensure that transmission providers: (1) perform a sufficiently long-term assessment of Long-Term Transmission Needs; (2) adequately account on a forward-looking basis for known determinants of Long-Term Transmission Needs; and (3) consider the broader set of benefits and beneficiaries of regional transmission facilities planned to meet those Long-Term Transmission Needs. As a result, transmission providers are often not identifying, evaluating, or selecting more efficient or cost-effective regional transmission solutions to meet Long-Term Transmission Needs, which leads to inefficient, ineffective, and piecemeal transmission development.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

This collection contains no special circumstances.

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

The Commission's proposed and final rules are published in the *Federal Register*, thereby providing the public, including public utilities and licensees, state commissions, and Federal agencies, an opportunity to submit data, views, comments, or suggestions concerning the proposed collections of data.

On July 15, 2021, the Commission published an Advance Notice of Proposed Rulemaking⁶ (ANOPR) seeking public comments on a broad range of transmission-related issues, including some that are summarized and addressed in the Notice of Proposed Rulemaking (NOPR). The Commission also held a technical video conference on November 15, 2021, and issued a transcript of that conference.

On May 4, 2022, the NOPR was published in the *Federal Register* at 87 FR 26504. Numerous comments from the public were received, as summarized and addressed in the final rule.

The Commission's responses to commenters' suggestions and arguments are provided in the Commission Determination subsections of the final rule, organized topically. The

⁶ 86 FR 40266.

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Commission received one comment regarding the burden estimate for the information collection requirements arguing that the Commission underestimated the cost for transmission providers to perform Long-Term Regional Transmission Planning as proposed by the NOPR.⁷ In response to the comment, the Commission revised the burden estimate table (see the response to Question 12 below) in the final rule to increase the estimated amount of labor required for a transmission provider to perform Long-Term Regional Transmission Planning.

The final rule was issued on May 13, 2024 and was published in the Federal Register on June 11, 2024 (89 FR 49280).

Upon issuance of the final rule, the Commission received 49 timely filed requests for rehearing and/or clarification and several additional filings. The rehearing requests raised issues related to nearly all reforms adopted in Order No. 1920, except the burden estimate. The order on rehearing addresses these filings and recommendations; the main substantive changes were described previously.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

The Commission makes no payments or gifts to respondents as part of this collection.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The Commission does not consider the information collected 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

The collection does not contain any questions of a sensitive nature.

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

⁷ PJM Initial Comments at 125-129, Docket No. RM21-17-000 (filed August 17, 2022).

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The currently approved information collection burden is:

FERC-917:

Number of responses: 324

Hourly Burden: 152,129

The information collection burden of the reforms adopted in the final rule and order on rehearing is explained in the following table.

Our estimate of the number of reporting entities is based on the NERC Compliance Registry as of January 11, 2024, which indicates that there are 48 transmission service providers⁸ with OATTs and 118 transmission owners that are registered within the United States and are subject to this rulemaking.⁹ Because 41 of the 118 transmission owners are also included in the count of 48 transmission service providers, there are 125 distinct entities (i.e., 125 distinct transmission providers¹⁰) in total that must comply the final rule and order on rehearing. The burden¹¹ and cost estimates below are based on (1) the initial need for transmission providers to file revised versions of the standard interconnection procedures and agreements in Year 1 and (2) ongoing information collection activities in connection with reporting and disclosure requirements in subsequent years.

We estimate that the reforms in the final rule and order on rehearing would affect the

⁸ The transmission service provider (TSP) function is a NERC registration function, which is similar to the transmission provider that is referenced in the pro forma OATT. The TSP function is being used as a proxy to estimate the number of transmission providers that are impacted by this proposed rulemaking.

⁹ The number of entities listed from the NERC Compliance Registry reflects the omission of the Texas registered entities. Note that the 48 transmission providers with OATTs do not include non-public utility transmission providers with reciprocity tariffs.

¹⁰ See *supra* note 3.

¹¹ “Burden” is 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.

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burden and cost of FERC-917 as follows.

Changes Due to Order on Rehearing in Docket No. RM21-17-001¹²				
A. Area of Modification	B. Annual Number of Respondents	C. Total Annual Estimated Number of Response s	D. Average Burden Hours & Cost¹³ per Response	E. Total Estimated Burden Hours & Total Estimated Cost (Column C x Column D)
FERC-917, Electric Transmission Facilities (OMB Control No. 1902-0233)				
Establish a six-month time period during which transmission providers must, among other things, provide a forum for negotiation that enables participation	48 transmission providers with OATTs	48	One Time: 390 hours; \$36,307 Ongoing: 39 hours per year; \$3,631 per year	One Time: 18,720 hours; \$1,742,734 Ongoing: 1,872 hours per year; \$174,274 per year

¹² In the table, Year 1 figures are one-time implementation hours and cost. “Subsequent years” show ongoing burdens and costs starting in Year 2.

