

**Supporting Statement for:  
FERC-549E, Price Index Data Providers and Developers**

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve the information collection under FERC-549E, *Price Index Data Providers and Developers* (OMB Control No. 1902-0328) for a three-year period with no change to reporting requirements. FERC-549E is an existing data collection with reporting requirements in 18 CFR 284.

**Background**

On December 17, 2020, the Commission issued a proposed revised policy statement<sup>1</sup> on natural gas and electric indices, proposing revisions to the price index policy set forth in the Initial Policy Statement<sup>2</sup> to encourage more market participants to report their transactions to price index developers and to provide greater transparency into the natural gas price formation process. The Commission indicated that the proposals in the Proposed Revised Policy Statement would increase confidence in the accuracy of price indices. The Commission issued its Revised Policy Statement<sup>3</sup> on April 21, 2022, which largely adopted the proposals from the Proposed Revised Policy Statement to encourage more market participants to report their transactions to price index developers and to provide greater transparency into the natural gas price formation process. The Commission indicated that the proposals in the Proposed Revised Policy Statement would increase confidence in the accuracy of price indices. The Commission issued its Revised Policy Statement<sup>4</sup> on April 21, 2022, which largely adopted the proposals from the Proposed Revised Policy Statement.

In the Revised Policy Statement, the Commission made several revisions to its price index policy. First, the Commission revised the price index policy standards for market participants that report data to price index developers (data providers) to allow them to report either their non-index based next-day fixed-price transactions, their non-index based next-month fixed-price transactions, or both, to price index developers. In addition, the Commission encouraged data providers to report to as many Commission-approved price index developers as possible. Further, the Commission allowed data providers to self-audit on a biennial basis. The Commission also modified the price index policy standards for price index developers to provide that they should indicate when they use a market assessment to calculate an index price. The Commission also modified the standards so that each price index developer should seek approval or re-approval from the

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<sup>1</sup> Actions Regarding the Commission's Policy on Price Index Formation & Transparency, & Indices Referenced in Nat. Gas & Elec. Tariffs, 85 FR 83,940 (Dec. 23, 2020), 173 FERC ¶ 61,237 (2020).

<sup>2</sup> Initial Policy Statement, 104 FERC ¶ 61,121.

<sup>3</sup> Revised Policy Statement, 87 FR 25,237, 179 FERC ¶ 61,036.

<sup>4</sup> Revised Policy Statement, 87 FR 25,237, 179 FERC ¶ 61,036.

Commission every seven years that it meets or continues to meet the standards set forth in the Initial Policy Statement. Beginning six months after the effective date of the Revised Policy Statement (i.e., December 31, 2022), interstate natural gas pipelines and public utilities proposing to use price indices in jurisdictional tariffs were no longer entitled to the rebuttable presumption that a price index developer's price indices produce just and reasonable rates unless the price index developer has obtained approval or re-approval from the Commission within the last seven years. Finally, the Commission clarified the review period for assessing the liquidity of natural gas price indices submitted for reference in Commission-jurisdictional tariffs.

## **A. Justification**

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

Under the NGA, the Commission has authority to regulate companies that engage in either the sale of natural gas for resale or interstate transportation.<sup>5</sup> Section 4 of the NGA requires that natural gas companies charge just and reasonable rates for the transportation of and sale for resale of natural gas in interstate commerce.<sup>6</sup> The Commission and third parties may challenge such rates under section 5 of the NGA.<sup>7</sup> An interstate natural gas pipeline or public utility proposing to include a price index in its Commission-jurisdictional tariff bears the burden of supporting its proposed price index. Furthermore, Commission regulations at 18 CFR section 284.402(a) provide that any person who is not an interstate pipeline who is granted a blanket certificate of public convenience and necessity, pursuant to section 7 of the NGA,<sup>8</sup> is authorized to make sales for resale of natural gas at negotiated rates in interstate commerce.

The Commission also has authority to establish rates for intrastate pipelines providing interstate gas transportation service under section 311 of the Natural Gas Policy Act (NGPA).<sup>9</sup> Under section 311, intrastate pipelines are permitted to transport gas for interstate pipelines and local distribution companies (LDC) in interstate commerce without becoming subject to jurisdiction under the NGA. The rates established under section 311 must meet a "fair and equitable" standard, as opposed to the "just and reasonable" standard under the NGA.

Under section 23 of the NGA, added by EAct 2005, the Commission has authority to "facilitate price transparency in markets for the sale or transportation of physical natural

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<sup>5</sup> 15 U.S.C. § 717, et. Seq.

<sup>6</sup> Id. § 717c.

<sup>7</sup> Id. § 717d.

<sup>8</sup> Id. § 717f.

