Appendix B

Summary of Comments on Forms and Instructions Received in Response to Federal Register Notice (Vol. 72, No. 64) Published April 4, 2007

Introduction

The Energy Information Administration (EIA) received 63 sets of comments from interested parties, including more than one set of comments from some organizations (Table B1). Comments included issues on the forms, instructions, and sensitive data. The EIA response to the comments is shown below. Copies of the comments received in reply to the notice are available in the Department of Energy (DOE) Public Reading Room (Room 1E-190 at 1000 Independence Avenue, S.W., Washington, D.C. 20585).

The EIA is not required to solicit comments on its information collection activities through a formal rulemaking process. Rather, the Paperwork Reduction Act of 1995 (PRA) process is followed by the EIA, which allows opportunities for public input to EIA before submitting its proposals to the Office of Management and Budget (OMB). In addition, that process provides for public input to OMB before it makes a decision on an EIA forms clearance request. The EIA proposed clearance request is in conformance with the PRA requirements and necessitates no formal rulemaking, environmental impact statements, or other actions not specified in the PRA.

Many interested parties offered comments that resulted in form changes. Some were editorial in nature, and others resulted in substantive changes to the instructions and/or the questions asked. The editorial comments are not listed below, but were addressed appropriately in the forms and/or their instructions. In many cases, the comments of several parties were summarized or representative comments are presented here by the EIA and, therefore, not all of the submitted comments are reproduced directly in this Appendix.

A number of commenters provided concerns and questions regarding the forms they currently file; for example, how the Internet Data Collection (IDC) System operated in 2007. These specific questions were addressed by EIA staff directly with the responding parties, and are not addressed below.

General Comments

Comment:
The burden imposed by the various forms on the respondents is too great. The EIA burden estimate on the forms is lower than the actual burden they experience when preparing the form.

Response:
The electric power surveys have been extensively reviewed to ensure that they will collect only the information needed for EIA and the Federal government to accomplish its mission. The EIA has also discussed the surveys with many industry groups and companies and most have understood that the burden is an estimated average for all respondents completing each form or schedule. Some respondents' burdens will fall above the estimate, while others will fall below the estimate. In addition, the use of the IDC system has lowered the burden by improving the accuracy of the data submissions due to on-line editing procedures, and consequently reducing call-backs to the respondents. This should continue as more respondents file over the Internet and as the EIA continues to improve the operation of the IDC System and pre-filling as much information as possible.

Comment:
The definitions are sometimes inconsistent between the instructions, glossary and the forms.

Response:
The EIA has incorporated the suggestions and made the instructions, glossary and surveys consistent and more easily understandable.

Comment:
There were a number of suggestions to help the respondents make the Internet Data Collection (IDC) System easier to access and use. This would include the ability to upload files from a company's database directly into the IDC System and pre-fill as much static information as possible.

Response:
The EIA plans to address these types of issues with its next version of the IDC System.

Comment:
There is concern that the lack of Form EIA-767 data for the year 2006 will hamper any efforts to evaluate and implement any future potential regulation of carbon dioxide (CO_2) from electric generators. It will also hinder the ability to conduct regulatory analyses and to develop allocations for nitrogen oxides (NO_x), sulfur oxides (SO_x), or CO_2 cap-and-trade scenarios based on recent facility operations. Loss of these data has already affected and will continue to adversely affect the States' efforts to effectively evaluate and implement any such program, as data would be needed on the boiler-specific operational data which would normally be collected on the current Form EIA-767. The EIA suspended this form for Fiscal Year 2007 and did not collect this information for data year 2006. EIA is urged to collect the 2006 data when it collects the 2007 data using the new forms.

Response:

The EIA does not currently have the resources needed to collect, process, and disseminate the 2006 data. It would be especially difficult given that the 2007 data will be collected on an entirely different set of surveys.

Comment:
The EIA is encouraged to provide at least 1 full year for any changes it does adopt to take effect. The collection and reporting of information involves multiple company staff, accounting systems, software, and other resources, and it takes time to implement changes in information collection and reporting requirements. For example, companies often use internally developed or third-party software to compile and verify the information they report to the EIA and other agencies. Changes to the forms are likely to require changes to the software, including verification of the accuracy of the modified software, and that takes time. In addition, companies are required to ensure the accuracy of financial information they report under the Sarbanes-Oxley Act, with testing to ensure the adequacy of internal controls. That too takes time.

Response:
The EIA proposes to add only several new data elements to each form. Postponing the implementation of all of the forms for a year would result in a loss of data critical to national needs. The EIA will work with individual respondents to facilitate their transition to the new form.

Sensitive Data

Comment:
The disclosure of generating plant operating, performance, efficiency, and cost data – such as heat rate, fuel quantity, cost, and inventory, cost of power purchases, and plant financial statistics – can compromise a company's ability to participate in electricity markets, including for example contract negotiations for fuel supply and power sales. Such information in the hands of competitors can allow them unfairly to undercut another company's bid strategy, thereby driving up prices and hurting consumers. Publishing planned changes to installed capacity, such as retirements, changes to existing units, and planned new installations, similarly can make a company vulnerable to inappropriate increases in replacement power costs.

