

**SUPPORTING STATEMENT FOR THE
ELECTRIC POWER SURVEYS
OMB NUMBER 1905-0129**

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SUPPORTING STATEMENT FOR THE ELECTRIC POWER SURVEYS OMB NUMBER 1905-0129

The Energy Information Administration (EIA) of the U.S. Department of Energy (DOE) is required to publish, and otherwise make available to Federal government agencies, State and local governments, the electric power industry, and the general public, independent, high-quality statistical data that reflect national electric capacity, generation, sales, trade, transmission, and pricing. To meet this obligation, the Electric Power Division of the EIA has developed statistical surveys that encompass many significant electric power industry activities in the United States. EIA is requesting a three-year approval for 10 surveys designed to collect this electric power information.

The information collection proposed in this supporting statement has been reviewed in light of applicable information quality guidelines. It has been determined that the information will be collected, maintained, and used in a manner consistent with the Office of Management and Budget (OMB), DOE, and EIA information quality guidelines.

Background and Purpose

In November 2001, the OMB authorized the EIA to collect information under OMB No. 1905-0129 using the EIA Form Numbers: 411, 412, 423, 767, 826, 860, 861, and 906. In November of 2003, the Office of Management and Budget also authorized EIA to collect information under OMB No. 1905-0129 using the Form EIA-920.

The terms of clearance for OMB No. 1905-0129 in November 2001 directed that:

“This information collection is approved under 5 CFR 1320. EIA has agreed to investigate the option of aging firm-level data before releasing that data to the public in order to better protect sensitive business information. EIA will report on the results of this investigation when it submits an ICR to revise or extend this collection. Additionally, EIA should continue to monitor the course of electric utility deregulation and re-evaluate the practical utility of collecting financial data from non-regulated utilities before submitting an ICR to revise or extend this collection.”

The terms of clearance for OMB No. 1905-0129 in November 2003 (for interim changes) directed that:

“This clearance expires in November of 2004. When EIA requests an extension of this clearance, they will provide to OMB the following information: (1) whether

the use of form 920 has reduced the time spent by the federal government in processing this information collection, and, if so, by how much; (2) whether data from this collection is publicly released in less time as a result of the new form 920; and (3) whether it would be feasible to reduce the sample size for forms 920 and 906 and thereby reduce the burden on the public, while still maintaining the integrity and utility of the data collected. OMB appreciates EIA's responsiveness to the comments they received from the public on form 920. In addition, the previous terms of clearance also still apply when EIA requests an extension of this clearance. That is, EIA will report on its investigation of aging firm-level data before releasing that data to the public in order to better protect sensitive business information. EIA will also re-evaluate the practical utility of collecting financial data from non-regulated utilities, in light of electric utility deregulation.”

EIA has conducted a project to evaluate its electric power surveys to determine if changes need to be made to more accurately collect a comprehensive set of electric power industry information. As part of this project EIA has consulted with data providers and data users to design a set of electric power surveys that reflect the suggestions of both groups. During the review, EIA determined that certain changes needed to be made prior to the end of the clearance period. Therefore, in 2003, OMB approved redesigning Form EIA-906 as two separate forms, the Form EIA-906 and the Form EIA-920. The Form EIA-906 collects electric power generation, fuel consumption, fuel heat content and fossil fuel stocks from all electric power plants, excluding combined heat and power plants (CHP plants). The Form EIA-920 collects essentially identical data from CHP plants except that they are required to supply data on total fuel use to produce both electricity and steam. Also, at that time, OMB approved modifications to the Form EIA-826 and Form EIA-861, enabling EIA to begin collecting information on electric power use in the transportation sector.

In the current proposal, EIA has taken into account significant and numerous changes in the electric power industry occasioned by increasing competition and restructuring of the industry. As evidenced by the 2000-2001 energy crisis in California for example, increased competition has intensified the need for new and enhanced information that will assist the public and private analysts to better understand the dynamics of electric power supply and demand and to develop improved forecasts. The Northeast blackout of August 14, 2003, also underscored the need for additional information relating to electricity transmission.

This supporting statement addresses OMB's terms of clearance as well as the information needs of government (Federal, State, and local) agencies, utilities, non-utility power producers, investment analysts, consumers, and other stakeholders interested in analyzing and monitoring the changing electric power industry. This request is made for clearance of the following 10 EIA electric power survey forms:

Form EIA-411, “Coordinated Bulk Power Supply Program Report”

Form EIA-412, “Annual Electric Industry Financial Report”

Form EIA-423, “Monthly Cost and Quality of Fuels for Electric Plants Report”

Form EIA-767, “Steam-Electric Plant Operation and Design Report”

Form EIA-826, “Monthly Electric Sales and Revenue with State Distributions Report”

Form EIA-860, "Annual Electric Generator Report"
Form EIA-860M, "Monthly Update to the Annual Electric Generator Report"
Form EIA-861, "Annual Electric Power Industry Report"
Form EIA-906, "Power Plant Report," and
Form EIA-920, "Combined Heat and Power Plant Report."

All of these forms are mandatory surveys, except for the Form EIA-411, and all are solely sponsored and conducted by the EIA. Copies of the proposed forms, instructions, and their cover letters are contained in Appendix D.

A. Justification

A.1. Legal Justification

The authority for the data collections is derived from the following provisions:

Section 13(b), 15 U.S.C. §772(b), of the Federal Energy Administration Act of 1974 (FEA Act), Public Law 93-275, outlines the types of individuals subject to the data collection authority delegated to the Administrator and the general parameters of the type of data which can be required. Section 13(b) states:

"All persons owning or operating facilities or business premises who are engaged in any phase of energy supply or major energy consumption shall make available to the [Secretary] such information and periodic reports, records, documents, and other data relating to the purposes of this Act, including full identification of all data and projections as to source, time, and methodology of development, as the [Secretary] may prescribe by regulation or order as necessary or appropriate for the proper exercise of functions under this Act."

The objectives of the FEA Act are set forth in Section 5(b), 15 U.S.C. §764(b), of the FEA Act, which states that the Secretary shall, to the extent (s)he is authorized by Section 5(a) of the FEA Act,

"(2) assess the adequacy of energy resources to meet demands in the immediate and longer range future for all sectors of the economy and for the general public;...

(9) collect, evaluate, assemble, and analyze energy information on reserves, production, demand, and related economic data;...

(12) perform such other functions as may be prescribed by law."

As the authority for invoking Section 5(b) above, Section 5(a), 15 U.S.C. §764(a), of the FEA Act in turn states:

“Subject to the provisions and procedures set forth in this Act, the [Secretary] shall be responsible for such actions as are taken to assure that adequate provision is made to meet the energy needs of the Nation. To that end, he shall make such plans and direct and conduct such programs related to the production, conservation, use, control, distribution, rationing, and allocation of all forms of energy as are appropriate in connection with only those authorities or functions:

(1) specifically transferred to or vested in him by or pursuant to this Act;...

(3) otherwise specifically vested in the [Secretary] by the Congress.”

