

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Commission Information Collection)	Docket No. IC09-715-000
Activities – FERC-715)	
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COMMENTS OF THE EDISON ELECTRIC INSTITUTE

The Edison Electric Institute (“EEI”) is submitting these comments on behalf of its members in response to the Federal Energy Regulatory Commission (“FERC” or “the Commission”) notice entitled “Information Collection Activities (FERC-715); Comment Request; Extension.” FERC issued this notice on September 9, 2009 and published it at 74 Fed. Reg. 47566 on September 16, 2009, inviting comments by today.

As mentioned in the notice, FERC-715 is the Commission’s “Annual Transmission Planning and Evaluation Report” (OMB Control No. 1902-0171). It is a mandatory filing, described at 18 CFR § 141.300, submitted by each transmitting utility that operates integrated transmission facilities at or above 100 kilovolts. FERC-715 was adopted in connection with section 213(b) of the Federal Power Act (“FPA”), as amended by the Energy Policy Act of 1992, which requires FERC to collect, annually from transmitting utilities, sufficient information about their transmission systems to inform potential transmission customers, state regulatory authorities, and the public of available transmission capacity and constraints. FERC-715 also supports the Commission’s expanded responsibilities under sections 211, 212, 213(a), 304, 307(a), 309, and 311 of the FPA, as amended, for reviewing reliability issues, market structure relationships, and undertaking rate and other regulatory proceedings. The Commission is requesting a three-year extension of the current reporting requirements, with no change, and has invited comments on this proposal.

EEI is the association of U.S. shareholder-owned electric companies, with international affiliates and industry associates worldwide. Our U.S. member companies serve 95 percent of the ultimate customers in the shareholder-owned segment of the industry and nearly 70 percent of all electric utility customers in the nation. EEI members own approximately 60 percent of the nation's circuit miles of transmission, and they own, operate, and use the bulk power system. EEI membership includes vertically integrated and stand-alone utility business models.

EEI supports the Commission's continued FERC-715 collection efforts. However, as discussed in these comments, EEI encourages the Commission to adopt certain modest changes to the FERC-715 information collection process to reflect recent Order No. 890 requirements and other easily accessible sources of the same information and to simplify the process. Such changes would help to avoid duplicate filing requirements for FERC-715 respondents and could provide more current data for persons seeking FERC-715 information, subject to the Commission's critical energy infrastructure information ("CEII") regulations.

COMMENTS

1. Allow respondents the option to incorporate information by cross-reference

Much has changed since the Commission last asked for comments in relation to FERC-715. This is perhaps nowhere more evident than in Subpart D of the form's General Instructions, which says "the Commission assumes that most transmitting utilities participate in the development, by a regional or sub-regional organization to which they belong, of regional or sub-regional power flow base cases." In fact, Order No. 890 now requires a planning process to ensure such participation. As a result, some or all of the information required in Parts A, B, and C of FERC-715 may now be available through the Order No. 890 Attachment K process.

Therefore, in order to promote efficiency and reduce the administrative burdens associated with completing FERC-715, the Commission should allow FERC-715 respondents to complete the form by incorporating by reference relevant information that is available through the Attachment K process. Specifically, respondents should be able to include information that is responsive to FERC-715 by providing a hyperlink to the relevant Attachment K information that is already available via the internet on Regional Planning websites. Similarly, to the extent certain information required by FERC-715 is available from the relevant regional reliability organization or electric reliability organization, FERC-715 respondents should be allowed to incorporate such information by reference, including where available by hyperlink.

These changes would provide time and cost savings to FERC-715 respondents, and the changes would provide persons to whom the Commission gives access to particular FERC-715 information the latest available information.

At the same time, the Commission should allow FERC-715 respondents the option to complete the form as they traditionally have been doing, to accommodate those respondents who may prefer this option.

2. Allow FERC-715 to be filed electronically without the need for diskettes

Section I.E of the instructions to FERC-715 indicates that respondents may file the form electronically or on paper. But the Commission's "2009 letter to respondents" (posted on the FERC website) goes on to indicate that the Commission allows filing of the form electronically on CD, DVD, or diskette, which should be submitted via Federal Express or other such courier services. If possible, EEI encourages the Commission to allow electronic filing via internet, as the Commission does with other filings (including filings containing CEII) through its eFiling system. At a minimum, the Commission should continue to allow use of updated media and

formats, and not limit respondents to outdated media or formats. The Commission also should continue to allow use of paper filings, again to accommodate respondents who prefer that option.

3. Announce and identify changes to the FERC-715 instructions

In order to make the FERC-715 filing process more efficient and less burdensome, FERC should provide specific notice of, and highlight, any changes the Commission makes from time to time to the FERC-715 instructions. Currently, the only indication of changes to the FERC-715 instructions maintained on the FERC website is the date located at the bottom of the web page. Accordingly, any change in such date requires a complete detailed re-review of all the instructions, often including review by company counsel, so as to ensure compliance.

4. Provide for prospective reporting of the last filing date of information that is unchanged

In those instances where respondents are required to identify and file only “changed” information, if the information has not changed, the FERC-715 filing should provide the date of the last filing that explicitly included such unchanged information (for example, with respect to Transmission Planning Reliability Criteria or Transmission Planning Assessment Practices). However, this should apply only prospectively, when information is unchanged in future years after having been submitted using the updated form, to avoid respondents having to research prior filings to obtain these dates.

5. Notify and provide details to FERC-715 respondents when CEII access is granted

Finally, EEI members would appreciate any information the Commission can provide with respect to the Commission’s efforts to confirm when and if parties requesting access to FERC-715 information are properly vetted and approved to receive access to CEII contained in the form. To the extent the Commission can confirm to FERC-715 respondents that the necessary background checks on particular parties requesting CEII have proven acceptable as to

particular information in the form, this information about clearance of the requesting parties would help avoid duplication of efforts by a respondent when CEII is sought directly from such respondent by a person whom FERC has already approved. Among other things, this would further facilitate expedited access to information and help ensure that the information provided is the most current.

CONCLUSION

For the reasons stated above, EEI urges the Commission to review and revise the FERC-715 information collection requirements and related instructions to incorporate the changes described in these comments. If the Commission has any questions about these comments or needs additional information, please contact either Tony Ingram at tingram@eei.org or (202) 508-5519 or Henri Bartholomot at hbartholomot@eei.org or (202) 508-5622 on EEI staff.

Respectfully submitted

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