

Supporting Statement

FERC Form No. 561 (Annual Report of Interlocking Directorates)

The Federal Energy Regulatory Commission (FERC or Commission) requests the Office of Management and Budget (OMB) review the information collection requirement in the FERC Form No. 561 (OMB Control No. 1902-0099), and extend its approval of this information collection for three years. FERC Form No. 561 is an existing collection whose filing requirements are contained in 18 Code of Federal Regulations (CFR) Part 46.

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The Federal Power Act (FPA) mandates federal oversight and approval of certain electric corporate activities and implements related information filing requirements. FERC Form No. 561 ensures that FPA-mandated oversight can occur. Additionally, this information collection ensures that neither public nor private interests are adversely affected by the electric activities in the FPA provisions.

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

The information the Commission collects with the FERC Form No. 561 (Annual Report of Interlocking Positions) responds to the FPA requirements for annual reporting of similar types of positions public utility officers and directors hold with financial institution, insurance companies, utility equipment and fuel providers, and with any of an electric utility's 20 largest purchasers of electric energy (i.e. the 20 entities with high expenditures of electricity). The FPA specifically defines most of the information elements in the Form 561 including the information that must be filed, the required filers, the directive to make the information available to the public, and the filing deadline.

The Commission uses the information collected by the FERC Form No. 561 to implement the FPA requirement that those who are authorized to hold interlocked directorates annually disclose all the interlocked positions held within the prior year. The FERC Form No. 561 data identifies persons holding interlocking positions between

public utilities and other entities, allows the Commission to review these interlocking positions, and allows identification of possible conflicts of interest.

The Commission can use its enforcement authority when violations and omissions of FPA requirements occur.

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

The information may be filed electronically through eFiling.¹ Hard copy filings are also accepted.

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 periodically reviews notice requirements as OMB review dates approach or as the Commission may see fit in carrying out its responsibilities under the FPA in order to eliminate duplication and minimize the filing burden. There is no duplication of information.

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

The data collection imposes the least possible burden on small entities while collecting information necessary to the Commission to fulfill statutory requirements.

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

Public Utilities Regulatory Policy Act (PURPA) Section 211 mandates annual submission of the data in the FERC Form No. 561. FERC cannot change congressionally-mandated filing dates. If the FERC Form No. 561 were collected less

¹ Additional information on eFiling is posted at <https://www.ferc.gov/docs-filing/efiling.asp>.

frequently, the Commission would be unable to perform its mandated oversight and review responsibilities as effectively.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

There are no special circumstances related to this information collection.

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 notice² and a 30-day notice³ to the public regarding this information collection on 4/3/2017 and 07/19/2017 respectively. 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 from the public regarding this information collection.

The public Notices⁴ are posted in FERC's eLibrary and published in the Federal Register.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

There are no gifts or payments given to the respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

FERC-561 information submitted to the Commission is made publically available. Specific requests for confidential treatment to the extent permitted by law are considered pursuant to 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

² 82 FR 16191

³ 82 FR 33102

⁴ The Notice is available in FERC's eLibrary at

<https://elibrary-backup.ferc.gov/idmws/common/opennat.asp?fileID=14530657>.

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

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The estimated burden for each collection follows:

| FERC Form No. 561 (Annual Report of Interlocking Positions) | | | | | | |
|---|------------------------------|--|--|--|---|-------------------------------------|
| | Number of Respondents (1) | Annual Number of Responses per Respondent (2) | Total Number of Responses (1)*(2)=(3) | Average Burden/Cost Per Response ³ (4) | Total Annual Burden Hours (Total Annual Cost) ⁴ (3)*(4)=(5) | Cost per Respondent (\$) (5)÷(1) |
| FERC Form No. 561 | 2,700 | 1 | 2,700 | 0.25 hr.; \$19.13 | 675.00 hr.; \$51,637.50 | \$19.13 |

NOTE: neither the reporting requirements nor the hours per response (0.25 hrs.) have changed since the last renewal. The increase in the number of respondents and responses (from 2,675 to 2,700) is due to normal fluctuations in the industry (e.g. companies merging or splitting, coming into or going out of business).

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There is no capital or start-up cost associated with FERC Form No. 561. All costs are related to burden hours and are described further in #12 and 15.

14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

The following table contains the annualized effort and cost for FERC Form No. 561.

| FERC Form No. 561 | Number of Employees (FTEs) | Estimated Annual Federal Cost |
|--|----------------------------|-------------------------------|
| Analysis and Processing of filings ⁵ | 1 | \$158,754 |
| Paperwork Reduction Act Administrative Cost ⁶ | | \$5,723 |

⁵ Based upon 2017 FTE average salary plus benefits (\$158,754)

⁶ The PRA Administrative Cost is a Federal Cost associated with preparing, issuing, and

| | | |
|--------------|--|-----------|
| TOTAL | | \$164,468 |
|--------------|--|-----------|

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

There are no changes in the information collection requirements and no program changes to the figures. However there are ‘adjustments in estimates’ for some of the components.

- The Commission expects to process approximately 2,700 (rather than 2,675) responses this year. The change in the estimated number of responses reflects normal fluctuations in industry and the economy.
- In addition, based on additional information, the Commission is adjusting the estimated burden per filing (or per response) to 675 hours (rather than 669 hours). This adjustment in estimated burden per response also increases the total burden by 6 hours.

[These revised estimates are also reflected in #12 above.]

The following table shows the changes to burden hours (‘change due to adjustment in estimate’), current OMB-approved inventory (‘previously approved’), and the ‘total request’ for this supporting statement (as listed in ROCIS and reginfo.gov):

| FERC Form No. 561 | Total Request | Previously Approved | Change due to Adjustment in Estimate | Change Due to Agency Discretion |
|----------------------------|----------------------|----------------------------|---|--|
| Annual Number of Responses | 2,700 | 2,675 | 25 | 0 |
| Annual Time Burden (Hr) | 675 | 669 | 6 | 0 |
| Annual Cost Burden (\$) | \$0 | \$0 | \$0 | \$0 |

16. TIME SCHEDULE FOR PUBLICATION OF DATA

There are no publication plans for this collections of information.

17. DISPLAY OF EXPIRATION DATE

_____ submitting materials necessary to comply with the Paperwork Reduction Act (PRA).

The expiration date is displayed in a table posted on ferc.gov at <http://www.ferc.gov/docs-filing/info-collections.asp>.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

The data collected for this reporting requirement is not used for statistical purposes.