Authority for invoking Section 5(a) of the FEA Act is provided by Section 52, 15 U.S.C. §790(a) and (b), of the FEA Act, which states that the Administrator of the EIA:

“(a)...[Shall] establish a National Energy Information System...[which] shall contain such information as is required to provide a description of and facilitate analysis of energy supply and consumption...

(b) ...the System shall contain such energy information as is necessary to carry out the Administration's statistical and forecasting activities..., and such energy information as is required to define and permit analysis of...

(1) the institutional structure of the energy supply system, including patterns of ownership and control of mineral fuel and non-mineral energy resources and the production, distribution, and marketing of mineral fuels and electricity;

(2) the consumption of mineral fuels, non-mineral energy resources, and electricity by such classes, sectors, and regions as may be appropriate for the purposes of this Act;

(3) the sensitivity of energy resource reserves, exploration, development, production, transportation, and consumption to economic factors, environmental constraints, technological improvements, and substitutability of alternate energy sources; . . .

(5) ...industrial, labor, and regional impacts of changes and patterns of energy supply and consumption...”

A.2. Needs and Uses of Data on the Electric Power Industry

The electric power industry in the United States currently consists of traditionally regulated entities¹ (also known as electric utilities), as well as non-utility² participants, which includes electric power marketers. At the end of 2002 (the last full year of final data), there were 3,152 traditional electric utilities, 2,833 non-utilities, and 139 active wholesale and retail electric power marketers.

Collectively, the industry owned and operated approximately 905 gigawatts of generating capability, produced nearly 3.9 trillion kilowatthours of electricity, and earned revenues in excess of \$249 billion during 2002. In addition, the industry consumed nearly 1,005 million tons of coal, 184 million barrels of oil products and over 6.2 trillion cubic feet of natural gas, making the industry the single largest consumer of fossil fuels.

Competition in power generation accelerated in response to Federal Energy Regulatory Commission's (FERC) Order Nos. 888 and 889 in 1996. Those FERC orders required that access to transmission facilities must be shared with all generators on terms and conditions that are the same for all users, including the owners of the facilities. In addition, about 17 States and the District of Columbia have initiated measures to expand competition at the retail level since the FERC Orders were issued. These initiatives are contributing to significant changes in the industry's structure and operations.

Historically, electric utilities have owned most of the electric generating capacity and produced most of the industry's electricity. In response to the restructuring activities occurring at the State and national level, EIA's data shows major shifts in industry restructuring. For example, in 1996, electric utilities owned 91 percent of the industry's capacity and produced 89 percent of the net electricity generated in the country. However, by 2002, they owned 62 percent of the capacity and provided 66 percent of net generation. The non-utility share of capacity has correspondingly increased from 9 percent to 38 percent and their share of electricity generation is now at 34 percent, up from 11 percent in 1996.

These developments in generation, retail competition, access to transmission facilities, market share and other industry changes require that EIA adapt its industry data collection program

¹ An electric utility is a corporation, person, agency, authority, or other legal entity or instrumentality aligned with distribution facilities for delivery of electric energy for use primarily by the public. Included are investor-owned electric utilities, municipal and State utilities, Federal electric utilities, and rural electric cooperatives. A few entities that are tariff based and corporately aligned with companies that own distribution facilities are also included. Note: Due to the issuance of FERC Order 888 that required traditional electric utilities to functionally un-bundle their generation, transmission, and distribution operations, "electric utility" currently has inconsistent interpretations from State to State.

² A non-utility is defined as a corporation, person, agency, authority, or other legal entity or instrumentality that owns or operates plants for electric generation, does not have a designated franchised service area, and does not file forms listed in the Code of Federal Regulations, Title 18, Part 141. Non-utility power producers include independent power producers, commercial and industrial plants, and combined heat and power plants.

periodically to reflect their impact. EIA's ability to adapt its program to these changes will support the EIA data users.

A.2.1. Overview of Data Uses

The proposed set of EIA forms is designed to capture data from the emerging participants (power marketers, and all individuals or entities engaged in the production, sales, or distribution of electricity), as well as the traditional set of utilities. Policy makers, regulators, energy planners, and the electric power industry use much of the electric power data that EIA collects for all of the issues discussed above and more.

State government regulators and analysts use EIA electric power data for many efforts. In some cases, States have reduced their own data collection efforts with the intention of relying on EIA for many of their information needs. The EIA data are particularly important to the States as it is used to meet compliance verification requirements under the Federal Clean Air Act.³ In the absence of the centralized and public data collection by EIA, each State would have to undertake its own data collection effort, in many cases requesting duplicative information from firms with electric power industry operations that cross State lines. EIA's data collection ensures consistent data at minimum cost to the public and respondents.

In addition to government and power industry customers, the EIA data are the core information source for other private sector and academic analyses of the electric power industry. For example, commercial modeling of electric power systems is substantially based on the EIA's inventory of power generators and its data on plant operations.

A partial listing of recent users of EIA's electric power data is included in Appendix A. Examples of uses of EIA electric power data are:

- Monitoring the electric power industry, its sectors, and reliance on each fuel type
- Monitoring fuel stock inventories during energy or weather emergencies
- Analyzing the progress of renewable energy portfolios
- Analyzing the adequacy of short and long-term electricity supply
- Verifying information provided to States in other forums
- Monitoring the transition to open transmission line access
- Evaluating transmission line constraints and system reliability
- Forecasting short- and long-term electricity supply and demand
- Evaluating the need for additional electric generating capacity
- Assessing the degree of market concentration in market-based applications
- Evaluating unbundled retail electricity rates

³ The Clean Air Act, as amended, is codified at 42 USC, Chapter 85.

- Estimating stranded costs of utility generating assets
- Allocating emission credits to individual generators
- Designing future environmental trading programs
- Estimating the cost of environmental equipment to meet standards
- Establishing budgets and standards for air quality programs
- Assessing compliance with existing environmental programs
- Evaluating multi-pollutant control proposals
- Monitoring and analyzing the economic and operational impacts of industry restructuring
- Providing input to the Environmental Protection Agency’s “Emissions and Generation Resource Integrated Database” (E-GRID), which is used by State regulatory authorities to evaluate their environmental programs
- Developing programs for the Clean Air Act’s Acid Rain Program
- Developing regulations to comply with such statutes as the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act
- Modeling air quality rules and procedures
- Monitoring the progress towards retail competition.

A.2.2. Overview of Data Collections

The EIA electric power data forms will collect a full range of information about the industry, while minimizing respondent burden and avoiding duplicate data collection. Most of the EIA electric power data are collected annually; the remainder are collected monthly. Each annual form has a different set (or sub-set) of respondents, as data are collected to focus on each sector of the electric power industry. The monthly forms collect information only from a sample/subset of the overall universe to keep the burden on industry to a minimum.

The information to be collected will provide important profiles for each major portion of the electric power industry, such as:

- 1) Electricity generation (i.e., fuel consumption, electric generation, fuel stocks, fuel receipts, fuel costs, plant costs and expenses, plant capacity [both existing and planned], projected electricity demands, and environmental control equipment);
- 2) Electricity transmission (i.e., types, costs, locations, additions, maintenance and reliability of transmission lines);
- 3) Electricity distribution (i.e., revenues, costs, and expenses); and
- 4) Electricity sales (i.e., retail and wholesale sales, revenues, number of customers, demand-side management programs, and electricity sources and disposition).