Response:
In addition to EIA's intended internal uses of the information, most of the data elements mentioned are also needed by the Environmental Protection Agency (EPA) to conduct its work. When the EPA develops a regulation, it is required to make the underlying data available to the public. Therefore, the EPA would have to collect these data for their uses too, duplicating the EIA efforts. This would violate the Paperwork Reduction Act of keeping the burden on industry to a minimum. Also, a number of these data elements (e.g., planned new capacity, retirements, and changes to existing units) are already in the public domain through the public utility commissions. On the other hand, fuel cost, maximum tested heat rates, and inventory information will not be released to the public.

Comment:
The EIA proposes a 9-month lag before commodity prices would be made public. Companies typically buy coal, for instance, in multi-year purchases, and they have up to 5 years on some transportation contracts, so releasing the information after a 9-month lag would still have very negative effects.

Response:
The EIA has determined that these data are sensitive and, therefore, should not be released as originally proposed. The EIA will only release aggregated State-level data, but will withhold individual respondents' commodity price data, as is currently the case with the delivered prices.

Comment:
Delivered price data have been available from the FERC on the FERC Form 423 for many years with no harm done to the entities reporting. By the time the data are made public (3 to 4 months after the fact) sufficient time has passed that the information should be considered historical and not real time. Making these and other data publicly available 9 months after the end of the reporting year will give the public access to the information needed to address important policy questions. Also, the reduced transparency would lessen competition and would likely put new entrants at a disadvantage. In addition, there is no evidence that the availability of the information has, or will, harm the reporting entities competitively. In addition, releasing these data would improve the data quality. Currently, many data service providers estimate this information. Having the actual data will improve their databases and allow the academic and public policy community to provide better analyses of electricity markets.

Response:
The EIA has determined that the delivered price data are sensitive to both the supplier and buyer of the fossil fuels. The EIA will still release aggregated State-level data, but will withhold the individual respondents' delivered price data in the future, as is the case with the current Form EIA-423.

Comment:
The EIA is encouraged to continue to apply its disclosure limitation methods to all commercially and security sensitive information contained in the electric surveys to minimize the possibility that individually identifiable information reported by a particular survey respondent can be deduced from published statistics.

Response:
The EIA has determined that the current withholding techniques, to protect the individually identifiable data, will continue to be used.

Comment:
Reporting the commodity cost of coal by contract on the Form EIA-923, along with the required reporting of contract terms, would effectively release to the public the total

structure and cost of a company's coal portfolio. Release of such information would cause serious damage to future coal and freight contract negotiating abilities, inhibit competition among coal and freight suppliers, and ultimately increase costs to customers. If such commodity cost information by contract is required, it should be granted confidential status and not released publicly. Aggregation of such commodity cost information by mine, rather than by contract, would lessen some of the concern related to release of coal portfolio information, however, a serious concern still remains regarding coal transportation costs.

Response:
The EIA has decided to classify the commodity costs and delivered prices as sensitive data, thereby not releasing the individual data to the public. The EIA will only release aggregated State-level data, but will withhold the individual respondents' commodity and delivered price data, as is currently the case with the delivered prices.

Comment:
There is concern about the accessibility and use of the latitude and longitude data being classified as non-confidential. The Federal Register notice is not clear about the procedure to request such data, the format that the data would be available to requesters, and if there would be any terms or conditions of use of the data. On the opposite side, it is requested that the EIA not provide broad electronic access to this information, even if the information can be obtained elsewhere. Electric facilities are part of the Nation's critical infrastructure and need to be safeguarded from terrorist and vandal attacks by avoiding free, consolidated access to such information through EIA.

Response:
As the EIA explained in the Federal Register notice, latitude and longitude information is not sensitive because of its wide availability in the public domain. However, while the data will not be put on the Internet for easy access, they will be provided upon request. When the data are requested from the EIA, they will be made available in spreadsheet format to the requester.

Comment:
The disclosure of generating plant and transmission physical and transactional information can assist would-be terrorists in identifying the location of critical facilities. The transmission maps and power flow base cases collected in the Form EIA-411 are very sensitive from such a perspective and need to continue to be treated as confidential. The EIA form confidentiality and notice sections need to continue to be carefully worded to provide such assurance.

Response:
These data are now currently and proposed to continue to be sensitive data. They will, therefore, not be released to the public. The language contained in the form has been modified to clarify this.

Comments on Form EIA-411

Comment:
The EIA says it plans to "make reporting on Form EIA-411 … mandatory for all electric generators who are connected to the electricity grid." But the EIA also indicates that at least Schedule 3 on the Form EIA-411 is completed by the North American Electric Reliability Corporation (NERC), to which those generators must now belong. The EIA should clarify that companies are not required to report any information directly to the EIA that they provide to NERC, NERC Regions, or others for reporting to the EIA.

Response:
It is correct that the companies should reply directly to the NERC Regions, who in turn will report to NERC Headquarters. The regional reports will then be forwarded to the EIA. This will be made clearer in the instructions.

Comment:
The North American Electric Reliability Corporation (NERC) has kept the EIA apprised of its efforts to develop a comprehensive NERC Transmission Availability Data System (TADS) that will require *mandatory* submission to NERC of more comprehensive and useful transmission outage data than that which is proposed by the EIA in Schedule 6. The NERC will be implementing TADS in two phases: Phase I, scheduled to be considered by the NERC Board of Trustees, will require Transmission Operators to report automatic outage data beginning in calendar year 2008. Phase II will add planned outage and manual unscheduled outage data in calendar year 2009. The Phase II design has not yet begun, and its implementation will be subject to the NERC approval process.

