

Supporting Statement

**FERC-912, PURPA Section 210(m) Notification Requirements Applicable to Cogeneration and Small Power Production Facilities**

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve FERC-912, PURPA Section 210(m) Notification Requirements Applicable to Cogeneration and Small Power Production Facilities, for a three year period. FERC-912 (OMB Control No. 1902-0237) is an existing Commission data collection (reporting requirements), as stated by 18 Code of Federal Regulations (CFR) Part 292.

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

The use of FERC-912 is necessary to provide the Commission with the information needed to determine whether an order is appropriate to either terminate or reinstate the purchasing or selling of energy under PURPA section 210(m).

The Commission's implementing regulations, found in 18 CFR Part 292, provide the following procedures:

- §292.310 an electric utility's application for the termination of its obligation to purchase energy from a QF,
- §292.311 an affected entity or person's application to the Commission for an order reinstating the electric utility's obligation to purchase energy from a QF,
- §292.312 an electric utility's application for the termination of its obligation to sell energy and capacity to QFs, and
- §292.313 an affected entity or person's application to the Commission for an order reinstating the electric utility's obligation to sell energy and capacity to QFs.

Note that the reinstatement of an electric utility's obligation to sell or purchase electric power to/from a QF depends on a Commission determination that the qualifications that relieved the utility from the obligation of purchase or sale are no longer met.

**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 information collected by FERC-912 to determine if an order is appropriate and required under PURPA section 210(m)<sup>1</sup>. Without this collection of information, the Commission would not be able to carry out its obligations under PURPA section 210(m).

---

<sup>1</sup> P.L. 109-58 Section 1253

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

FERC-912 applicants can use the eFiling system to file the required information to the Commission. Applicants should visit the eFiling website (<http://www.ferc.gov/docs-filing/efiling.asp>) to find information on what file formats are acceptable.

**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 information filed in FERC-912 is unique in the universe of publicly available electric energy information. Commission staff searched for other sources of this information and found none. In addition, the Commission asked the public, through a Federal Register Notice, whether other sources existed and none were identified.

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

In Order No. 671, the Commission established a rebuttable blanket presumption that all QFs with a net capacity less than or equal to 20 MW do not have nondiscriminatory access to wholesale markets described in section 210(m). With this rebuttable presumption these QFs are not required to make filings under PURPA section 210(m)(3).

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

Respondents file the FERC-912 information only when circumstances in 18 CFR Part 292 dictate so. This is not a collection conducted on a recurring basis. The Commission cannot conduct this information collection less frequently. The only way to conduct this collection less frequently would be to discontinue it. That would result in the Commission failing to meet its statutory mandates.

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

The information collection meets all of OMB's section 1320.5 requirements.

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

In accordance with OMB requirements, the Commission published a 60-day notice<sup>2</sup> and a 30-day notice<sup>3</sup> to the public regarding this information collection on 9/20/2012 and 11/29/2012 respectively. Within the public notice, the Commission noted that it would be requesting a three-year extension of the public reporting burden with no change to the existing requirements concerning the collection of data. The Commission received no comments.

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

There are no payments or gifts to FERC-912 respondents.

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

The Commission does not consider the information collected in FERC-912 filings to be confidential. However, the filer may request privileged treatment of a filing that may contain information harmful to the competitive posture of the applicant if released to the general public.<sup>4</sup>

**11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE**

The Commission considers the questions within the FERC-912 neither sensitive in nature nor private.

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

The Commission estimates the Public Reporting Burden for this information collection as:

<b>FERC-912: Cogeneration and Small Power Production, PURPA Section 210(m) Regulations for Termination or Reinstatement of Obligation to Purchase or Sell</b>					
	<b>Number of Respondents (A)</b>	<b>Number of Responses Per Respondent (B)</b>	<b>Total Number of Responses (A)x(B)=(C)</b>	<b>Average Burden Hours per Response (D)</b>	<b>Estimated Total Annual Burden (C)x(D)</b>

2 77 FR 58365

3 77 FR 71186

4 18 CFR 388.112

Termination of obligation to purchase	5	1	5	12	60
Reinstatement of obligation to purchase	1	1	1	13	13
Termination of obligation to sell	1	1	1	12	12
Reinstatement of obligation to sell	1	1	1	13	13
<b>TOTAL</b>					98

The following table shows the labor cost associated with the burden hours.