A.2.3. Individual Form Data Uses and Modifications

Information on the specific electric power data forms in this clearance package is provided in this section. The discussions address the data collected, the entities that submit the forms, modifications made to the currently approved forms, and data uses. The confidentiality of the information submitted on the forms is addressed in Section A.10 and more fully in Appendix C.

All of the forms and instructions included in this clearance package have been standardized around a consistent design, layout, section order, and content where practical. The forms, instructions, and cover letters for each form are presented in Appendix D.

- ***Form EIA-411, “Coordinated Bulk Power Supply Program Report”***

The Form EIA-411 is filed annually as a voluntary report. The information reported includes: (1) peak demand and energy for the preceding year and 5 future years; (2) existing and planned generating capacity; (3) scheduled capacity purchases and sales; (4) bulk electric transmission system maps and power flow cases, and (5) proposed transmission lines. The 10 North American Electric Reliability Councils (NERC) report information to the NERC headquarters, using data collected from their members, as well as some non-members. The NERC headquarters then compiles the data and provides consolidated regional council reports to EIA.

Modifications to the 2005 forms:

- (a) Deleted Schedule 3, “Generation Information.” The schedule was carried on the Form EIA-411 and duplicated on the Form EIA-860. The information is now to be reported exclusively on the Form EIA-860.
- (b) Added new Schedule 2, “Capacity for Existing Generator in Reporting Year,” which contains mostly preprinted information from the Form EIA-860. This information is linked to the Industry identification numbers of NERC’s Generating Availability Data System (GADS) database. The only fill-in requirement is the identification of the regional Inoperable Capacity and subtraction of the value from the Form EIA-860 regional totals. This new Schedule represents a working spreadsheet and was developed to assist in providing a detailed methodology for adjustments to the regional summary of the Form EIA-860 data.
- (c) Moved existing Schedule 2, “Historical and Projected Peak Demand and Capacity,” to become the new Schedule 3. It provides three regional aggregations for additional detail with respect to Uncommitted Capacity, Reliability Deratings-Unit and Group, and Other Generators. A subtotal is also delineated. Schedule 3 was renumbered to address the change in workflow (i.e., the new Schedule 2 must be completed before Schedule 3 can be developed). Regional aggregates of various de-rating actions or exclusions were identified and are now tracked on individual lines of renumbered Schedule 3. Remote Generator adjustments are now addressed on Schedule 2 and Schedule 4. Therefore, those tracking lines have been deleted.

- (d) Modified Schedule 4, “Historic and Projected Capacity Purchases/Incoming Transfers,” to include the identification number for each powerplant and unit. This represents the continuation of tracking changes made to the revised Schedule 3. It addresses the issue of possible double counting the purchase, sales, or transfer transactions.
- (e) Added Schedule 7, Part A, “Annual Data on Transmission Line Outages for Extra High Voltage Alternating Current Lines: and Schedule 7, Part B, “Annual Data on Transmission Line Outages for Extra High Voltage Direct Current Lines.” Scheduled and unscheduled high voltage transmission outage data are being requested for the first time. This represents an annual collection of important new categories of information necessary for an assessment of transmission reliability, among other analytical purposes. Similarly, “causal” categories are also being collected for unscheduled outages to provide more detailed information.

Uses of Data:

The information is used by the Department of Energy:

- (a) To answer queries from the Congress, other Federal and State agencies, the electric power industry, and the general public
- (b) As input to the National Energy Modeling System (NEMS)
- (c) As input to the following reports issued by EIA:
 - 1) Electric Power Annual;
 - 2) Annual Energy Review; and
 - 3) Annual Energy Outlook.
- (d) To monitor the electric power industry’s health and evaluate its future plans
- (e) To monitor the adequacy and reliability of transmission line capacity and
- (f) To determine the adequacy of electricity supply in the 10 NERC regions and the Nation.

Other data users include electricity-related trade associations; independent system operators; electric utility companies; non-utility companies; energy service providers; wholesale electricity traders; electrical equipment companies; numerous local, State, and Federal government agencies; environmental associations; consumer groups; financial analysts; and the news media.

- ***Form EIA-412, “Annual Electric Industry Financial Report”***

The Form EIA-412 is a mandatory survey used annually to collect accounting data, including electric balance sheets, income statements, sales of electricity for resale, electric operations and maintenance expenses, and purchased power and power exchanges. Form EIA-412 collects data from approximately 500 municipally owned, federally-owned, and State-owned regulated entities in the United States with approximately 800 additional non-utility entities filing Schedule 9, “Electric Generating Plant Statistics.” For Schedules 1-8 of the form, each municipally owned or State-owned utility must submit the form if their annual sales to ultimate consumers or sales for resale are 150,000 megawatthours or greater for the 2 previous years. All Federal entities must submit Schedules 1-12. Municipally owned and State-owned utilities and non-utilities with a nameplate generating capacity of 10 megawatts or greater must also file Schedule 9. In addition, municipally-owned, federally-owned, and State-owned utilities, and generation and transmission (G&T) cooperatives having a nominal voltage of 132 kilovolts or greater must

submit Schedule 10, "Existing Transmission Lines," Schedule 11, "Transmission Lines Added Within Last Year," and Schedule 12, "Transmission System Upgrades."

Modifications:

- (a) Amended Schedule 9, "Electric Generating Plant Statistics." This Schedule was separated into three separate schedules to enable the different types of electric generators to report their data more easily. Part A is now to be filed by electric utilities, Part B by Independent Power Producers, and Part C by industrial and commercial companies. All three schedules added Gross Generation and Station Use for those respondents that are unable to provide Net Generation. However, Parts B and C reduced the level of detail on plant costs that is required of these plants.
- (b) Added Schedule 12, "Transmission System Upgrades." This schedule is needed to monitor the physical status and capability of the respondent's transmission system in order to provide data that will assist analysts in making transmission reliability assessments.

Uses of Data:

The information is used by the Department of Energy:

- (a) To answer queries from the Congress, other Federal and State agencies, the electric power industry, and the general public
- (b) As input to the National Energy Modeling System (NEMS)
- (c) As input to the following reports issued by EIA:
 - 1) Electric Power Annual; and
 - 2) Annual Energy Outlook.
- (d) To conduct analyses of the financial health of the industry and individual utilities
- (e) To understand the cost improvements (productivity) of new technologies, particularly renewable technologies in non-utility plants
- (f) To analyze transmission line capacity, and the costs of building and improving transmission facilities; and
- (g) To evaluate the impact of wholesale and retail electricity competition.

Other data users include electricity-related trade associations; independent system operators; electric utility companies; non-utility companies; energy service providers; wholesale electricity traders; electrical equipment companies; numerous local, State, and Federal government agencies; environmental associations; consumer groups; financial analysts; and the news media.