Response:
While the EIA has discussed the possibility of the NERC TADS to replace Schedule 6 of the Form EIA-411, TADS is not far enough along for the EIA to accept it as the totality of all transmission data needs for the Federal government. Over the next several months, the EIA will work with NERC to determine if TADS will meet these needs. If TADS or a modified version is acceptable, the EIA will develop a revised survey form and issue a Federal Register notice for comment. It is not anticipated that this will result in a new Form EIA-411 until at least January 2009 and possibly later.

Comment:
The proposed Schedule 6 (Schedule 7 in the current Form EIA-411) requires the Regions to submit transmission outage data to the NERC and then the NERC is to provide it to the EIA. This data submittal is proposed to be mandatory for calendar year 2007 data and subsequent years. Making Schedule 6 mandatory for 2007 calendar year data will impose a burden on many U.S. transmission owners since they were not notified of the mandatory collection requirement before 2007. As a result, many of them will have to manually construct the requested data from historic outage records. Therefore, we suggest that the EIA make submissions of 2007 data voluntary as they have been in the past.

Response:
As the EIA has been considering making Schedule 6 mandatory for several years, many transmission operators would have been aware of the possible change through the work of standing NERC Committees. From discussions with the industry, the EIA understands that this information is readily available and should be able to be compiled within the allotted timeframe.

Comment:
Some of the data that are needed on the Form EIA-411 are also needed for FERC Form 714. Can this information request be reduced to just one time to improve efficiency and time management?

Response:
There are geographical differences between these two surveys. The Form EIA-411 collects aggregated and unified data from the eight NERC regions, while the FERC Form 714 collects individual data from over 140 control areas which cannot be aggregated without applying a variety of adjustments and corrections provided by the NERC.

Comments on Form EIA-826

Comment:
Regarding the Form EIA-826, Monthly Electric Sales and Revenue with State Distributions Report, Schedule 1 Part C. Delivery Only Service, the EIA requests that we "List the Names of Companies Within the State for which Electricity is Delivered." One commenter explained that they currently have 14 suppliers - would there be any way to attach a file to this section? There doesn't seem to be enough room in the form to enter in all the suppliers. It also seems redundant to have to report this information on a monthly basis.

Response:
Respondents using the IDC System will find their previous contracts listed each month, so they do not have to fill the data in each month. Non-IDC filers can additional sheets as necessary.

Comment:
Under EIA-826, Schedule 1, Part B, why do you have to report to the nearest 0.01 for revenue and megawatthours? If you are looking for that much detail, why not lower the required amounts to whole dollars and kilowatthours?

Response:
The EIA agrees to make this change. Especially for the transportation sector, which has small sales and revenue values, the additional digits will make the monthly average price estimate more accurate.

Comments on Form EIA-860

Comment:
It is suggested that the Form EIA-860 be submitted by April 30th or 120 days after the end of the reporting year.

Response:
The February 15th date was established as most of the information on this form is static and will be pre-printed on hardcopy forms or pre-filled on the IDC. So the respondent will usually only have to review the information, make little if any changes, and then submit it.

Comment:
It is requested that the EIA revise the description of line 13 of Schedule 2 on the proposed Form EIA-860 from "Transmission Owner: Enter the name of the owner of the transmission system to which the plant is connected" to "Enter the electric utility in whose service area the plant is located. Normally, this would be the name of the utility company that owns the distribution lines within the area that the facility is located. However, if the generator is physically connected to the distribution system of a different electric utility, use this distribution utility name." The intent of the proposed change so that all plants would report a utility service territory is good. However, the proposed language is rather vague and the term "Transmission Owner" is not defined. Would the respondent have the ability to type anything in this field, or would the respondent only be able to choose from a list of service territories?

Response:
This information is important to understanding the critical infrastructure of the United States and the reliability of the electricity grid. After further consultation, the EIA has modified the original proposed language to read, "Owner of transmission and/or distribution facilities: enter the name of the owner of the transmission or distribution facilities to which the plant is interconnected and the grid voltage at the point of interconnection." The second part of the question was added to enable data users to differentiate between transmission lines and distribution lines. To facilitate the respondents in filing the survey, the list of transmission and distribution lines will be available in a dropdown menu in the IDC System. Respondents not using the IDC will be provided the list of names upon request.

Comment:
It is requested that the EIA revise the reporting threshold for Form EIA-860 schedules 6B, 6C, 6F, and 6I from boilers at plants at 100MW and greater to boilers at plants 25MW and greater. This information is especially important for smaller units that do not report emissions directly to the EPA emissions tracking system.

Response:

As stated above, the EIA intends to use the same plant capacity threshold to continue the collection of the environmentally-related data that was reported on the Form EIA-767. Reducing the threshold from 100 megawatts to 25 megawatts would add approximately 400 additional plants for which data would be required for these schedules. The EIA believes that this added burden is not justified for the small amount of additional information that would be collected.

Comment:
Section 2 of the Form EIA-860 requests the NERC region and sub-region for each plant. The instructions do not tell you where you can find the NERC regions simply that you are to enter it. It would be most helpful to have some guidance on where to locate this information.

Response:
After consulting with the NERC, the EIA has also decided to eliminate the request for NERC sub-region, as these data are difficult to determine. However, the EIA will be pre-filling the NERC region for each plant.

Comment:
The Form EIA-860 could be more technology specific, i.e., create a Form EIA-860W for wind energy plants or a Form EIA-860R for renewable plants, and not have all of the extra questions regarding fuel source, etc.

