

Information and Regulatory Affairs of the Office of Management and Budget (Attention: Desk Officer for Federal Energy Regulatory Commission).

III. Background

The Commission, in the exercise of its authority under the Federal Power Act, collects data pertaining to the electric utility industry in the United States.⁴ One of the principal forms used for collection of this information is Form 1, which is submitted annually by some 193 electric utilities and licenses. Form 1 consists of cover pages, four pages of general information and instructions, and 113 pages of schedules incorporating financial and operational information pertaining to the respondent companies. Form 1 also requires that certain financial information be certified by an independent certified public accountant⁵ as conforming to the Commission's Uniform System of Accounts.⁶

Form 1 has heretofore been submitted in a paper or hardcopy format. Currently, Form 1 respondents must file an original and six copies. As noted in the NOPR, the Commission and its staff have been approached by individual electric utilities and state commission staffs inquiring whether the Commission had developed or planned to develop an automated data filing system for Form 1. These parties suggested that such a procedure could yield significant benefits in terms of process simplification and savings of time and expense.

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. Accordingly, in this Final Rule, the Commission is requiring the automation of Form 1 filing.

IV. Summary of Proposal

The NOPR outlined a plan under which the Commission would develop a personal computer (PC) based software package for Form 1 reporting.⁷ The software would be available on standard computer diskettes with instructions and documentation and would be sent to each Form 1 respondent without charge. The program would display the

Form 1, schedule by schedule, on the respondent's PC. The required data could then be manually key-entered on the respondent's PC. The program was intended to permit the respondent to "import" the required data from its PC or mainframe computer directly into the software package, thus avoiding the manual data-entry process. When the data entry process was completed, the respondent, using the software, would be able to produce a data diskette that would be submitted to the Commission, along with the required paper copies.⁸

The Commission noted that it had already initiated the process of procuring the necessary software package for automating Form 1 reporting and stated that, upon receipt of the software package, the Commission staff would test all aspects of the system, including data input, data output, and print capability. The Commission also stated its intention to conduct a thorough field test of the software package with volunteer Form 1 respondents.

V. Development of the Software Program

Development of software for electronic reporting of Form 1 was carried out in accordance with the outline set forth in the NOPR. Working with members of the Commission staff, a software contractor developed an initial program, which was submitted for preliminary testing. The program was thoroughly tested by the staff and numerous adjustments and revisions were adopted. Following completion of these tests, the staff established a working group of volunteer electric utilities to design a field test for the program. The field test was undertaken and successfully completed. The results of the field test confirm that the Form 1 software program is practical, reliable, and suitable for the purpose of electronic filing of Form 1.

VI. Reporting Procedure

The Commission intends to mail the program to each Form 1 respondent in late December 1994 or early January 1995. The program is incorporated in three diskettes, which will be accompanied by a user manual and a cover letter. The cover letter will include (1) an explanation of the principal features of the program, (2) the names and telephone numbers of staff contacts for any respondents requiring assistance, (3) diskette labelling instructions, (4) instructions for filing corrections (resubmissions), and (5)

other pertinent information regarding the filing requirements and procedures. The Form 1 report, which will be incorporated on a single diskette, must be submitted by each respondent on or before April 30 of each year, commencing April 30, 1995. Each respondent will be required to submit two duplicate diskettes, together with the required original and six paper copies.

The Commission is adopting one change in reporting procedure as a result of the adoption of the electronic filing requirement. Heretofore, revisions to Form 1 data were made by means of submitting only those individual pages or schedules requiring correction. In the future, in cases where changes are required, respondents will be required to submit a complete Form 1 report incorporating the necessary changes and corrections. Two new diskettes and an original and six conforming paper copies will be required to be filed. This requirement is necessary in order to facilitate electronic collation of the reported data and to assure the completeness and consistency of reporting.

VII. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act⁹ requires rulemakings to contain either a description and analysis of the effect that a rule will have on small entities or to certify that the rule will not have a significant economic effect on a substantial number of small entities. Because most respondents do not fall within the definition of "small entity,"¹⁰ the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities.

VIII. Information Collection Statement

The regulations of the Office of Management and Budget (OMB)¹¹ require that OMB approve certain information and recordkeeping requirements imposed by an agency. The information collection requirements in this Final Rule are contained in FERC Form No. 1, "Annual Report of Major electric utilities, licensees and others" (OMB approval No. 1902-0021). Since this Final Rule does not involve new information requirements and will have a minimal effect on current information collections, there is no need to obtain

⁴ 16 U.S.C. 825, 825c.

⁵ 18 CFR 41.11. The Commission did not propose any change in the requirements for filing the independent certified public accountant's report.

⁶ 18 CFR Part 101.

⁷ An IBM compatible, DOS-based system.

⁸ The software package would also enable respondents to print paper copies of the Form 1.

⁹ 5 U.S.C. 601-612.

¹⁰ See 5 U.S.C. 601(3), citing to section 3 of the Small Business Act, 15 U.S.C. 632, which defines a "small-business concern" as a business which is independently owned and operated and which is not dominant in its field of operation.

¹¹ 5 CFR 1320.14.