- Qualifying Transmission and Interconnection Equipment
- 6. Maximum Net Power Production Capacity
- 7. Increased Specificity of the Qualifying Facility Certification Application Filing Requirements: Form 556
- F. Proposed Technical Modifications for Qualifying Small Power Production and Cogeneration Facilities Under Part 292
- Calendar Year Operating and Efficiency Value Calculations
- 2. Clarification of the Sequential Use of Energy Requirement
- 3. Section 292.204(a)—Criteria for Small Power Production Facilities
- 4. Waste
- G. Part 294—Procedures for Shortages of Electric Energy and Capacity Under Section 206 of the Public Utility Regulatory Policies Act of 1978
- H. Part 382—Annual Charges: Sections 382.102 and 382.201
- I. Part 385—Rules of Practice and Procedure
- IV. Environmental Statement V. Regulatory Flexibility Certification VI. Information Collection Statement List of Subjects

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

I. Introduction

On November 16, 1992, the Federal **Energy Regulatory Commission** (Commission) issued a Notice of Proposed Rulemaking (NOPR) in which the Commission proposed to revise its regulations regarding: (a) Rate filings by public utilities under the Federal Power Act (FPA); (b) assumptions of liabilities and issuances of securities by public utilities, licensees, and certain other entities; and (c) procedural and technical rules governing qualifying facilities.1 The Commission requested that interested persons submit written comments no later than January 15, 1993. Forty entities submitted comments.2

The Commission is now adopting a final rule revising its regulations to streamline the processing of the Commission's workload and to reduce regulatory burdens on the electric utility and qualifying facility industries.

II. Public Reporting Burden

The final rule establishes new reporting requirements, modifies existing reporting requirements and eliminates those requirements that are now obsolete. On balance, the Commission believes that the overall burden on industry and individuals will be lessened over time by these proposed changes. The Commission seeks to simplify and streamline its requirements to reduce the burden on respondents including utilities,³ and/or persons seeking the following: Obtaining Commission certification or filing a notice of the qualifying status of their cogeneration facilities and small power producers; obtaining Commission approval to issue securities or assume obligations or liabilities; responding to the Commission's audits of their financial records; filing in response to the assessment of Commission's annual charges; submitting contingency plans in preparation of energy shortages.

The current public reporting burden for these information collections is estimated to average the following number of hours per response: FERC–516 976 hours for the 234 respondents that complete a filing; FERC–523 120 hours for the 60 respondents that complete a filing; FERC–525 193.25 hours per response for the 83 respondents that respond to audit review; FERC Form 556 6.2 hours for 332 respondents that complete an application for certification; FERC–582 4 hours for 179 respondents who

Duff; Duke Power Company (Duke Power); Edison Electric Institute (EEI); Electric Generation Association; Florida Power & Light Company (Florida P&L); General Electric Company (General Electric); Gulf States Utilities Company (Gulf States); Long Island Lighting Company (LILCO); National Independent Energy Producers (Independent Energy Producers); New England Power Company (NEP); New York State Electric & Gas Company (NYSEG); Niagara Mohawk Power Corporation (Niagara Mohawk); Oxbow Power Corporation (Oxbow); Pennsylvania Power & Light Company (Pennsylvania P&L); Ridgewood Power Corporation (Ridgewood); RW Power Partners, L.P. (RW Partners); San Diego Gas & Electric Company (SDG&E); Southern California Edison Company (Southern California Edison); Southern Company Services, Inc. (Southern Companies): Tenaska, Inc. (Tenaska); Texaco Cogeneration and Power Company (Texaco); Texas-New Mexico Power Company (Texas-New Mexico); United States Small Business Administration (Small Business Administration); UtiliCorp United, Inc. (UtiliCorp); Utility Systems Florida; and Donald L. Warner.

³ As used in reference to the part 34 regulations, the term "utility" means public utility, licensee and other entities subject to the provisions of the FPA.

prepare and submit remuneration for annual charges assessed on them by the Commission; and FERC–585 76 hours per response for average of 6 respondents who annually have submitted changes to contingency plans (out of the 110 utilities with plans on file). 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 changes in Part 34 (FERC-523) will reduce the reporting burden by 10 hours per filing. The changes in Part 35 (FERC-516) will increase the reporting burden by 0.1 hours per filing. The changes in Part 292 (FERC-556) will increase the reporting burden by 0.77 hours per filing for notices of selfcertification. However, these changes will reduce the reporting burden for applications for Commission certification by 2.5 hours per filing. This reflects a reduction in the amount of analysis to determine whether the facility is a qualifying facility. The results from the changes in Parts 294 (FERC-585) and 382 (FERC-582) on the reporting burden are difficult to quantify, but should, over time, result in a reduction of the reporting burden. The changes in Part 41 (FERC-525) will not affect the reporting burden.

With respect to the utilities and persons filing information under FERC-523, the Commission believes that there will be an average burden decrease due to the elimination of several requirements and increases in the thresholds for the reporting of information to meet other requirements. For the additional information that will be required there should be a minimal burden increase as a result, because much of the information is already collected by industry in other contexts. The final rule simplifies the provisions for the issuance of short-term notes and drafts with maturities of a year or less and deletes an after-the fact filing requirement. Further, the final rule simplifies the procedures for the placement of securities thereby streamlining the regulatory process.

Likewise, the final rule deletes the requirement to include a copy of the corporate charter or articles of incorporation, because a statement of corporate purposes will provide the necessary information. However, the final rule will require the submission of a Statement of Cash Flows and Interest Coverage containing data on an actual basis for the same twelve-month period. This information is to be submitted in a format already prescribed in FERC Form No. 1. The Commission has

¹Streamlining of Regulations Pertaining to Parts II and III of the Federal Power Act and the Public Utility Regulatory Policies Act of 1978, Notice of Proposed Rulemaking, 57 FR 55176 (Nov. 24, 1992), IV FERC Stats. & Regs. ¶ 32,489 (1992), errata adding Appendix, 57 FR 58168 (Dec. 9, 1992), IV FERC Stats. & Regs. ¶ 32,491 (1992).

²The commenters are: American Cogeneration Association (American Cogen); American Forest and Paper Association (American Forest and Paper); American Gas Association (AGA); American Iron and Steel Institute (American Iron and Steel); Anthracite Region Independent Power Producers Association (Anthracite IPPs); Applied Energy Services Corporation (Applied Energy); Arizona Public Service Company (Arizona Public Service); Atlantic City Electric Company (Atlantic Electric); Baltimore Gas & Electric Company (Baltimore Gas & Electric); Public Utilities Commission of the State of California (CPUC); Consumers Power Company (Consumers Power); Curran, Corbett & Stiles; Delmarva Power & Light Company (Delmarva); Detroit Edison Company (Detroit Edison); Steven A.