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Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 141, 375, and 385

[Docket No. RM93-20-000]

Electronic Filing of FERC Form No. 1 and Delegation to Chief Accountant Order No. 574

Issued December 29, 1994.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is amending its regulations to provide for the electronic filing of FERC Form No. 1, Annual Report of Major electric utilities, licensees and others. Commencing with the report for reporting year 1994, due on or before April 30, 1995, filing will be required in the form of a computer diskette in addition to the currently required number of paper copies. No changes are being made to the FERC Form No. 1 itself. The Commission has concluded that the automation of Form 1 filing will yield significant benefits, including more timely analysis and publication of data, increased data analysis capability, reduced cost of data entry and retrieval, simplification of form design, and overall reduction of reporting burden.

EFFECTIVE DATE: This rule is effective February 6, 1995.

FOR FURTHER INFORMATION CONTACT:

Richard Mattingly (Legal Information), Electric Rates and Corporate Regulation, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 208-2070

Robert J. Lynch (Technical Information), Office of Chief Accountant, Federal Energy Regulatory Commission, 810 First Street, N.E., Washington, D.C. 20426, (202) 219-3012

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this

document during normal business hours in Room 3104, at 941 North Capitol Street, N.E., Washington, D.C. 20426.

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Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J. Hoecker, William L. Massey, and Donald F. Santa, Jr.

Electronic Filing of FERC Form No. 1 and Delegation to Chief Accountant; Docket No. RM93-20-000.

Order No. 574 Final Rule

Issued December 29, 1994.

I. Introduction

On July 23, 1993, the Federal Energy Regulatory Commission (Commission) issued a notice of proposed rulemaking (NOPR)¹ in which the Commission proposed to amend 18 CFR Parts 141 and 385 to provide for the electronic filing of FERC Form No. 1, "Annual Report of Major electric utilities, licensees and others" (Form 1). Under the proposed rule, in addition to paper copies, future Form 1 filings would also be made by means of a computer diskette incorporating software programming developed by the Commission. Electronic reporting of Form 1 was proposed to commence with reporting year 1993, due on or before April 30, 1994. No change was proposed in Form 1 itself.

Interested parties were requested to submit written comments. Comments were received from numerous electric utilities, industry associations, and the Energy Information Administration of the United States Department of Energy. On December 30, 1993, the Commission issued a Notice of Intent to Act and

¹ 58 FR 40606 (July 29, 1993); IV FERC Stats. & Regs. ¶ 32,498 (1993).

Response to Comments (Notice).² The Commission deferred issuance of a final rule pending development and testing of the necessary software. The Commission stated that it anticipated that the development and testing process would be complete in time for the electronic filing of Form 1 for report year 1994, due on or before April 30, 1995. The Commission also stated its views on a number of issues raised by the commenters.³ The procedures outlined in the Notice have been successfully completed, and the Commission is now adopting a final rule amending its regulations to provide for the electronic filing of Form 1 and also for the delegation of authority to the Chief Accountant or his designee to rule on requests for waiver of the electronic filing requirements.

II. Public Reporting Burden

The current annual reporting burden for the industry for collection of information is estimated to be 235,000 hours for the Form 1. The industry burden is based on an estimate of 1,217 average hours on an annual basis for the 193 entities which complete a Form 1 filing. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The Commission anticipates that any increase in reporting burden for collection of information from this rule will be minimal. Initially, there may be some increase in reporting burden as respondents develop procedures and adapt equipment to implement electronic filing. However, for the last several years, most Form 1 respondents have already prepared their Form 1 paper copies from computer-based systems. This rule will thus result largely in a standardization of preparing and filing the form electronically.

Send comments regarding reporting burden or any other aspect of the Commission's collection of information, including suggestions for reducing this burden, to the Federal Energy Regulatory Commission, 941 North Capitol Street, N.E., Washington, D.C. 20426 (Attention: Michael Miller, Information Services Division, 202-208-1415), and to the Office of

² 59 FR 1687 (Jan. 12, 1994). In an order issued concurrently, on December 30, 1993, the Commission also adopted a final rule delegating to the Chief Accountant or his designee the authority to act on requests for waiver of the Form Nos. 1 and 1-F. Order No. 564, 59 FR 1917 (Jan. 13, 1994); III FERC Stats. & Regs. ¶ 30,990 (1993).

³ The discussion and analysis in the Notice is hereby incorporated by reference in this order.