¹³ The hourly cost (for salary plus benefits) uses the figures from the Bureau of Labor Statistics (BLS) for three positions involved in the reporting and recordkeeping requirements. These figures include salary (based on BLS data for May 2022, issued April 25, 2023, http://bls.gov/oes/current/naics2_22.htm) and benefits (based on BLS data for September 2023; issued December 15, 2023, <http://www.bls.gov/news.release/ecec.nr0.htm>) and are Manager (Occupation Code 11-0000, \$122.48/hour), Electrical Engineer (Occupation Code 17-2071, \$89.04/hour), and File Clerk (Occupation Code 43-4071, \$42.43/hour). The hourly cost for the reporting requirements (\$105.76) is an average of the hourly cost (wages plus benefits) of a manager and engineer. The hourly cost for recordkeeping requirements uses the cost of a file clerk.

<p>by Relevant State Entities and to discuss potential Long-Term Regional Transmission Cost Allocation Methods and/or a State Agreement Process. Also require transmission providers to consult with Relevant State Entities prior to amending Long-Term Regional Transmission Cost Allocation Methods and/or State Agreement Process on file with the Commission.</p>				
<p>Participate in Long-Term Regional Transmission Planning, which includes creating and updating datasets, developing Long-Term Scenarios, evaluating the benefits of Long-Term Regional Transmission Facilities, and establishing criteria in consultation with Relevant State Entities and stakeholders to select Long-Term</p>	<p>48 transmission providers with OATTs</p>	<p>48</p>	<p>One Time: 0 hours; \$0</p> <p>Ongoing: 4,995 hours per year; \$465,010 per year</p>	<p>One Time: 0 hours; \$0</p> <p>Ongoing: 239,760 hours per year; \$22,320,457 per year</p>
<p>select Long-Term</p>	<p>77 transmission providers without OATTs</p>	<p>77</p>	<p>One Time: 0 hours; \$0</p> <p>Ongoing: 202 hours per year; \$18,805 per year</p>	<p>One Time: 0 hours; \$0</p> <p>Ongoing: 15,554 hours per year; \$1,448,000 per year</p>

Regional Transmission Facilities in the regional transmission plan for purposes of cost allocation.				
Total new burden for FERC 917 (due to Docket No. RM21-17-001)	48 transmission providers with OATTs	48	One Time: 1,113 hours; \$103,614 Ongoing: 5,329 hours per year; \$496,103 per year	One Time: 53,424 hours; \$4,973,495 Ongoing: 255,792 hours per year; \$23,812,956 per year
	77 transmission providers without OATTs	77	One Time: 20 hours; \$1,862 Ongoing: 262 hours per year; \$24,391 per year	One Time: 1,540 hours; \$143,366 Ongoing: 20,174 hours per year; \$1,878,099 per year
	Totals for all 125 transmission providers			One Time: 54,964 hours; \$5,116,861 Ongoing: 275,966 hours per year; \$25,691,055 per year

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There are no non-labor start-up or other non-labor costs.

Total Capital and Start-up Cost: \$0

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

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All of the costs associated with burden hours (labor) are described in Questions #12 and #15 in this supporting statement.

14. ESTIMATED ANNUALIZED COST TO 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 PRA¹⁴ for rulemakings, orders, or any other vehicle used to create, modify, extend, or discontinue an information collection. This average annual cost 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 ¹⁵	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

All of the PRA activities resulting from the reforms in the order on rehearing would be program changes that the Commission has determined will assist in fulfilling its statutory obligations under FPA section 206. The reforms in the order on rehearing are intended to remedy issues with the Commission's existing regional transmission planning and cost allocation requirements to ensure that public utility transmission providers adopt

14 5 CFR pt. 1320.

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

sufficiently long-term, forward-looking, and more comprehensive regional transmission planning and cost allocation processes that identify, evaluate, and select more efficient or cost-effective regional transmission solutions to Long-Term Transmission Needs, thereby ensuring that rates, terms, and conditions for Commission-jurisdictional services remain just and reasonable and not unduly discriminatory or preferential.

The PRA activities in the order on rehearing would increase the total burden of FERC-917. In the order on rehearing, the commission is revising its estimate based on the changes in the rehearing in Docket RM21-17-001. The result is an increase in burden of 48 responses, and 25,786 hours. Most of these hours were due to increases in the estimates to prepare data sets and information to be used for long-term regional planning processes.

	Total Request	Previously Approved	Change due to Adjustment in Estimate	Change Due to Agency Discretion
FERC-917 & 918¹⁶				
Annual Number of Responses	1,064	1,016	0	+48
Annual Time Burden	496,140	470,354	0	+25,786
Annual Cost Burden (\$)	\$0	\$0	\$0	\$0

16. TIME SCHEDULE FOR THE PUBLICATION OF DATA

There are no publication plans for the collection of information. Although some reforms require the posting of information, this will not be done by the Commission.

17. DISPLAY OF THE EXPIRATION DATE

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

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

¹⁶The information collection of FERC 918 is not being changed in the order on rehearing, rather it is included in this OMB control number.

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There are no exceptions.