- ***Form EIA-423, "Monthly Cost and Quality of Fuels for Electric Plants"***

The Form EIA-423 is a mandatory EIA electric power survey. The form is submitted by approximately 740 non-utility power plants and is used to collect monthly information that is not collected by the FERC. Each fossil-fuel steam electric generator with a nameplate capacity of 50 megawatts or greater that is not regulated by FERC submits the information on the Form EIA-423. The combined information from the Form EIA-423 and FERC Form 423 is used to present statistics on the costs and qualities of the fossil fuels that are used by the entire electric power industry. The data collected include the fuel quantity received, quality (Btu, sulfur, and ash content), purchase type, cost, contract expiration date, tolling agreements, and supplier of fossil

fuels delivered for the generation of electric power⁴. In addition, for coal only, data will include type of mine and the State and county where the mine is located.

Modifications:

(a) Added a check box to indicate if a tolling agreement is in place and provides contact information of the toller in the Identification Section. This is needed because some of the plants have been submitting forms with no fuel cost since the tolling company refused to give them that information. In addition, unless respondents are asked about tolling agreements, EIA will have no way to know if the plant has one or multiple tolling agreements in place. Moreover, since tolling companies can or will change from time to time, EIA currently does not have a way to track them unless the plants provide EIA with that information.

Uses of Data:

The information will be used by the Department of Energy:

- (a) To answer queries from the Congress, other Federal and State agencies, the electric power industry, and the general public
- (b) As input to the Short-Term Integrated Forecasting System (used to forecast quarterly electricity supply and demand for up to 8 future quarters)
- (c) As input to the National Energy Modeling System (NEMS)
- (d) As input to the following reports issued by EIA:
 - 1) Electric Power Monthly;
 - 2) Electric Power Annual;
 - 3) Cost and Quality of Fuels for Electric Power Plants;
 - 4) Natural Gas Monthly;
 - 5) Natural Gas Annual;
 - 6) Short-Term Energy Outlook; and
 - 7) Annual Energy Outlook.
- (e) To monitor the costs of fossil fuels used to generate electricity
- (f) To evaluate the changes in the sources of the fuels and their quality to evaluate the impact of the Clean Air Act and its Amendments and
- (g) To monitor the impact of State Implementation Programs.

Other data users include electricity-related trade associations; independent system operators; electric utility companies; non-utility companies; energy service providers; wholesale electricity traders; electrical equipment companies; numerous local, State, and Federal government agencies; environmental associations; consumer groups; financial analysts; and the news media.

⁴ A tolling agreement is a contract arrangement under which a raw material or intermediate product stream from one company is delivered to the production facility of another company in exchange for the equivalent volume of finished products and payment of a processing fee. For the purposes of this form, a tolling agreement is an arrangement that allows one company to have marketing control of electricity produced by generating assets owned by another company. The agreement usually requires the marketer to procure the fuel supply necessary to produce the electricity.

- **Form EIA-767, “Steam-Electric Plant Operation and Design Report”**

The Form EIA-767 is a mandatory form used to collect information annually from all steam-electric generating plants with a total nameplate capacity of at least 10 megawatts that burns combustible fuels (about 1,400 plants). Approximately 770 plants have a nameplate capacity of 100 megawatts or greater, and must complete the entire Form EIA-767. Smaller plants are not required to provide certain information, such as electric generator and cooling system data. Data collected on the Form EIA-767 include design parameters and annual operations data regarding each plant’s boilers, generators, cooling systems, flue gas particulate collectors, flue gas desulfurization units, stacks, and flues.

Modifications:

- (a) Eliminated lines 18 through 21 from Schedule 4, Part C: “Boiler Information, Design Parameters.” These lines duplicate information proposed for addition to the Form EIA-860.
- (b) Added technology choice check boxes to Schedule 4, Part E: “Boiler Information, Mercury Emission Controls.” The current form asks for the type of mercury emission controls at the plant. The change provides a list of control systems from which the respondent can select with a check mark. This should reduce the burden on respondents and provide EIA with more consistent data.
- (c) Added to Schedule 6, Part B, “Cooling System Information, Design Parameters,” and Schedule 9, “Stack and Flue Information – Design Parameters,” a request for the coordinate system reference associated with the latitude and longitude. The request for datum is required by OMB Circular A-16, revised August 19, 2002.

Uses of Data:

The information is to be used by the Department of Energy:

- (a) To answer queries from the Congress, other Federal and State agencies, the electric power industry, and the general public
- (b) As input to the National Energy Modeling System (NEMS)
- (c) As input to the following reports issued by EIA:
 - 1) Electric Power Annual; and
 - 2) Annual Energy Outlook.
- (d) To monitor the improvement in environmental equipment technologies
- (e) As input to the Environmental Protection Agency’s e-Grids environmental control and emissions database system.
- (f) To evaluate the changes in the operation of power plants as they accommodate the Clean Air Act and its Amendments and
- (g) To monitor the impact of State Implementation Programs for air pollution control.

Other data users include electricity-related trade associations; independent system operators; electric utility companies; non-utility companies; energy service providers; wholesale electricity

traders; electrical equipment companies; numerous local, State, and Federal government agencies; environmental associations; consumer groups; financial analysts; and the news media.

- ***Form EIA-826, “Monthly Electric Sales and Revenue Report With State Distributions”***

The mandatory Form EIA-826 is used to collect monthly data by State from a sample consisting of approximately 450 utility and non-utility entities that have sales to end use customers. Data are collected separately for: utilities with regulated sales; entities with market-based sales (for energy-only service); and entities that provide only energy delivery services, where the energy is supplied by another entity. Data collected on the Form EIA-826 include revenue (associated with the sale of electricity), sales (megawatthours delivered), and number of customers. The sampling methodology is described in Section B, “Collection of Information Employing Statistical Methods,” Item 2, Statistical Methodology. Data are collected from firms with sales within States for use in developing monthly average price estimates by State. Such price data are used in evaluating the progress of retail electricity competition.

Modifications:

- (a) Expanded “Identification Section” to include a check box for “entity type.” The change provides additional detail for distinct categories of energy providers, which is necessary to monitor the changes in the electric power industry as the year progresses. This same change is proposed on the Form EIA-861 to capture the full universe of respondents.
- (b) Added Schedule 2. “Mergers and/or Acquisitions.” This change permits the tracking of changes in industry structure and ownership as the year progresses. This same change is proposed on the Form EIA-861 to capture the full universe of respondents.
- (c) Added Schedule 1.D. “Bundled Service by Retail Energy Providers or Any Power Marketer That Provides “Bundled Service”.” This change moves the retail energy providers who are in competition, to provide their data on this confidential Schedule, previously filed on Schedule 1.A. This same change is proposed on the Form EIA-861 to capture the full universe of respondents.

Uses of Data:

The information is used by the Department of Energy:

- (a) To answer queries from the Congress, other Federal and State agencies, the electric power industry, and the general public
- (b) As input to the Short-Term Integrated Forecasting System, used to forecast quarterly electricity sales for up to 8 future quarters
- (c) As input to the National Energy Modeling System (NEMS)
- (d) To estimate monthly electric sales and price data by State and sector (residential, commercial, industrial and other)
- (e) To produce the following reports issued by EIA:
 - 1) Monthly Energy Review;
 - 2) Electric Power Monthly;

- 3) Electric Power Annual;
- 4) Short-Term Energy Outlook; and
- 5) Annual Energy Outlook.