<b>FERC-731</b>			
	<b>Annual Burden Hours (1)</b>	<b>Estimated Hourly Cost (\$) (2)</b>	<b>Estimated Total Annual Cost to Respondents (\$) (1) X (2)</b>
	98	\$69.01 <sup>5</sup>	\$6,762.98

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

Total Capital and Start-up cost: \$0

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

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

	<b>Number of Employees (FTE)</b>	<b>Estimated Annual Federal Cost</b>
Analysis and Processing of filings <sup>6</sup>	0.3	\$43,062
PRA <sup>7</sup> Administrative Cost <sup>8</sup>		\$1,588
<b>FERC Total</b>		\$44,650

The Commission bases its estimate of the “Analysis and Processing of filings” cost to the Federal Government on salaries and benefits for professional and clerical support. This

<sup>5</sup> This figure is rounded to the nearest cent  
<sup>6</sup> Based upon 2012 FTE average salary plus benefits (\$143,540)  
<sup>7</sup> Paperwork Reduction Act of 1995 (PRA)  
<sup>8</sup> Based upon 24 hours of Commission staff time/effort

estimated cost represents staff analysis, decision-making, and review of any actual filings submitted in response to the information collection.

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

There is an increase in the number of respondents from 4 to 5 (for the termination of obligation to purchase). Over the past three years, the Commission received an average of 5 filings per year thus warranting the increase. This is due to normal business fluctuations in energy markets.

The burden per filing of 12-13 hours results from a review of the actual filings and an estimate of the required time for completion. FERC received no comments during the 60-day or 30-day comment periods on the burden estimates.

The table below illustrates the aggregate burden (and any corresponding changes).

<b>FERC-912</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	8	7	1	0
Annual Time Burden (Hr)	98	86	12	0
Annual Cost Burden (\$)	\$0	\$5,305	-\$5,305	\$0

With the clearance package, the cost to industry is displayed using the unit of burden hours. In accordance with the “ROCIS HOW TO Guide for Agency Users of the Information Collection Request (ICR) Module”, users should not report as a dollar cost any burden reported in hours<sup>9</sup>. Therefore, Commission staff corrected the industry’s annual cost burden within the ROCIS metadata to show that the Commission associates no cost to capital investment or other non-labor costs. The Commission estimates the monetary cost related to the burden hours in #13 (above). The Commission erroneously represented these data in previous FERC-912 supporting statements. Commission staff corrected the error within the current proposed clearance package.

The format, label, and definitions of the table above follow the ROCIS system’s “ICR Summary of Burden” for the meta-data.

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

<sup>9</sup> [https://www.rocis.gov/rocis/jsp/common/ROCIS HOW TO Guide for AGENCY Users of ICR Module-03192012\\_v2.pdf](https://www.rocis.gov/rocis/jsp/common/ROCIS_HOW_TO_Guide_for_AGENCY_Users_of_ICR_Module-03192012_v2.pdf), p.37

There are no tabulating, statistical or tabulating analysis or publication plans for the collection of information. The Commission uses the data for regulatory purposes only.

#### **17. DISPLAY OF EXPIRATION DATE**

It is not appropriate to display the expiration date because the Commission does not collect the information upon a standard, preprinted form that would avail itself to this display. Rather, public utilities and licensees prepare and submit filings that reflect the unique or specific circumstances related to rates and services involved in the filing. In addition, the information contains a mixture of narrative descriptions and empirical support that varies depending on the nature of the services provided.

#### **18. EXCEPTIONS TO THE CERTIFICATION STATEMENT**

The Commission does not use a statistical survey methodology for this information collection.