Response:
This issue will be addressed in a manner other than the development of separate forms. Instead, the IDC System will be programmed in such a way as to allow such respondents to access only the relevant sections of the form for their particular facility.

Comment:
More information is being requested regarding MVARS. Rather than one value as on the current form, there will be four values for every unit to report: leading and lagging for both summer and winter. What formula should we be using for the leading and lagging MVARS?

Response:
The instructions will explain that these data should be read off the reactive power capability curve for the generator.

Comment:
It is recommended that on the Form EIA-860, "Annual Electric Generator Report," Schedule 3.B, line 21 that an additional question be asked with respect to Oil-Gas Fuel Switching: "Can the unit switch fuels while operating (i.e., without shutting down the unit)? [ ] Yes [ ] No." The ability for a generator to switch fuels while operating is an important characteristic from a reliability perspective. This information is important for analyzing the potential loss of gas transportation, whether such loss is due to a

generator's use of interruptible transportation or due to the physical loss of gas pipeline capacity (e.g., loss of capacity caused by the failure of one or more gas compression stations, a pipeline break, etc.).

Response:
The EIA has decided to add this question to the Form EIA-860, as it will add important information on fuel switching.

Comment:
It is recommended that on the Form EIA-860, "Annual Electric Generator Report," Schedule 4, that the subtitle of the form be modified as follows: "IDENTIFY OWNER(S) – OWNER(S) NAME AND CONTACT INFORMATION (d)." The instructions should make it clear that the information requested is with respect to all owners.

Response:
The EIA has accepted this change and will make it on the form, as it adds clarity to the question.

Comments on Form EIA-860M

Comment:
Another example of unnecessary reporting burden is the monthly reporting of updates to proposed generators and changes to existing generators within 12 months of operation in Form EIA-860M as it applies to generators smaller than 100 MW. Reporting monthly for this process will result in many reports containing information identical to that found in previous reports, as little to no change will occur in the last 12 months of the project. A variation in schedule of a month or two is trivial in terms of electricity generated in small units relative to EIA reporting amounts. Significant changes, such as cancellation, are caught in reports for planned generators in the next 5 years. It is recommended that Form EIA-860M apply only to planned generators larger than 100 MW.

Response:
To only track the status of planned generators (within 12 months of completion) that are greater than 100 megawatts would eliminate a great percentage of updates for generators associated with certain fuel types, such as renewable energy sources. These types of facilities are of great interest to the EIA and other organizations, providing them with up-to-date information on new capacity associated with various energy sources. However, to reduce the respondent burden, the Form EIA-860M data collection will be revised as follows: On a rolling 12 months basis, respondents who (1) have proposed new generators scheduled to start commercial operation within the next 12 months or (2) have existing generators proposed to retire within the next 12 months will report each month until their respective generators have a change in status or an effective date that causes them to fall out of the monthly generator frame. Respondents who have other proposed changes (e.g., re-rates, re-powering) will report updates for these generators only 1 month prior to the latest reported scheduled month of completion. If the change is completed on

schedule, respondents would only be reporting twice for the proposed change. If the proposed change is delayed, the update for the proposed change will be initiated again 1 month prior to the month of the latest reported scheduled month of completion. The EIA has eliminated from the Form EIA-860 the explicit collection of data on proposed changes in ownership, proposed deactivation, proposed fuel change (exclusive of re-powering) and proposed reactivation from retirement. Therefore, responses to these changes will no longer be required on the Form EIA-860M.

Comments on Form EIA-861

Comment:
The EIA is proposing to collect new information in the Form EIA-861 about green pricing, net metering, and self generation. The quantities of demand curtailed simply by use of net metering and self generation often will not be available. The EIA should make reporting the information optional, and only if easily available from a company's customers.

Response:
These new data elements were identified by Congress in the Energy Policy Act of 2005 and required that the FERC conduct a detailed study of the topic. The FERC issued its report *Assessment of Demand Response and Advanced Metering*, Docket No. AD06-2-000, August 2006. The FERC has subsequently asked the EIA to conduct the survey on an on-going basis (see comment below). The EIA, however, is proposing to collect only the most important aspects of green pricing, net metering, and self-generation data on the Form EIA-861, keeping the burden on industry to a minimum.

Comment:
The proposed changes to the Form EIA-861 provide the FERC with some important data. However, to more fully comply with Energy Policy Act of 2005 in future years the Commission needs data with additional granularity. Therefore, it is hereby requested that EIA: (1) collect more detailed information on demand response programs by customer class and (2) remove the small utility exemption proposed for the advanced metering section.

1. Demand Response Data: Adding questions to the revised EIA Form 861 to gather more detailed information by customer class is strongly recommended. The questions used by the Commission in its 2006 survey could serve as the basis for additional questions in the Form EIA-861. Expansion of Schedule 6C of Form EIA-861 to collect data on these specific programs and tariffs by customer class is strongly recommended. If the EIA were to gather the information, the data collection would occur efficiently because of the expertise and high-quality data controls for which EIA is known. Moreover, the needed data would be collected through a single data collection process. It should be noted that the EIA did collect similar data prior to 1997.