(f) To monitor the progress of State retail competition and

(g) To evaluate industry concentration and the resulting market power of retail sellers.

Other data users include the Federal Reserve Board; electricity-related trade associations; independent system operators; electric utility companies; non-utility companies; energy service providers; wholesale electricity traders; electrical equipment companies; numerous local, State, and Federal government agencies; environmental associations; consumer groups; financial analysts; and the news media.

- ***Form EIA-860, “Annual Electric Generator Report”***

The Form EIA-860, “Annual Electric Generator Report,” is a mandatory annual form used to collect data on all electric generators in the United States with a capacity of one megawatt or greater. The Form EIA-860 is filed by 2,700 companies that operate 5,700 (both existing and planned) plants containing over 16,000 generators. Data collected on the Form EIA-860 includes ownership, generator capacity, fuel capability, operational status, on-line date and actual or planned retirement date, and regulatory status. In addition to existing units, the form collects data for planned and modified units expected to enter commercial operation within five years.

Modifications:

- (a) Removed type of reporting entity from the plant level (Schedule 1: “Identification”) and moved it to the generator level (Schedule 3, Part A: “Generator Information”). This change was necessary because with the widespread changes in ownership in the electric power industry, some plants are now owned in part by traditional electric utilities and in part by independent power producers. By moving the question on regulatory status to the generator level, EIA can more accurately determine the regulatory makeup of the national generator fleet.
- (b) Added questions about each generator’s ability to use multiple fuels and switch between fuels, in particular, the ability of generators to switch between natural gas and fuel oil (Schedule 3, Part B: “Existing Generators, and Part D: Proposed Generators”). Over the past several years, power plant operators have built an enormous amount of new generating capacity. Between 2000 and 2003, about 187,000 megawatts of new capacity were added to the generating fleet, an increase of about 23 percent. Almost all of this new capacity is fired by natural gas. The large increase in natural gas-fired capacity has raised concern about the ability of plant operators to switch to alternative fuels, especially fuel oil, in the event of natural gas price spikes or supply disruptions. The questions added to the Form EIA-860 will allow EIA to more accurately determine the fuel supply options available to plant operators. The questions will also allow EIA to better determine the portion of the generating fleet with other fuel options, such as the ability of industrial facilities, like paper mill wastes, to burn waste and renewable fuels. This is critical information for evaluating the reliability and economics of the Nation’s electric generating capacity.

- (c) Added Schedule 5, "New Generator Interconnection Information." A significant issue in the restructuring electric power industry is the time and cost required for a power producer to arrange to connect a new power plant to the transmission grid. The issue is significant because the speed and cost of interconnections can have a direct impact on system reliability and the ability of new entrants to compete in the power market. Because the connection of a new generator may require significant upgrades or other modifications across a large part of a transmission grid, interconnection activity is directly related to 1) the level of investment in the transmission system, 2) who bears those costs, and 3) the reliability of the transmission grid. The new Schedule 5 will collect previously unavailable information on the cost and time associated with interconnection activity.

- (d) Deleted Schedule 7, "Authorization for Reporting." Schedule 6 allowed companies to file their EIA-860 data through the North American Electric Reliability Council (NERC) and its regional councils. This arrangement was designed to improve data coordination with NERC. However, this arrangement has, in effect, been superseded by technological advances which allow respondents to file their data via the Internet and make it possible for EIA to provide NERC and its regional councils with continuous data updates during the collection cycle. Collection of all respondent data by EIA via the Internet will reduce the workload for NERC and the regional council staffs and will be less cumbersome for EIA staff than the Schedule 7 agent arrangement.

Uses of Data:

These data are used by the Department of Energy:

- (c) As the primary source of information on the characteristics and capabilities of the nation's generating fleet.
- (c) As background for answering requests from the general public and Congress for power plant generator level information
- (c) As input to the National Energy Modeling System (NEMS) and the Short-Term Integrated Forecasting System (STIFS).
- (c) As input to many private sector models of the electric generating system.
- (c) As a source for studies of capacity additions and fuel switching and
- (c) As input into the following reports issued by EIA:
 - 1) Electric Power Monthly;
 - 2) Electric Power Annual;
 - 3) Annual Energy Review;
 - 4) Renewable Energy Annual;
 - 5) Short-Term Energy Outlook; and
 - 6) Annual Energy Outlook.

Other data users include electricity-related trade associations; independent system operators; electric utility companies; non-utility companies; energy service providers; wholesale electricity traders; electrical equipment companies; numerous local, State, and Federal government agencies; environmental associations; consumer groups; financial analysts; and the news media.

- ***Form EIA-860M, Monthly Update to the Annual Electric Generator Report***

The Form EIA-860M is a new mandatory monthly report that collects data on the status of proposed new generators or changes to existing generators, within 12 months of the new or modified generator beginning commercial operations. The form is designed to collect information on changes to plans previously reported to EIA on the annual Form EIA-860. The plant characteristics of interest are changes to the previously reported on-line month and year, prime mover type, capacity, and energy sources. During 2005, EIA anticipates collecting the EIA-860M from approximately 75 plants each month.

Modification:

(a) This is a new survey. EIA frequently receives inquiries from the general public, industry analysts, and from within the Federal government concerning the amount and characteristics of new generating capacity expected to enter commercial service in the near term. This information is, in particular, an important input to short-term evaluations of electric system reliability. Currently EIA updates its information on when plants will enter commercial service via phone calls. This is a cumbersome process that is burdensome both for the EIA staff and respondents.

The EIA-860M is designed to minimize the burden for respondents and to make EIA's data collection more efficient. The form is intended to be used exclusively for electronic data collection (a paper option will be available to respondents unable or unwilling to use the Internet Data Collection system); it only collects data on changes to previously reported information; respondents only need to file the data when a plant is within 12 months of entering commercial operation; and if there are no changes to previously reported data, the respondent needs to simply check one box for each generator to complete the filing.

Uses of Data:

These data can be used by the Department of Energy:

- (a) As the primary source of information on the characteristics and capabilities of the Nation's generating fleet.
- (b) As background for answering requests from the general public and Congress for power plant generator level information
- (c) As input to the National Energy Modeling System (NEMS) and the Short-Term Integrated Forecasting System (STIFS).
- (d) As input to many private sector models of the electric generating system.
- (e) As a source for studies of capacity additions and fuel switching and
- (f) As input into the following reports issued by EIA:
 - 1) Electric Power Monthly;
 - 2) Electric Power Annual;
 - 3) Annual Energy Review;
 - 4) Renewable Energy Annual;
 - 5) Short-Term Energy Outlook; and
 - 6) Annual Energy Outlook.

Other data users include electricity-related trade associations; independent system operators; electric utility companies; non-utility companies; energy service providers; wholesale electricity traders; electrical equipment companies; numerous local, State, and Federal government agencies; environmental associations; consumer groups; financial analysts; and the news media.