<sup>9</sup> Id. § 3371. See also 18 C.F.R. §§ 284.101 and 284.102 (Commission regulations).

gas in interstate commerce.”<sup>10</sup> NGA section 23(a)(2) provides that the Commission may prescribe rules that “provide for the dissemination, on a timely basis, of information about the availability and prices of natural gas sold at wholesale and in interstate commerce to the Commission, State Commissions, buyers, and sellers of wholesale natural gas, and the public.”<sup>11</sup> NGA section 23(a)(3) provides that the Commission may obtain this information from “any market participant,” and that the Commission may “rely on entities other than the Commission to receive and make public the information.”<sup>12</sup>

FERC-549E is required to implement the statutory provisions governed by sections 4, 7 and 23 of the NGA and section 311 of the NGPA. Specifically, encouraging transacting parties to engage in more robust transaction reporting to price index developers enhances transparent and reliable price index development and assists in meeting the obligations to show just and reasonable prices under the NGA and fair and equitable prices under the NGPA, including the use of market prices in jurisdictional tariffs. Likewise, reducing the burden on price index developers and encouraging transparent index creation further encourages the development of price indexes, provides greater transparency into the natural gas price formation process, and increases confidence in the accuracy and reliability of wholesale natural gas prices, all of which are inextricably related to the regulatory regime set forth in the NGA and NGPA.

### Transportation for Intrastate Pipelines

Section 284.123 of the Commission’s regulations applies to filings by: (1) intrastate pipelines providing interstate services pursuant to section 311 of the NGPA<sup>13</sup> and (2) Hinshaw<sup>14</sup> pipelines providing interstate services subject to the Commission’s NGA jurisdiction pursuant to blanket certificates issued under Section 284.224 of the Commission’s regulations.<sup>15</sup>

18 CFR 284.123(b) provides that intrastate gas pipeline companies file for Commission approval of rates for services performed in the interstate transportation of gas. An intrastate gas pipeline company may elect to use rates contained in one of its then-effective transportation rate schedules on file with an appropriate state regulatory agency

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<sup>10</sup> Id. § 717t-2.

<sup>11</sup> Id. § 717t-2(a)(2).

<sup>12</sup> Id. § 717t-2(a)(3).

<sup>13</sup> 15 U.S.C. 3371.

<sup>14</sup> Section 1(c) of the NGA exempts from the Commission’s NGA jurisdiction pipelines which transport gas in interstate commerce if (1) they receive natural gas at or within the boundary of a state, (2) all the gas is consumed within that state, and (3) the pipeline is regulated by a state Commission. This exemption is referred to as the Hinshaw exemption after the Congressman who introduced the bill amending the NGA to include section 1(c). See *ANR Pipeline Co. v. Federal Energy Regulatory Comm’n*, 71 F.3d 897, 898 (1995) (briefly summarizing the history of the Hinshaw exemption).

<sup>15</sup> 18 CFR 284.224 (2021).

for intrastate service comparable to the interstate service or file for approval of rates and supporting information showing the rates are cost based and are fair and equitable. One-hundred and fifty days after the application is filed for approval of the latter (e.g., the cost-based rates), the rate is deemed to be fair and equitable unless the Commission either extends the time for action, institutes a proceeding, or issues an order providing for rates it deems to be fair and equitable.

18 CFR 284.123(e) requires that within 30 days of commencement of new service, any intrastate pipeline engaging in the transportation of gas in interstate commerce must file a statement that includes the interstate rates and a description of how the pipeline will engage in the transportation services, including operating conditions. If an intrastate gas pipeline company changes its operations or rates it must amend the statement on file with the Commission. Such amendment is to be filed not later than 30 days after commencement of the change in operations or change in rate election.

18 CFR 284.123(f) requires that all filings must be made electronically consistent with requirements set forth in Order No. 714.<sup>16</sup>

In 18 CFR 284.102(e) the Commission requires interstate pipelines to obtain proper certification in order to ship natural gas on behalf of intrastate pipelines and local distribution companies (LDC). This certification consists of a letter from the intrastate pipeline or LDC authorizing the interstate pipeline to ship gas on its behalf. In addition, an interstate pipeline must obtain certifications from its shippers including sufficient information to verify that their services qualify under this section.

### Code of Conduct

The Commission's regulations at 18 CFR 284.288 and 284.403 provide that an applicable seller of natural gas adheres to a code of conduct when making gas sales in order to protect the integrity of the market. As part of this code, the Commission imposes a record retention requirement on applicable sellers to "retain, for a period of five years, all data and information upon which it billed the prices it charged for natural gas it sold pursuant to its market-based sales certificate or the prices it reported for use in price indices." The Commission uses these records to monitor the jurisdictional transportation activities and unbundled sales activities of interstate natural gas pipelines and blanket marketing certificate holders.