2. Advanced Meter Data: The exemption of utilities with both sales to ultimate customers and sales for resale which are less than 150,000 megawatthours may miss important trends in the use of advanced metering. Congress recognized that expanded use of advanced metering is important for the future development of electric demand responsiveness in the United States by requesting data on advanced metering in section 1252(e)(3) of Energy Policy Act of 2005. In its 2006 survey, the Commission was able to respond to this request with data from a comprehensive survey of all utilities of all sizes in the United States. If the EIA exempts small utilities from the advanced metering section, the information collection will not be

as valuable as it could be. However, if the EIA were to modify its proposal to require coverage of advanced metering by all utilities, this would allow the Commission access to information of sufficient granularity to be responsive to the requirements of section 1252, as directed by Congress. Furthermore, utilities of all sizes maintain inventories of their meters. Requesting data on advanced metering from these small utilities will not be burdensome. For this reason, it is recommended that the EIA not exempt small utilities. The support and request for the additional information are based on actual experience Commission staff gained in collecting data, analyzing that data and preparing a report on demand response and advanced metering.

Response:
The EIA considered this request. However, as it would add many additional data elements (over 800) than originally presented in the April 4, 2007, Federal Register notice, it would be inappropriate to include this in the current submission to the Office of Management and Budget, without giving the public adequate time to evaluate and comment on the proposal. The EIA plans to discuss these proposals in more depth with the FERC to determine how to move forward on this proposed set of questions.

Comment:
Regional Transmission Organizations and Independent System Operators should be required to report information on demand-side management (DSM) and direct electricity sales to ultimate customers.

Response:
It is unusual for RTOs and ISOs to have direct electricity sales to ultimate customers. Adding these entities to the frame for the Form EIA-861 is, therefore, not justified. As far as the demand-side management issue is concerned, RTOs and ISOs do not have cost-based programs upon which DSM programs are based. Again, the EIA does not believe there is justification for adding these entities to the proposed form.

Comment:
Demand response questions on the Form EIA-861 should provide information about actual performance during key events and the verification of the performance. The form should also request information on the distinction between dispatchable demand response resources and non-dispatchable resources. Questions should also distinguish between reliability-based programs and economic programs.

Response:
Actual performance during key events would be a qualitative measure that would be difficult for the EIA to measure and for respondents to report. Differentiating between the characteristics of various demand-response programs would be informative, but the EIA believes that it would too burdensome for the respondents.

Comment:
Revise instructions so that customer-owned meters could be reported (by the utility) on the new Schedule 6D. It is suggested that data on big distributed generators that are not grid connected and customer-initiated demand response be collected too.

Response:
The customer-owned meters are assumed to be "advanced meters." From the FERC study mentioned above, it was determined that these types of meters have not significantly penetrated the market yet. The EIA will monitor the situation and determine at a later date if they should be added to the survey. As far as collecting information on large distributed generators not connected to the grid is concerned, the EIA believes that the number of such generators is negligible. The EIA also believes that requiring utilities to collect and provide information on customer-initiated demand response would place a large burden on the utilities which is not justified. Therefore, the EIA does not intend to add this to the proposed survey.

Comment:
The U.S. Department of Agriculture, Rural Utility Service (RUS) Form RUS-7 data is duplicative of the Form EIA-861 data.

Response:
The Form RUS-7 is a small subset of the entire Form EIA-861 universe collecting information only from cooperative utilities who borrow from the RUS. In addition, the RUS collects data from commercial and industrial customers based on the voltage level of the service not on the North American Industrial Classification Systems (NAICS) codes which the EIA uses. Therefore, the RUS-7 data cannot substitute for the Form EIA-861 data.

Comments on Form EIA-923

Comment:
The EIA proposed to eliminate the collection of net generation, useful thermal output information, and fuel use to generate electricity from combined heat and power (CHP) plants. This will compromise the quality and integrity of the data collected and disseminated. It appears that EIA intends to collect only gross electric output from CHP units and to calculate net generation and useful thermal output from these units.

Response:
CHP respondents have had trouble providing accurate data for net generation and useful thermal output for many years. That is why the EIA is proposing to make these changes. The EIA will work with our stakeholders to review our proposed methodology to allocate the total fuel used between fuel for electricity and fuel for useful thermal output. When the new form and methodology are in place, the EIA will make the fuel and useful thermal output estimates available to the public. In addition, the EIA has estimated net generation from gross generation for many years, starting with the former Form EIA-867 in 1989 and proposes to continue doing so.

Comment:
The EIA proposes to eliminate three sets of data previously collected through Form EIA-767.

1. Operating & Maintenance Expenditures: The EIA proposes to eliminate data on total operating and maintenance (O&M) expenditures, and O&M expenditures for feed materials, labor and supervision, waste disposal, and maintenance. These data are important to State air regulators in terms of calculating cost-effectiveness of air quality program options. They help assess the overall cost-effectiveness of different control technologies (not only the hardware costs) and facilitate the quantification of cost effectiveness in term of dollars per ton of pollutant removed. O&M expenditures (e.g., waste disposal costs) can represent a significant portion of the total cost for certain types of control technologies. Continued collection of this type of O&M data will also allow other environmental impacts to be evaluated.

2. Actual Flue Gas Exit Temperatures: The EIA proposes to eliminate data reported on actual flue gas exit temperatures for summer and winter. These data are important in terms of assessing temperature-specific pollution control options. Data on flue gas exit temperatures are also needed for performing source-specific modeling of impacts on local and regional air quality.