- ***Form EIA-861, “Annual Electric Power Industry Report”***

The Form EIA-861 is a mandatory annual census of approximately 3,300 regulated entities and power marketers in the United States involved in the generation, transmission and distribution of electric energy. Data collected on the Form EIA-861 include revenues (associated with the sale of electricity), sales (megawatthours delivered), number of customers, energy sources and disposition, customer service programs, electric operating revenue, demand side management information and distribution system information.

Modifications:

- (a) Added Schedule 5, “Mergers and Acquisitions.” This new schedule is necessary to capture changes in the Form EIA-861 survey frame due to continuing changes in the ownership and structure of the electric utility industry. Because Form EIA-861 serves as the universe (i.e., the frame) for all industry participants, collection of these data is essential to updating the frames of other entity-based EIA electric surveys, particularly the Form EIA-826.
- (b) Added Schedule 7, “Distributed and Dispersed Generation.” This new schedule is necessary to acquire information on the capacity, characteristics, and deployment of generators beyond those already collected on the Form EIA-860. Distributed and dispersed generation information will provide valuable new information on the magnitude of additional generating capabilities that bear on system reliability, utility avoided costs, and alternatives to transmission expansion.
- (c) Added Schedule 4.D, “Bundled Service by Retail Energy Providers, or Any Power Marketer that Provides ‘Bundled Service’.” This change moves the retail energy providers who are in competition, to provide their data on this confidential Schedule, previously filed on Schedule 4.A.
- (d) Deleted Schedule 2B, “Energy Sources and Disposition.” The current requirement for non-utilities to file this information using the Form EIA-861 has been changed to have it collected on either the Form EIA-906 (for independent power producers) or Form EIA-920 (for combined heat and power plants). As a result, approximately 1,500 non-utilities will no longer file this form.

Uses of Data:

The information is used by the Department of Energy:

- (a) To answer queries from the Congress, other Federal and State agencies, the electric power industry, and the general public
- (b) As input to the National Energy Modeling System (NEMS), sales data are used to project long-term electricity demand, sales for resale and purchases are used to validate the wholesale model results

- (c) To accurately maintain the electric power frame and to be a source from which samples are drawn for other electric power surveys. Examples of these surveys are Form EIA-412 and Form EIA-826
- (d) To provide input into the following reports issued by EIA:
 - 1) Electric Power Monthly;
 - 2) Electric Power Annual;
 - 3) Annual Energy Review;
 - 4) Monthly Energy Review; and
 - 5) Annual Energy Outlook.
- (e) To monitor the changes in electricity prices in the various States and sectors of the economy
- (f) To assess the affect of price changes on the demand for electricity and
- (g) To monitor the progress of energy service providers as they expand in the States with retail competition.

Other data users include electricity-related trade associations; independent system operators; electric utility companies; non-utility companies; energy service providers; wholesale electricity traders; electrical equipment companies; numerous local, State, and Federal government agencies; environmental associations; consumer groups; financial analysts; and the news media.

- ***Form EIA-906, “Power Plant Report” and Form EIA-920, “Combined Heat and Power Plant Report”***

The Forms EIA-906 and EIA-920, in combination, collect the fuel consumption, electric generation, and fuel stocks of all power plants in the United States with a generating capacity of one megawatt and greater (i.e., all operating plants included in the survey frame for the Form EIA-860). The Form EIA-920 collects data from combined heat and power plants (these are most frequently industrial cogenerators, such as paper mills and refineries). The Form EIA-906 collects data from all other power plants. The data on these two surveys are collected monthly from a statistically determined sample of relatively large plants. The remaining smaller plants are surveyed annually. (The sampling methodology is described in Section B, “Collection of Information Employing Statistical Methods,” Item 2, Statistical Methodology.) The survey frames are currently:

Form EIA-906, “Power Plant Report”

- Monthly collection: 1,418 plants
- Annual collection: 2,973 plants

Form EIA-920, “Combined Heat and Power Plant Report”

- Monthly collection: 305 plants
- Annual collection: 671 plants

Modification to EIA-906 “Power Plant Report”:

- (a) Added collection of gross generation to Schedule 2, “Generation, Fuel Use and Stocks.”
These data are needed to help verify the accuracy of fuel consumption data submitted to EIA

during time periods when a power plant is operated sporadically. The data are also needed to improve the collection of data from hydroelectric pumped storage facilities.

Modifications to the Form EIA-906, “Power Plant Report,” and the Form EIA-920, “Combined Heat and Power Plant Report”

(a) Added to both forms a new schedule, “Annual Electricity Sources and Disposition for Non-Utility Power Plants.” This will be Schedule 3 on the Form EIA-906 and Schedule 4 on the Form EIA-920. The new schedule collects data needed to develop State and national level information on the sources and disposition of electric energy. This is among the most commonly requested electric power data from EIA. However, collection of the data has become more difficult over time as the electric power industry has splintered into traditional electric utilities, power marketers, and independent power producers. The information on all three of these sectors is currently collected on Form EIA-861. However, that form is designed to collect data at the corporate level, while data from independent power producers and combined heat and power producers (CHP) must be collected at the plant level. In order to make EIA’s data collection more efficient, the proposed changes will:

- 1) Limit the electric power sources and disposition data collection on the Form EIA-861 to electric utilities and power marketers, who report at the corporate level.
- 2) Collect these data at the plant level (moved from the Form EIA-861) on the Form EIA-906 and Form EIA-920. As these plants already provide data on the Form EIA-906 and the Form EIA-920, there will be no expansion in the number of respondents.

The sources and disposition data will be collected from the Form EIA-906 and Form EIA-920 respondents once per year, regardless of whether other data are reported monthly or annually. The Form EIA-906 collection applies only to plants operated by independent power producers. The data will not be collected from plants operated by electric utilities, as these companies will continue to report at the corporate level on Form EIA-861.

(b) Added to both forms a new due date for the monthly submitters to allow them to submit their data on the last day of the month following the end of the reporting month, rather than the 10th day following the end of the reporting month.

Uses of Data:

The information is used by the Department of Energy:

- (a) To answer queries from the Congress, other Federal and State agencies, the electric power industry, and the general public
- (b) As input to the Short-Term Integrated Forecasting System, used to forecast quarterly net generation and fuel consumption for up to 8 future calendar quarters
- (c) As input to calculate plant capacity factors and plant heat rates in order to evaluate efficiency and unit effectiveness
- (d) As input to intermediate- and long-term energy models such as the National Energy Modeling System (NEMS)
- (e) As input to the following publications issued by EIA:
 - 1) Monthly Energy Review;
 - 2) Quarterly Coal Report;
 - 3) Natural Gas Annual;

- 4) Renewable Energy Annual;
- 5) Short-Term Energy Outlook;
- 6) State Energy Data Report;
- 7) Electric Power Monthly;
- 8) Electric Power Annual;
- 9) Annual Energy Review; and
- 10) Annual Energy Outlook.

- (f) To monitor fuel switching during the year
- (g) To evaluate compliance with State Implementation Programs
- (h) To monitor fuel stock levels in cases of emergencies and strikes and
- (i) To monitor fuel usage and the dependence on particular fuels.

