

Supporting Statement
**FERC-917 (Non-discriminatory Open Access Transmission Tariff) and
FERC-918 (Information to be posted on OASIS & Auditing Transmission
Service Information)**
(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 (Non-discriminatory Open Access Transmission Tariff) and FERC-918 (Information to be Posted on OASIS & Auditing Transmission Service Information), 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-

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).

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 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. 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, 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
 - (a) a regional cost allocation method for the cost of new transmission facilities selected in a regional transmission plan for purposes of cost allocation and
 - (b) 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.
- (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.

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 and FERC-918 requires that public utility transmission providers amend their OATTs at Schedule 3 (Regulation and Frequency Response Service) to explain how they will take into account the speed and accuracy of regulation resources in determining Regulation and Frequency Response reserve requirements. Each public utility's open access transmission tariff, at Schedule 3 – Regulation and Frequency Response Service, must include provisions explaining how it will determine its Regulation and Frequency Response reserve requirements. These provisions must take into account speed and accuracy of regulation resources and include a description of how the public utility transmission provider would make adjustments to the capacity requirement when a customer opts to purchase from third-parties or self-supply its requirements using resources with speed and accuracy characteristics that differ from the set of resources otherwise being used for Regulation and Frequency Response Service.

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. 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

FERC-917 and FERC-918. The pro forma tariff information is provided only once per utility.

It is not possible to collect this data 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, the Commission published a 60-day notice on February 6, 2018 (83 FR 5255) and a 30-day notice on May 9, 2018 (83 FR 21288) to the public regarding these information collections. The cost information was inadvertently omitted from the Notices. Due to this oversight, we published an Errata notice³ and provided an additional 15 days for comments. In addition, the

³ 83 FR 27325, June 12, 2018

Commission issued a Corrected Errata Notice on 6/13/2018, to correct some erroneous figures.⁴ 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.

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, they 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.

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. The estimated annual public reporting burdens for FERC-917 (requirements in 18 CFR 35.28) and FERC-918 (requirements in 18 CFR 37.6 and 37.7) are reduced from the original estimates made in 2007. The reductions are due to the completion of: (1) one-time pro forma tariff and standards changes by utilities in existence at that time, which would not be needed unless the tariff and/or standards are changed again; and (2) completed development and comment solicitation of the required NERC/NAESB reliability standards and business practices. The other activities are annual ongoing requirements. These reductions are program changes.

The estimated burden and cost is:

FERC-917 (Non-discriminatory Open Access Transmission Tariff) and FERC-918 (Information to be Posted on OASIS & Auditing Transmission Service Information)

⁴ <https://elibrary-backup.ferc.gov/idmws/common/opennat.asp?fileID=14944928>

	No. of Respondents (1)	Annual No. of Responses per Respondent (2)	Annual No. of Responses (1)*(2)=(3)	Average Burden Hrs. & Cost (\$) Per Response (4)	Total Annual Burden Hours & Total Annual Cost (\$) (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)=(6)
18 CFR 35.28 (FERC-917)						
Conforming tariff changes (Reporting)	0	0	0	0	0	0
Revision of Imbalance Charges (Reporting)	0	0	0	0	0	0
ATC revisions (Reporting)	0	0	0	0	0	0
Planning (Attachment K) (Reporting)	134	1	134	100 hrs., \$7,200.00	13,400 hrs., \$964,800	\$7,200.00

⁵ The estimated hourly cost (salary plus benefits) provided in this section is based on the salary figures for May 2017 posted by the Bureau of Labor Statistics for the Utilities sector (available at http://www.bls.gov/oes/current/naics2_22.htm) and benefits data of May 2017 (available at https://www.bls.gov/oes/current/naics2_22.htm):

Legal (Occupation Code: 23-0000): \$143.68
Consulting (Occupation Code: 54-1600): \$89.00
Management Analyst (Occupation Code: 13-1111): \$63.49
Office and Administrative Support (Occupation Code: 43-000): \$40.89
Electrical Engineer (Occupation Code: 17-2071): \$68.12
Information Security Analyst (Occupation Code: 15-1122): \$66.34
File Clerk (Occupation Code: 43-4071): \$32.74

For reporting requirements, the skill sets are assumed to contribute equally, so the hourly cost is an average [(\$143.68 + \$89.00 + \$63.49 + \$40.89 + \$68.12 + \$66.34 + \$32.74) ÷ 7 = \$72.04]. The figure is rounded to \$72.00 per hour.