3. Stack Location Data: The EIA proposes to eliminate data fields for stack latitude and longitude. We do not support this as these data are critical for air quality assessments. Examples of analytical exercises conducted using these data include Plume-in-Grid photochemical modeling, back trajectory analysis, assessing reasonable further progress (a Federal Clean Air Act requirement) with respect to downwind impacts, and assessing impacts sources have on Federal Class I areas (e.g., National Parks) under the federal Regional Haze program. It is more accurate to use location data on specific stacks rather than plant location data when more than one stack is involved, especially for large sources with stacks located in different parts of the same large parcel of real estate. One problem that has occurred in the past is that stack-specific data were either not reported or not accurately reported. Another problem for air quality modelers is how to accurately quantify stack emissions from multiple unit sources that vent through the same stack, or a single unit source that vents through multiple stacks. Having stack-specific data available through EIA greatly enhances the states' ability to conduct better analyses.

Response:
Due to the importance of these data, the EIA has decided to add these data elements to the Forms EIA-923 and EIA-860 in the following manner. The O&M expenditure data will be added to Schedule 8, Part F of the Form EIA-923. The actual seasonal flue gas exit temperature and the stack location (latitude and longitude) will be added to Schedule 6, Part I of the Form EIA-860.

Comment:

There is also concern that the EIA is creating a data inequity for CHP information between regulated and unregulated CHP units. Specifically, the instructions for Schedule 6, "Annual Data for Sources and Dispositions of Electricity," of the proposed Form EIA-923 indicate that this schedule would only be required for "Non-Regulated Entities."

Response:
The data on the sources and disposition of electricity are already collected at the entity level from regulated plants on the Form EIA-861. The unregulated plants will continue to be covered by the Form EIA-923.

Comment:
Several commenters want to be assured that the EIA will continue to collect from all respondents at the same frequency as what has been collected before. They are concerned that the EIA intends to collect information from only a sample of sources each year, whereby some plants would only need to report information once every 2 or more years.

Response:
The EIA plans to continue to collect from every respondent every year on either a monthly or annual basis.

Comment:
It was requested that the EIA add a field to Schedule 5.B, "Generation – Prime Mover Level." The field would be the "Nameplate capacity serving the generation." Unlike the generator specific data that are reported on Schedule 5.A, there is no way to tell if only some of the generators in a specific prime mover are contributing toward the monthly generation. The information submitted on the proposed Form EIA-860 Schedule 3 are only theoretical and the operating status codes assigned to the Form EIA-860 Schedule 3 data are as of January 1 of a certain year. This may not reflect the operating status during the period that generation is being reported.

Response:
A generator could be operating for part of the time period, making this question difficult to answer and the data not meaningful. The EIA does not plan to add it.

Comment:
Several commenters request that the EIA release the Comments and Notes in Section 9 of Form EIA-923 and Section 7 of Form EIA-860 when EIA releases the rest of the data from these forms.

Response:
The EIA does not plan to release this information as it may contain information related to sensitive data on the form.

Comment:

Several commenters observed that the EIA is proposing to collect new information on the Form EIA-923, Schedule 2, including commodity costs for coal and natural gas, mercury content for coal, primary and secondary modes of transportation for the coal and natural gas, and Mine Safety and Health Administration identification number for coal mine type and location. They state that this information will be quite burdensome for companies to provide, may not be easily available or even collected in some cases.

Response:
These data are needed for a wide variety of analyses by the Federal government, State and local governments, industry associations, environmental groups, and the public. Most of these data should be easily available to the respondents to report on the form. All of the data mentioned by the commenter is extremely important to the users of the data. As one example, the mercury content information will be used by EPA to evaluate the rules that will have take effect in January 2009. They will also be used to evaluate the accuracy of the control monitoring equipment that is required to be installed by 2010. However, to assist the respondents, the instructions for the mercury content of the coal received will indicate that if this information is not available from routine tests of each shipment, the EIA will accept the value specified on the fuel supply contract. The EIA also plans to have dropdown menus in the IDC System to facilitate the respondents in finding the mines that are supplying them with coal.

Comment:
The EIA is encouraged to consider making the Form EIA-923 an annual reporting requirement for all respondents, rather than continuing to collect information from a sample of plants monthly. The EIA should align the due date for the annual data with the due date for the FERC Form 1, which generally is due April 18 each year, rather than the proposed Form EIA-923 due date of March 30.

Response:
By not collecting any monthly data, the EIA would not be able to inform Congress and the public of the state of the electric power industry in a timely manner. With regard to delaying the report date for annual data, about 75 percent of the current annual Form EIA-906 and Form EIA-920 respondents already submit their data on time, by March 30. Information in the FERC Form 1 is not reported on the Form EIA-923. Therefore, delaying the data submission date is not justified.

Comment:

It was requested that the EIA extend the response due date for the Form EIA-923 monthly report to be consistent with the FERC Form 423 and Form EIA-423. There is no indication in the record that maintaining the current reporting dates (45 days) would impose any undue delay or harm to any person(s) wishing to review these forms as compared to the additional administrative burdens such proposed dates would place on the reporting entities to timely produce the data. In addition, information on purchases, particularly from tolling agreements, is not received until about 30-45 days after the close of the month. It was also suggested that the due date be extended to 65 days after the end of the reporting month.