Failure to have this information available would mean the Commission is unable to perform its regulatory functions and to monitor and evaluate transactions and operations of interstate pipelines and blanket marketing certificate holders.

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<sup>16</sup> Electronic Tariff Filings, Order No. 714, 73 FR 57,515 (Oct. 3, 2008), 124 FERC ¶ 61,270 (2008), order on reh'g, Order No. 714-A, 147 FERC ¶ 61,115 (2014).

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

The Commission uses the price index policy to encourage additional reporting of fixed-price natural gas transactions to price index developers and to increase transparency into the price index development process. The objective of these voluntary requirements is to increase the robustness of natural gas price indices. For market participants that report data to data providers, they are now allowed to report either their non-index based next-day transactions, their non-index based next-month transactions, or both, to price index developers. Additionally, the Commission's price index policy sets standards for price index developers to provide indicators for when they use a market assessment to calculate an index price. Further, the Commission requires that each price index developer should seek approval or re-approval from the Commission every seven years to determine whether it meets or continues to meet the standards set forth in the Initial Policy Statement.

The Commission uses the data in FERC-549E to examine the cost and time of data providers who report their transactions to price index developers and the cost and time of price index developers who seek Commission approval for the ability for their indices to be referenced in Commission-jurisdictional tariffs.

Failure to collect this information would prohibit the Commission from monitoring and properly assessing the price reporting burdens incurred by data providers and administrative burdens incurred by price index developers.

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

The Commission continually reevaluates the potential and value of improved information technology to lessen burden. The Commission expects data providers to continue to provide their data to price index developers electronically. The Commission expects price index developers to submit their application, supporting documents, affidavits, and supporting statements to the Commission electronically.

**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.**

There are no other federal agencies with comprehensive regulatory authority over data providers or the use of price indices in Commission-jurisdictional tariffs created by price index developers, though the Commission does not have jurisdiction over the price index developers themselves. There is no similar information already available that can be used or modified.

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

Data providers can provide their transactions to price index developers through emailed submissions or through price index developer software submissions. Price index developers can provide information to the Commission electronically. However, most companies that fulfill the FERC-549E filing requirement do not fall within the definition of small entities.<sup>17</sup>

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

Data providers voluntarily report their transactions to price index developers on a daily or monthly basis. They choose to provide this information to price index developers to increase the robustness of natural gas indices. Data providers can choose to stop reporting their transactions to price index developers at any time. The Commission requires price Commission-approved index developers to provide information to the Commission every seven years. If the Commission were to collect this information from price index developers less frequently, the robustness and the transparency of price index formation may be reduced. Any reduction in price index robustness and transparency could harm the just and reasonableness of tariff rates. The commission is required to implement the statutory provisions governed by sections 4, 7 and 23 of the NGA and section 311 of the NGPA. Specifically, encouraging transacting parties to engage in more robust transaction reporting to price index developers enhances the transparent and reliable price index development and assists in meeting the obligations to show just and reasonable prices under the NGA and fair and equitable prices under the NGPA, including the use of market prices in jurisdictional tariffs.

## **7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION**

The Code of Conduct included in FERC-549E includes a record retention period of five-years which 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 in

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<sup>17</sup> Deemed small if it has 500 or fewer employees and meets the requirements of [13 CFR 121.406](#)

prohibiting market manipulation (regulations adopted in Order No. 670, implementing the EPAAct 2005 anti-manipulation provisions ) and the generally applicable five-year 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.

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

The Commission published a 60-Day notice on 12/18/2025 (90 FR 59099) soliciting public comments. The Commission received one comment from Public Citizen, Inc. (Public Citizen) regarding FERC-552 and FERC-549E. Public Citizen suggests what it describes as “needed enhancements” to reporting under FERC-552 and FERC-549E to address increasing price volatility. Public Citizen proposes revisions to the FERC-552 to increase transparency into the natural gas price index formation process. Specifically, Public Citizen recommends that the Commission: shift from annual to quarterly reporting with geographic hub-level data, require respondents to clearly identify affiliates filing separate reports, and create a publicly accessible electronic information system based on actual transactions rather than voluntary, paywalled data from private index developers.

The requirements for FERC-552 and FERC-549E are governed by 18 CFR 260.401 and Commission policy statement in Docket no. PL20-3-000 which include the frequency, content, scope, and availability of the collections. Public Citizen’s comment addresses topics that are defined in those regulations and policy statement and so are outside of the scope of this Information Collections renewal process. FERC is not currently considering changes to these regulations. Therefore, the Commission does not propose any changes to the currently approved information collections at this time.

The Commission also issued a 30-Day notice on 3/31/2026 (91 FR 15987).

**9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS**

There are no payments or gifts for FERC-549E respondents.