For recordkeeping requirements, the hourly cost for a file clerk (\$32.74) is used.

Congestion studies (Reporting)	134	1	134	300 hrs., \$21,600	40,200 hrs., \$2,894,400	\$21,600.00
Attestation of network resource commitment (Reporting)	134	1	134	1 hrs., \$72.00	134 hrs., \$9,648.00	\$72.00
Capacity reassignment (Reporting)	134	1	134	100 hrs., \$7,200.00	13,400 hrs., \$964,800.00	\$7,200
Operational Penalty annual filing (Record Keeping))	134	1	134	10 hrs., \$327.40	1,340 hrs., \$43,871.60	\$327.40
Creditworthiness – include criteria in the tariff (Reporting)	0	0	0	0	0	0
FERC-917, Sub-Total of Record Keeping Requirements					1,340 hrs., \$43,871.60	
FERC-917, Sub-Total of Reporting Requirements					67,134 hrs., \$4,833,648.00	
FERC-917 -- Sub Total of Reporting and					68,474 hrs., \$4,877,519.60	

Recordkeeping Requirements						
18 CFR 37.6 & 37.7 (FERC-918)⁶						
Implementation by each utility (Reporting)	0	0	0	0	0	0
NERC/NAESB Team to develop (Reporting)	0	0	0	0	0	0
Review and comment by utility (Reporting)	0	0	0	0	0	0
Mandatory data exchanges (Reporting)	134	1	134	80 hrs., \$5,760.00	10,720 hrs., \$771,840.00	\$5,760.00
Explanation of change of ATC values (Reporting)	134	1	134	100 hrs., \$7,200.00	13,400 hrs., \$964,800.00	\$7,200.00
Reevaluate CBM and post quarterly (Record Keeping)	134	1	134	20 hrs., \$654.80	2,680 hrs., \$87,743.20	\$654.80
Post OASIS metrics; requests accepted/denied (Reporting)	134	1	134	90 hrs., \$6,480.00	12,060 hrs., \$868,320.00	\$6,480.00

⁶ ATC-related standards include: Implementation by each utility (Reporting), NERC/NAESB Team to develop (Reporting), and Review and comment by utility (Reporting).

Post planning redispatch offers and reliability redispatch data (Record Keeping)	134	1	134	20 hrs., \$654.80	2,680 hrs., \$87,743.20	\$654.80
Post curtailment data (Reporting)	134	1	134	1 hrs., \$72.00	134 hrs., \$9,648.00	\$72.00
Post Planning and System Impact Studies (Reporting)	134	1	134	5 hrs., \$360.00	670 hrs., \$48,240.00	\$360.00
Posting of metrics for System Impact Studies (Reporting)	134	1	134	100 hrs., \$7,200.00	13,400 hrs., \$964,800.00	\$7,200.00
Post all rules to OASIS (Record Keeping)	134	1	134	5 hrs., \$163.70	670 hrs., \$21,935.80	\$163.70
FERC-918, Sub-Total of Record Keeping Requirements					6,030 hrs., \$197,422.20	
FERC-918 Sub-Total of Reporting Requirements					50,384.00 hrs., \$3,627,648	

FERC-918 -- Sub Total of Reporting and Recordkeep ing Requireme nts						56,414 hrs., \$3,825,070.2 0
Total FERC-917 and FERC- 918 (Reporting and Recordkeep ing Requireme nts)						124,888 hrs., \$8,702,589.8 0
Off-site storage cost						\$7,400,000

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There are no non-labor start-up costs. All costs are related to burden hours and are addressed in Question #12 and #15.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

The estimated annualized cost to the Federal Government for FERC-917 and FERC-918 is:

FERC-917	Number of Employees (FTEs)	Estimated Annual Federal Cost
Analysis and Processing of filings ⁷	1	\$158,754

⁷ Based upon FERC’s 2017 FTE average annual salary plus benefits (\$158,754).