Response:
Currently, about 75 percent of the monthly Form EIA-906 and Form EIA-920 respondents already submit their data on time, within 30 days. In addition, the EIA report, Electric Power Monthly, is currently released in less than 75 days after the end of the reporting month. However, the FERC Form 423 and the Form EIA-423 data are 1 month out-of-date with the rest of the report, which includes data from the Forms EIA-826, EIA-906, EIA-920 and OE-417. Delaying the data submission date for all of the former Form EIA-906 and Form EIA-920 would delay this timely report by a full month. This suggestion is, therefore, not accepted.

Comment:
Currently, the FERC Form-423 data from the Federal Energy Regulatory Commission (FERC) are available 3 to 4 months following the reporting month. Therefore, there are concerns regarding the EIA assuming responsibility for collecting and disseminating the survey and then withholding the data until 9 months after the reporting year. The proposed release schedule would be considerably less timely than the current FERC collection and release process.

Response:
First, the EIA will be releasing non-sensitive data about 75 days after the reporting period ends. This is shorter than the FERC schedule. Second, the EIA will be editing the data to improve the quality of it, which should serve the public well. And lastly, the data in question, delivered fossil fuel costs for utilities, will remain in the public domain and not held for nine months as originally proposed.

Comment:
There is concern that the air emissions control information for nitrogen oxides, particulate matter, and sulfur dioxide are proposed to be split into two separates forms. As it is likely that the same person will not complete both forms, this could cause data inconsistencies and confusion.

Response:
It is likely that more than one person filed the former Form EIA-767 data. As the static and operational data are on different forms, the EIA does not anticipate that this will be a problem.

Comment:
There is no clear indication that the same sources would be required to continue to submit data at the same frequency as occurred under the Form EIA-767 program prior to 2006. We urge that the required parameters remain unchanged under the Electricity 2008 program in order to provide comparable, robust data sets into the future. This needs to be clearly stated when EIA finalizes its proposal so that no misunderstanding occurs among the States, EIA, respondents, and others after Electricity 2008 goes into effect.

Response:

The EIA intends to continue to collect the environmentally-related data from the same (approximately 1,300) respondents who reported on the Form EIA-767. The instructions will be clarified.

Comment:
The Form EIA-923 requests data for fuel cost and volume delivered at the plant (Schedule 2), but also fuel volumes used at the plant (Schedule 3.A&B). It is important to recognize that there are almost always two meters that record fuel volumes. One meter measures fuel that comes off the pipeline, which is generally owned and operated by the pipeline for the purpose of invoicing. A second meter downstream of the previous meter is owned by the plant. Due to calibration variations and slight temperature variations, these two meters will never perfectly match volumes recorded. This is a very important distinction, because Schedule 2 has a primary focus on cost, the most accurate volume measurement to use in conjunction with the fuel cost is the amount metered by the pipeline, which is the volume contained on the invoice from the pipeline. Both these values are maintained in accounting records and provide the most accurate cost comparisons. Conversely, Schedule 3 is focused on operational data, which makes the meter data from the meter owned by the plant the most appropriate measurement. It is understood that the EIA is consolidating the Form EIA-423 with the Form EIA-906 and Form EIA-920 to reconcile the information between the two forms in a single submission. These data may not always be reconcilable for the reasons above, thus hindering the ability to submit this form. The EIA should expressly state that fuel volumes reported on the Schedule 2 should come from accounting records, and expressly state that the fuel volumes reported on the Schedule 3 should come from the plant meter (operations data). Formalizing this understanding will allow for the realization that these data cannot always be reconciled, and remove the EIA burden to always pursue explanations when the data entered on these two Schedules is not grossly different.

Response:
This point will be explained more clearly in the instructions. It should also be noted that any difference should be reported in the adjustments cell on the form.

Comment:
As designed, the Form EIA-923 will capture both monthly and annual data. It is not always clear which schedules are monthly and which are annual requests. It is suggested to make this clear in both the survey form and in the instructions. Do you anticipate that there will be a monthly version of this survey as there is for the Form EIA-860 and Form EIA-860M? With the many people in a company in different departments and buildings, responding to the many data elements of this report, it may make it difficult to exercise control and quality with data entry and maintenance and provide broader access for the same report. This is a real concern with having both monthly and annual data in the same survey form. An additional concern is how to determine the persons to contact with such a variety of data and due dates within this survey.

Response:

The form instructions will be clarified. But for those using the IDC System, this problem will not be present as monthly respondents will have access to only the Schedules that they need to fill out. Annual respondents will likewise only have access to the Schedules for which they are responsible. The EIA will work with the respondents to locate the proper person in their company to submit the forms. Additionally, the EIA will make clear on the survey forms and instructions the appropriate EIA contact for the various schedules within the survey.

Comment:
For the most part, the new sections of Form EIA-923 (Schedules 6A-6I) are from the former Form EIA-767. However, the Form EIA-767 had a deadline of April 30 rather than this proposed March 30. Could this proposed deadline be changed to the later date?

Response:
Currently, about 80 percent of the annual Form EIA-906/920 data are submitted by March 30. The EIA believes that the additional operational information should be available to the respondents by March 30.

Comment:
Small power producers, in particular, requested that their burden be reduced. These parties suggested a higher capacity cutoff (filing threshold) for the survey frames.

Response:
Small and renewable power plants must be surveyed by the EIA to adequately track electric generating assets and operations. The EIA works with these respondents to facilitate accessing, completing, and submitting the form. An extensive effort was made to reduce the monthly sample size for the Form EIA-906 and Form EIA-920 beginning in January 2004. This effort resulted in a reduction of more than 50 percent (over 1,600 monthly respondents). For January 2008, the EIA expects to reduce the sample for the new Form EIA-923 by another 24 percent (over 450 respondents, see Section B.2.).

