

S U S A N

C O M B S

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

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February 4, 2010

Ms. Cathy Zoi, Assistant Secretary  
Energy Efficiency and Renewable Energy

DOE Desk Officer  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
New Executive Office Building, Room 10102  
725 17th Street, NW  
Washington, DC 20503

Frank Norcross  
EE-2K  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585-1290

Re: Response to Notice and Request for Comments  
U.S. Department of Energy's Proposed Emergency Agency Information Collection  
Federal Register Doc. 2010-1057, Filed January 20, 2010

Dear Ms. Zoi:

In response to your request to submit comments, the Texas Comptroller of Public Accounts and its State Energy Conservation Office (SECO) submit these comments on the U.S. Department of Energy's Proposed Emergency Agency Information Collection published in Federal Register Doc. 2010-1057, filed January 20, 2010.

As an overview, SECO administers four U.S. Department of Energy (DOE) programs through the American Recovery and Reinvestment Act (ARRA): the State Energy Program (SEP), the Energy Efficiency and Conservation Block Grant Program (EECBG), the State Energy Efficient Appliance Rebate Program (SEEARP) and the Energy Assurance (EA) Program. SECO fully understands the need to report its progress from a programmatic and monetary level to the DOE for the four programs it administers. SECO has always fully complied with federal reporting requirements both through its regular DOE grant and now its ARRA DOE grants. The reporting requirements proposed in the Draft Reporting Guidance concerning the EECBG Program and SEP now under consideration cannot be viewed in isolation in understanding the burden that these additional requirements impose. Already, SECO is providing ARRA quarterly reporting to the Office of Management and Budget (OMB) pursuant to Section 1512 which includes number of jobs created and types of jobs created. SECO also provides quarterly reports to DOE. In addition to these quarterly reports, states were recently asked to provide weekly progress reports on the SEP program with the understanding that such weekly reports will also be required for the

EECBG. DOE's recent reporting guidance causes SECO even more concern and feels this array of reporting is neither effective nor justified. SECO will have to deliver 136 reports to DOE (as detailed below). Even with all these reports, information is not provided to administration officials who then request additional reporting outside of these enumerated reporting requirements. Ultimately, all this activity, including the responses necessitated by these new guidelines, detracts from the focus of implementing ARRA programs. In summary, this additional reporting is substantially impeding the goals of the funding.

Our comments relate only to the reporting guidance concerning the EECBG Program and SEP Program. As requested, these comments will respond to four specific areas:

**1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility.**

It is unclear what the purpose is behind the additional reporting and how or if DOE will utilize these reports. The increased reporting frequency will not accelerate program progress. To the contrary, the more time spent on filling out these reports reduces the amount of time allocated to performance. With the existing weekly and the quarterly reporting, DOE should have all the relevant information necessary to perform its functions. Further, as an example, we are currently providing weekly information on our SEP program status; however, it does not appear to be communicated to DOE headquarters, and we have been asked to provide the same information to a different level at DOE. Again, this creates a situation where staff time has to be reassigned to meet the demands of the increased number of DOE reporting. The enormity of moving hundreds of millions of dollars quickly while also ensuring funds are being utilized appropriately without waste, fraud and abuse is what states should focus on, not another layer of reporting that hinders programmatic results for DOE. This only creates more paperwork for states and DOE. Nothing in the guidance suggests that DOE will be able to effectively manage the amount of reports that states are currently delivering. It is unclear why DOE needs this many reports when ARRA created Recovery.Gov and 1512 reporting for the purpose of transparency. The requested additional information will not result in the proper performance of the functions of the agency.

**2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.**

The estimate of three hours to perform these tasks seems wholly inadequate. This estimate seems to have been made without reference to the other reporting requirements imposed by ARRA and DOE. For example, for the SEP and EECBG programs alone we will be doing weekly reports (104), monthly reports (24), and quarterly reports (8) for a total of 136 reports to DOE per year. This does not account for SECO's other programs, ARRA's 1512 reports or other specific state reporting requirements. Requiring **more** than what other ARRA-related programs require is unnecessary and not only uses up valuable staff time on the state level but on the DOE level as well.

**3) Ways to enhance the quality, utility, and clarity of the information to be collected.**

SECO requests that DOE reconsider its continual layering of reporting requirements and rely on its quarterly reports, which is consistent with ARRA 1512 reporting that OMB requires. This will focus staff time on making sure ARRA dollars are being used as quickly as possible in the economy.

**4) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.**

The best way to minimize the burden of collecting this information is to use the data that is already being provided. Another way to minimize the burden is to develop DOE reporting requirements one time through one agency. Repeated changes to the reporting requirements create additional burdens by necessitating changes to existing processes. It would be more efficient to develop one set of reporting requirements and implement them without changes. Repeated changes to the procedures undercut the effectiveness of the programs and their objectives.

**Jobs Reporting**

In addition, SECO would like to provide comments related to DOE's proposed guidance, "Calculation of Job Creation Through DOE Recovery Act Funding." SECO is very concerned with the direction DOE is taking on jobs reporting, especially with the recent methodology changes the OMB issued regarding this matter. ARRA State Leads made recommendations to standardize jobs calculations to ensure a simpler and more consistent measurement. The General Accounting Office (GAO) also made similar recommendations. As a result, OMB issued new guidance on jobs reporting on December 28, 2009, to provide a clear picture of job activity created by the stimulus funding. SECO does not support the additional jobs reporting requirements that DOE is recommending on top of the recently announced jobs reporting guidance from OMB. Asking for estimates of jobs related to non-federal funds can create inconsistencies in jobs reporting and the relevancy of such reporting is not clear. Further, asking for a specific head count, names and unique identifiers of workers will create another layer of burden not only on SECO but for our sub-recipients as well. Lastly, OMB is now asking for non-cumulative jobs reporting per quarter while DOE is recommending cumulative and non-cumulative reporting of jobs. As stated previously, asking states to report on various different levels will create inconsistencies in jobs reporting, require a tremendous amount of staff time to accomplish and will require states to change their internal methods and procedures in order to collect the necessary data.

SECO is unclear what the purpose is behind this additional reporting and, given all the new requirements being recommended, fears that the actual programmatic success will be weighed down with onerous, unnecessary and duplicative reporting. There does not seem to be any real relevance to these proposed requirements and additional staff may have to be hired to accomplish these tasks.

Your consideration of the comments is appreciated.

Sincerely,

A handwritten signature in black ink, reading "Lisa Elledge", with a long horizontal flourish extending to the right.

Lisa Elledge  
Stimulus Program Manager  
State Energy Conservation Office  
Texas Comptroller of Public Accounts

CC: Texas Governor Rick Perry  
Texas Congressional Delegation