Other data users include electricity-related trade associations; independent system operators; electric utility companies; non-utility companies; energy service providers; wholesale electricity traders; electrical equipment companies; numerous local, State, and Federal government agencies; environmental associations; consumer groups; financial analysts; and the news media.

A.3. Use of Technology and Reduction of Burden

EIA is utilizing information technology to improve reporting options for respondents to all the electric power surveys. EIA will continue to make all survey forms and instructions available for printing or downloading from the EIA web site.

In 2002, EIA developed a new, completely electronic reporting option that respondents may use to complete and submit the electric power surveys via a secure, Internet browser-based system. Respondents choosing this option will not have any requirements for submission of paper forms or signatures. The electronic reporting system allows respondents to enter their data directly into EIA survey databases. The use of data communicated electronically reduces the time needed for data collection and processing, and also improves the timeliness of reporting the information to the public. The only equipment and software the respondent is required to have is a connection to the Internet and a standard industry Web Browser that supports secured socket layering, such as Microsoft Internet Explorer or Netscape.

The EIA software collects the data via screens that closely resemble the paper form. The software edits the response identifying potential errors, while still under control of the respondent. Since the software will identify responses that fail established edits (i.e., comparisons to some of their previous data or internal calculations compared to technically established ranges, such as Btu values), the respondent will make corrections or append explanations of unusual occurrences before submitting their data. This reduces respondent burden and the EIA workload by reducing the need for EIA/respondent contact due to questionable data. As of August 23, 2004, approximately 80 percent of all monthly forms and 60 percent of all annual forms are being submitted electronically. Considering that the monthly forms are submitted 12 times during a year, EIA estimates that over 70 percent (or almost 28,000 forms) will be submitted electronically in 2004.

Also, to minimize respondent burden, the EIA electric power data collection systems are based on an “update” philosophy. That is, EIA updates and pre-populates all previously reported static data entries. The respondent only needs to verify or correct these data and enter any changes, as well as the data that varies year to year.

A.4. Efforts to Reduce Duplication

As part of this effort to address the data needs of a restructured industry, EIA has had many interactions with its stakeholders. These efforts have been on-going for the past several years and have been extensive. EIA held numerous meetings to discuss the potential for future data sharing with States, industry organizations, other Federal agencies, and consumer groups. One of the goals of the current redesign effort was to ensure that data are not collected by more than one Federal government agency. To that end, EIA has compiled a list of significant electric power data collections, both in the Federal government and in private industry (Table 1). Some of the organizations collecting and publishing electric power data include:

- (a) The American Public Power Association (APPA)
- (b) The Edison Electric Institute (EEI)
- (c) Rural Utilities Service (RUS), U.S. Department of Agriculture
- (d) Federal Energy Regulatory Commission (FERC), U.S. Department of Energy
- (e) The Nuclear Regulatory Commission (NRC), and
- (f) The DOE Offices of Fossil Energy (FE) and Civilian Radioactive Waste Management (RW).

Sources of data collected for specific regulatory purposes or having limited general use are not included in Table 1. An example is the FERC Form 500 used to collect data for hydroelectric licensing. Information collected by FERC and the State Public Utility Commissions that are limited in scope and not sufficient for the purposes of EIA’s electric power surveys are not included in Table 1. It is important to note that FERC also collects other electric power information for specific regulatory purposes, but those are not sufficient to provide aggregated information about the entire industry.

Table 1. Electric Power Data Collection Forms

Responsible Group	Form No.	Title
American Public Power Association		
	APPA PIS	Performance Indicators Survey
Edison Electric Institute		
	EEI T&D	Transmission and Distribution Line Information (not published)
	EEI TEB	Typical Electric Bills
	EEI USR	Uniform Statistical Report
	EEI WEO	Weekly Electric Output
Energy Information Administration (U.S. Department of Energy)		
	EIA-20	Weekly Telephone Survey of Coal Burning Utilities (standby form)
	EIA-411	Coordinated Bulk Power Supply Program Report
	EIA-412	Annual Electric Industry Financial Report
	EIA-417	Electric Incident and Disturbance Report
	EIA-423	Monthly Cost and Quality of Fuels for Electric Plants Report

Responsible Group	Form No.	Title
	EIA-457	Residential Energy Consumption Survey (Household Electricity Usage)
	EIA-767	Steam-Electric Plant Operation and Design Report
	EIA-826	Monthly Electric Sales and Revenue with State Distributions Report
	EIA-846	Manufacturing Energy Consumption Survey
	EIA-860	Annual Electric Generator Report
	EIA-860M	Monthly Update to the Annual Electric Generator Report
	EIA-861	Annual Electric Power Industry Report
	EIA-871	Commercial Buildings Energy Consumption Survey (electricity usage)
	EIA-906	Power Plant Report
	EIA-920	Combined Heat and Power Plant Report
Fossil Energy (U.S. Department of Energy)		
	FE-781R	Annual Report of International Electrical Import/Export Data
Federal Energy Regulatory Commission (U.S. Department of Energy)		
	FERC-1	Annual Report of Major Electric Utilities Licensees and Others
	FERC-1-F	Annual Report of Non-major Public Utilities and Licensees
	FERC-423	Monthly Report of Cost and Quality of Fuels for Electric Plants
	FERC-516*	Electric Rate Schedule Filings
	FERC-519*	Corporate Applications
	FERC-556*	Cogeneration and Small Power Production (Qualifying Facilities Applications)
	FERC-561	Annual Report of Interlocking Positions
	FERC-566*	Report of Utility's 20 Largest Purchasers
	FERC-580	Interrogatory on Fuel and Energy Purchase Practices Pursuant to Section 205(f)(2) of the Federal Power Act
	FERC-585*	Reports on Electric Energy Shortages and Contingency Plans under PURPA 206
	FERC-714	Annual Electric Control and Planning Area Report
	FERC-715	Annual Transmission Planning and Evaluation Report
	FERC-717	Open Access Same-Time Information Systems
North American Electric Reliability Council		
	NERC GADS	Generating Availability Data System
Nuclear Regulatory Commission		
	NRC ODR	Operating Data Report
Office of Civilian Radioactive Waste Management (U.S. Department of Energy)		
	NWPA-830G	Appendix G - Standard Remittance Advice for Payment of Fees
Rural Utilities Service (U.S. Department of Agriculture)		
	RUS-7	Financial and Statistical Report
	RUS-12	Operating Report for Electric Power Supply Borrowers and Electric Distribution Borrowers with Generating Facilities

* No form. These data requirements are stated in the Code of Federal Regulations.

A.4.1. Analysis of Similar Existing Information

EIA evaluated all known sources of data relating to the electric power industry and has found no other source as comprehensive, timely, or detailed, to replace these proposed EIA data

collections surveys. EIA has determined that other sources cannot replace or even approximate the information proposed for collection here because of differences in classification, inconsistency, incompleteness, unavailability, or lack of universal coverage. In fact, some of the EIA data collections complement, rather than duplicate, other Federal agency data collections. These efforts taken together capture the entire electric power industry and keep the burden on industry to a minimum.