Comment:
The Form EIA-923 duplicates the data collected on the FERC Form-423.

Response:
With the adoption of the new Form EIA-923, the Federal Energy Regulatory Commission has agreed to consider terminating the FERC Form 423. If it is terminated, the utilities will report their fuel cost and quality information only on the Form EIA-923.

Comment:
Further burden reduction can be obtained by reducing duplication of information reported to the EIA. In the proposed forms, Schedule 8, Form EIA-923 collects similar information to Schedule 6, Form EIA-860. In fact, in Schedule 8, Form EIA-923 there are statements that information submitted there must be for facilities identified in Form

EIA-860. If the environmental information is really needed, it should all be collected in one form, not two.

Response:
These data are not duplicative. Rather, the Form EIA-860 will collect the static information related to environmental equipment and the Form EIA-923 will collect the operational information. The EIA believes that this information can be effectively collected using both survey forms.

Comment:
The Form EIA-3, Quarterly Coal Consumption and Quality Report, Manufacturing Plants, requests information that is reported in Form EIA-923, Schedule 4. Inquiries about fuels, if necessary, should be made on one form.

Response:
There are some combined heat and power plants that would report on both the Form EIA-923 and the Form EIA-3. The EIA will review both forms and determine what duplication may exist. Where this exists, the EIA will consider revising the Form EIA-3.

Comment:
Both the proposed Forms EIA-860 and EIA-923 request rather detailed environmental information, which is also submitted to the Environmental Protection Agency, the primary Federal agency involved with environmental issues. To the extent that the EIA can obtain such information from other agencies of the Federal government, the EIA should not collect such information from reporters. Should the EIA determine that it does need to collect such information directly, it is recommended that it not be collected for units less than 100 MW. In Schedule 6, Form EIA-860 such information is not collected for units less than 100 MW. The practicality of that approach also should be applied to nitrogen oxide and mercury emissions, in particular.

Response:
The Environmental Protection Agency (EPA) collects hourly emissions data. However, the EIA forms will be collecting either monthly or annual data. In addition, the EPA does not collect this information from plants with a capacity less than 25 megawatts. Instead, they use the data that the EIA collects to analyze environmental issues and set regulatory policy.

Comment:
Schedule 3 of the Form EIA-923 asks for the heat content, sulfur content, and ash content on a per boiler basis. This will actually be the same values for boilers using the same stockpile of coal. What benefit is there for redundancy of information for various boilers at a plant site?

Response:

While it is possible that all boilers at a particular facility use the same single stockpile of coal, others have several stockpiles and blend the coal to prescribed specifications in a unique manner for each boiler. The EIA needs to ensure that the survey form has the ability to capture these situations.

Table B1. List of Commenters Responding to the April 4, 2007 Federal Register Notice

Number	Commenter
1	American Forest and Paper Association (AF&PA)
2	American Public Power Association (APPA) and National Rural Electric Cooperative Association (NRECA)
3	Arizona Public Service Company (APS)
4	Bellsouth
5	Black Hills Corporation
6	Black Hills Corporation-Fountain Valley, Rupert & Glenns Ferry
7	Bureau of Economic Analysis
8	CenterPoint Energy Houston Electric, LLC
9	Central Electric Cooperative, Inc.
10	Chugach Electric Association
11	City of Austin
12	City of Bandon
13	City of Bonners Ferry
14	City of Elbow lake Municipal Power
15	City of Glendale
16	City of Houston
17	City of Lexington
18	City of St. Paul
19	Clean Air Association of the Northeast States (NESCAUM)
20	DOW Chemical Company
21	Edison Electric Institute (EEI)
22	El Paso Electric Company
23	Empire District
24	Empire District
25	Entergy Nuclear Northeast, Inc.
26	Environmental Protection Commission of Hillsborough County (EPC)
27	E-ON (Louisville G&E and Kentucky Utilities)
28	Exelon Corp
29	Federal Energy Regulatory Commission (FERC)
30	First Energy Corp
31	Jacksonville Electric Authority
32	Lakeview Light and Power
33	Louis Dreyfus Energy services (LDES)
34	Lower Tule river Irrigation District (LTRID)
35	Michigan Cogeneration Systems, Inc.
36	MidAmerican Energy Company
37	MidAtlantic Regional Air Management Association (MARAMA)
38	National Association of Clean Air Agencies
39	National Association of State Energy Officials (NASEO)

40	National Mining Association
Number	**Commenter**
41	North American Electric Reliability Corporation (NERC)
42	Oklahoma Municipal Power Authority
43	Page Electric Utility
44	Parke County REMC
45	Peabody Energy (Peabody)
46	Primary Children's Medical Center
47	Red lake Electric Cooperative
48	Red River Valley Rural Electric Association
49	Reliant Energy
50	Rita Blanca Electric Cooperative Inc.
51	Salt River Project
52	Southern Company
53	Southwest Mississippi Electric Power Association
54	Town of Lusk
55	US Environmental Protection Agency
56	Verendrye Electric Cooperative
57	WalMart Stores
58	Water2wire
59	Western Coal Traffic League and the National Rural Electric Cooperative Association
60	Weyerhaeuser (Columbus Cellulose Fibers)
61	Whitewater Energy Corp.
62	Williams Gas Pipeline
63	Wolverine Power Marketing Cooperative