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

The Commission does not consider the information collected in the FERC-549E filings to be confidential. However, the Commission will consider specific requests for privileged treatment to the extent permitted by law pursuant to 18 CFR 388.112. The Commission will review each request for privileged treatment on a case-by-case basis.

**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 in the requirements for the FERC-549E.

**12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION**

The table reflecting the changes for burden<sup>18</sup> and cost<sup>19</sup> is as follows:

	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 & Total Annual Cost (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)
<b>FERC 549E: Price Index Data Providers and Developers</b>						
Data providers (and their affiliates) report Next Day Transactions <sup>20</sup>	76	249	18,924	4 hrs.; \$412	75,696 hrs.; \$7,796,688	\$102,588
Data Providers-perform biennial self-audit (not annual)	96	.5	48	80 hrs.; \$8,240	3,840 hrs.; \$395,520	\$4,120
Data Providers (and their affiliates) report Next Month Transactions <sup>21</sup>	70	12	840	4 hrs.; \$412	3,360 hrs.; \$346,080	\$4,944
Price Index Developers—code of conduct & confident.;	6	1	6	80 hrs.; \$8,240	480 hrs.; \$49,440	\$8,240

<sup>18</sup> 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. See 5 CFR 1320 for additional information on the definition of information collection burden.

<sup>19</sup> Commission staff estimates that the industry’s skill set and cost (for wages and benefits) are approximately the same as the Commission’s average cost. The estimate uses the FERC’s FY 2025 average annual salary plus benefits of one FERC FTE (full-time equivalent [\$214,093 per year or \$103 per hour]).

<sup>20</sup> Updated based on CY 2024 data.

<sup>21</sup> *Id.*

& inform customers						
Price Index Developers—identify assessed index price vs. calculated	6	1	6	80 hrs.; \$8,240	480 hrs.; \$49,440	\$8,240
Price Index Developers—re-certify every 7 yrs.	6	.14	1	269 hrs.; \$27,707	269 hrs.; \$27,707	\$4,618
<b>TOTAL FERC 549E</b>			<b>19,825</b>		<b>84,125</b> <b>\$8,664,875</b>	<b>\$132,750</b>

**13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS**

There is no start-up or other non-labor costs. All of the costs are associated with burden hours (labor) and described in Questions #12 and #15 in this supporting statement.

**14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT**

The estimate of the cost for “analysis and processing of filings”<sup>22</sup> is based on salaries and benefits for professional and clerical support. This estimated cost represents staff analysis, decision-making, and review of any actual filings submitted in response to the information collection.

The PRA Administrative Cost is the average annual FERC cost associated with preparing, issuing, and submitting materials necessary to comply with the PRA for rulemakings, orders, or any other vehicle used to create, modify, extend, or discontinue an information collection. It also includes the cost of publishing the necessary notices in the Federal Register.

<b>FERC-549E</b>	<b>Number of Employees (FTE)</b>	<b>Estimated Annual Federal Cost</b>
Analysis and Processing of Filings <sup>23</sup>	.1	\$21,409
PRA <sup>24</sup> Administrative Cost		\$7,978

<sup>22</sup> The estimate uses the FERC’s FY 2025 average annual salary plus benefits of one FERC FTE (full-time equivalent [\$214,093 per year or \$103.00 per hour]).

<sup>23</sup> The FERC 2025 average salary plus benefits for one FERC full-time equivalent (FTE) is \$214,093/year (or \$103.00/hour).

<sup>24</sup> Paperwork Reduction Act of 1995 (PRA).

<b>FERC Total</b>		\$29,387
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**15. REASONS FOR CHANGES IN BURDEN INCLUDING THE NEED FOR ANY INCREASE**

The need for implementing FERC-549E is described in Question #2. Costs related to burden hours are addressed in Question #12. The new collection includes an estimate of 249 respondents for data providers and 6 respondents for price index developers. The following table shows the total burden of the collection of information. The format, labels, and definitions of the table follow the ROCIS submission system’s “Information Collection Request Summary of Burden” for the metadata.

<b>FERC-549E</b>	<b>Total Request</b>	<b>Previously Approved</b>	<b>Change due to Adjustment in Estimate</b>	<b>Change Due to Agency Discretion</b>
Annual Number of Responses	19,825	24,893	-5,068	0
Annual Time Burden (Hours)	84,125	104,701	-20,576	0
Annual Cost Burden (\$)	0	0	0	0

**16. TIME SCHEDULE FOR PUBLICATION OF DATA**

There are no publications of either information. The data is used for regulatory purposes only.

**17. DISPLAY OF EXPIRATION DATE.**

The expiration date is displayed in a table posted on ferc.gov at <https://www.ferc.gov/information-collections>.

**18. EXCEPTIONS TO THE CERTIFICATION STATEMENT**

There are no exceptions to this collection.