

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 357 and 382

[Docket No. RM95-12-000]

Minimum Filing Requirements for FERC Form No. 6, Annual Report for Oil Pipelines

June 8, 1995.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission is proposing to revise the filing requirements for FERC Form No. 6, Annual Report of Oil Pipeline Companies, and to exempt certain oil pipeline companies with minimal jurisdictional revenues from paying annual charges. The proposed rule would exempt from filing Form No. 6 those pipelines whose jurisdictional operating revenues are at or below \$100,000 for each of the three preceding calendar years. Those companies that will be exempt from filing Form No. 6 must nevertheless prepare and file page 700 of Form No. 6. The Commission also proposes to relieve those companies not required to file Form No. 6 from the obligation to pay annual charges to the Commission.

DATES: Comments are due on or before July 14, 1995.

ADDRESSES: An original and 14 copies of written comments on this proposed rule must be filed in Docket No. RM95-12-000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Harris S. Wood, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, Telephone: (202) 208-0224.

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, 941 North Capitol Street, NE., Washington, DC 20426. The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400 or 1200 bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and WordPerfect 5.1 format. After 60 days the document will be archived, but still accessible.

The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3104, 941 North Capitol Street, NE., Washington, DC 20426.

Notice of Proposed Rulemaking

The Federal Energy Regulatory Commission (Commission) proposes to revise the filing requirements for FERC Form No. 6, Annual Report of Oil Pipeline Companies (Form No. 6), and exempt certain oil pipeline companies with minimal jurisdictional revenues from the requirement for paying annual charges. These changes are proposed to become effective 30 days after the publication of a final rule in this proceeding in the **Federal Register**.

The Commission proposes to exempt from the requirements to prepare and file Form No. 6, those pipelines whose jurisdictional operating revenues are at or below \$100,000 for each of the three preceding calendar years.¹ For the reasons appearing below, those companies that will be exempt from filing Form No. 6 must nevertheless

prepare and file page 700 of Form No. 6.

The Commission also proposes to relieve those companies not required to file Form No. 6 from the obligation to pay annual charges to the Commission.

I. Background

Order No. 561² was issued on October 22, 1993, to comply with the Energy Policy Act of 1992 (Act of 1992),³ which required that the Commission establish a simplified and generally applicable method of oil pipeline rate regulation. Thereafter, on October 28, 1994, the Commission issued Order No. 571, which established certain filing requirements for oil pipelines seeking cost-of-service rate treatment and promulgated changes to Form No. 6.⁴

The Commission's regulations currently require each jurisdictional oil pipeline company to submit Form No. 6 annually, reflecting the operating results and the financial condition of the company involved, irrespective of the size of the company.⁵

II. Public Reporting Burden

The Commission estimates the public reporting burden for the collections of information under the proposed rule will be reduced for Form No. 6 by about 14 percent. These estimates include the time for reviewing instructions, researching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The current annual reporting burden associated with these information collection requirements is as follows:

Form No. 6: 22,572 hours, 148 responses, and 148 respondents.⁶

The proposed rule will reduce the existing reporting burden associated with Form No. 6 by an estimated 2,838 hours annually, or an average of 129 hours per response based on an

² Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992, Order No. 561, III FERC Stats. & Regs. ¶ 30,985 (1993); Order on Rehearing, Order No. 561-A, III FERC Stats. & Regs. ¶ 31,000 (1994).

³ 42 U.S.C. 7172 note (West Supp. 1993).

⁴ Cost-of-Service Reporting and Filing Requirements for Oil Pipelines, III FERC Stats. & Regs. ¶ 31,006 (1994).

⁵ 18 CFR 357.2.

⁶ These numbers are based on an average of respondents expected to file Form No. 6. The number of respondents actually filing the Form No. 6 may vary slightly each year.

¹ Notwithstanding the Commission's proposal to establish a threshold exemption from filing FERC Form No. 6, all jurisdictional oil pipelines will continue to be subject to the Commission's accounting and recordkeeping requirements (e.g., 18 CFR Parts 351, 352, and 356).