Paperwork Reduction Act ⁸ Administrative Cost		\$5,723
TOTAL for FERC-917		\$164,477
FERC-918	Number of Employees (FTEs)	Estimated Annual Federal Cost
Analysis and Processing of filings	1	\$158,754
Paperwork Reduction Act Administrative Cost		\$5,723
TOTAL for FERC-918		\$164,477

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 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

The requirements are not changing for FERC-917 and FERC-918 information collections. However we are removing (as program decreases) completed one-time burden requirements, as well as making some adjustments to estimates.

Program Decreases due to Completion of Some Filings in FERC-917 (totaling -575 responses and -27,967 burden hours). In this renewal, the burden is decreasing (program decreases) due to the completion and removal of all one-time burdens in FERC-917.

⁸ The PRA Administrative Cost is a Federal Cost associated with preparing, issuing, and submitting materials necessary to comply with the Paperwork Reduction Act (PRA) 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, and other changes to the collection, as well as associated publications in the Federal Register.

- We are removing 132 responses and 2,288 burden hours from FERC-917 (added by RM11-24 in ICR 201301-1902-011 and currently contained in IC “FERC-917 (Final Rule in RM11-24)”). These were one-time filings of Proforma Open-access transmission tariff (OATT) and data sharing.
- The filings were completed in 2014, so. FERC is removing these ICs, responses and burden (originally added by Docket RM10-23 (ICR 201107-1902-00202)):
 - i. 132 responses (24,200 hrs.) from IC “FERC-917 (RM10-23) [Order 1000/1000A]”
 - ii. 140 responses (560 hrs.) from IC ”FERC-917 (RM10-23) [Order 1000A] Transmission Developers submittal”
 - iii. 132 responses (880 hrs.) from IC “FERC-917 (RM10-23) [Order 1000A] Voluntary Cost Containment/Recovery Provisions”
- In addition, we are removing (from IC “FERC-917, Non-discriminatory Open Access Transmission Tariff”) 39 responses and (at 1 hr. per response) 39 hours related to the completion of the Safe Harbor Commercial Operation Date Filing (which had been averaged over the first three years and added by the RM14-11-000 Final Rule (Open Access and Priority Rights on Interconnection Customers Interconnection Facilities)).

Adjustments in Estimates (totaling -2 responses and -6,985 hrs.).

- *FERC-918.* Due to additional details (as shown in Question 12 above) and improved estimates for the various components of the reporting and recordkeeping requirements, we have an adjustment of -6,566 burden hours. In addition, we have split the hours in the ROCIS metadata to show the reporting and recordkeeping estimates (which were previously combined).

FERC-917. In the remaining IC, we have adjustments in the number of responses (-2) and burden hours (-419). These adjustments are due to additional details (as shown in Question 12 above) and improved estimates for the various components of the reporting and recordkeeping requirements, as well as normal fluctuations in industry (e.g., companies coming into or going out of business, or merging or splitting).

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	268	845	-2	-575
Annual Time Burden (Hr.)	124,888	159,840	-6,985	-27,967
Annual Cost Burden (\$)	7,400,000 ⁹	7,400,000	0	0

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 <http://www.ferc.gov/docs-filing/info-collections.asp>

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

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

⁹ The cost calculation was based on square footage for recordkeeping requirements: $8,000 \text{ ft}^2 \times \$925/\text{ft}^2 = \$7,400,000$. The estimate is the result of RM10-23-001 (ICR No. 201205-1902-005), and it is not related to burden hours. It is related to offsite storage of record-keeping requirements. This is an annual estimate of the fees related to offsite storage.