The following are explanations regarding the collection of similar data and the reasons why these similarities are not duplicative collections.

- ***Form EIA-411, “Coordinated Bulk Power Supply Program Report”***

EIA and the North American Electric Reliability Council (NERC) both have a need for similar information on existing and planned generating units. To avoid duplication and to keep the burden on industry to a minimum, representatives of the EIA and NERC formed a working group to accomplish this for the Form EIA-860 and Form EIA-411. The Form EIA-860 contains information on existing generators and those planned to begin operating within five years. The Form EIA-411 provides the power supply planning projected by the members and/or a sub-regional grouping of members of the 10 NERC councils for the reporting year and forthcoming five-year period. The Form EIA-411 is a voluntary data collection effort prepared through the regional council structure of NERC. The specific data elements are carefully identified to allow both NERC and DOE to meet their objectives and to keep the burden on industry to a minimum by requesting the information only once.

The power flow case information for planned transmission facilities complements the data collected by the FERC on FERC Form 715 for existing transmission facilities. Therefore, this requirement fills in a gap in the information that the Federal government collects, rather than duplicating data already collected. Bulk power transmission maps by regional reliability council are also collected on the FERC Form 715. However, these maps duplicate the Form EIA-411 maps, which were collected for many years before the FERC Form 715 existed. In addition, the burden of providing a copy of the maps is minimal.

- ***Form EIA-412, “Annual Electric Industry Financial Report”***

Although similar information to that collected on this survey is also requested by FERC and RUS, the specific data elements related to accounting information and the universe of respondents differs among surveys. For example, the Federal Energy Regulatory Commission (FERC) Form 1, “Annual Report of Major Electric Utilities, Licensees and Others,” collects financial and accounting data from investor-owned utilities, the Form EIA-412 (Schedules 1-8) collects similar data, but only from publicly owned and Federal utilities, and the Forms RUS-7 and RUS-12 collect similar data only from cooperative utilities. Therefore, the combination of the information on these forms provides the entire universe of electric utility financial information without duplication.

- ***Form EIA-826, “Monthly Electric Utility Sales and Revenue Report with State Distributions”***

The Form EIA-826 collects information on electric sales to, and revenue from, end-user customers by State. The data are similar to data reported on the annual Form EIA-861 and the FERC Form 1 (total only, not by State). However, the Form EIA-826 is a monthly survey of a sample of electric power entities, distributors and retailers and is the only source of monthly data. These data are essential for timely tracking of the progress of retail competition and prices while minimizing the burden on industry.

- ***Form EIA-860, “Annual Electric Generator Report”***

As stated above, EIA and NERC both have a need for similar information on existing and planned generating units. The Form EIA-860 serves as the “frame” of generating plants, from which samples are drawn (e.g., Forms EIA-906 and EIA-920) and is used to determine the subsets of frames for other plant-based surveys (e.g., EIA-423, EIA-767, etc.). To avoid duplication and to keep the burden on industry to a minimum, Form EIA-860 is entirely pre-populated with the most recent data reported by the respondent. The respondent is merely required to verify the data and make any updates or corrections.

- ***EIA-861, “Annual Electric Power Industry Report”***

The Form EIA-861 serves as the frame of utilities from which statistical samples are drawn (e.g., Form EIA-826) and is used to determine cut-off samples for other utility related EIA surveys (e.g., Form EIA-412). Although the Form EIA-861 has data elements that are similar to other EIA forms, the other forms survey only a limited number of electric utilities, and they require more detailed information than the aggregate information requested on the Form EIA-861. The Form EIA-861 is the only EIA survey to collect data from all 4,800 electric power industry participants in the United States, its territories and Puerto Rico.

The FERC Form 1 collects some similar data for utilities that meet the criteria for major electric utilities. Since there are only approximately 200 FERC Form 1 respondents, most of the data on the Form EIA-861 are not available elsewhere. Information collected on Schedule I, Schedule II column e, and (if the utility has revenue in more than one State) Schedule IV of the Form EIA-861 is not duplicative with the FERC Form 1.

To keep the burden on industry to a minimum, the Form EIA-861 includes instructions giving the FERC Form 1 respondents the option to provide a copy of the appropriate pages from the FERC Form 1 in lieu of completing those sections on the Form EIA-861. The Form EIA-861 survey is pre-populated, so respondents only need to verify the static information, revise the incorrect data, and fill in the new annual data.

- ***Form EIA-906, “Power Plant Report” and EIA-920, “Combined Heat and Power Plant Report”***

The Form EIA-906 collects monthly fuel consumption data on a prime mover basis at the plant level. The Form EIA-767, “Steam-Electric Plant Operation and Design Report,” annually collects monthly fuel consumption data on an as-burned basis for each boiler at the end of the reporting year. The Form EIA-906 data are used to monitor the fuel consumption and generation as the year progresses and is provided on a plant level. The Form EIA-767 is used to monitor the progress and status of a boiler’s environmental equipment.

- ***Form EIA-846, “Manufacturing Energy Consumption Survey (MECS)”***

The Form EIA-846, (OMB No. 1905-0169), “Manufacturing Energy Consumption Survey (MECS),” collects calendar year data once every four years from a statistical sample of manufacturing establishments, as opposed to the monthly and annual data collected on the EIA electric power data forms. Data are collected on the quantity and cost of purchased electricity, site generation, electricity sales to utilities, transfers to other establishments, consumption, participation in demand side management programs, breakdowns of electricity consumption by end use, and presence of selected state-of-the-art and advanced electronic technologies.

Several of the Form EIA-846 questions overlap with questions on the Forms EIA-860, EIA-767 and EIA-906. However, a number of considerations require independent efforts to collect similar data. First, the Census Bureau (EIA’s collection agent for this survey) collects the Form EIA-846 data from a sample of establishments, and therefore establishment level data are confidential and not available to EIA under the provisions of Title 13 of the U.S. Code. Estimates are published for the Census regions only, with a number of those estimates not releasable due to the confidentiality restriction. Since the location, size, and technology of individual generating facilities cannot be released, aggregates for qualifying facilities (QF’s) under the Public Utility Regulatory Policies Act of 1978 (PURPA) and non-QF projects cannot be addressed. Data are also not available for analysis by electric utility service territory.

In addition, many QF’s are not included in the Form EIA-846 respondent base. Few, if any, wind power facilities are located within the manufacturing sector. The same is true for many hydroelectric and solar facilities. Municipal authorities or independent operators own most of the solid waste facilities. Such facilities would not be included in the Form EIA-846 frame. The Form EIA-846 is conducted with a sample of establishments, which are defined according to specific criteria set forth in the North American Industrial Classification System. The unit of data collection for the Forms EIA-860 and EIA-906 is the plant and for the Form EIA-767 it is the boiler, which is defined differently than an establishment. The Form EIA-846 collects data every four years, while the Form EIA-906 and Form EIA-920 collect data on a monthly basis to allow the government to more closely monitor the industry’s activities. Finally, the use of a stratified statistical sample for the Form EIA-846 is not compatible with the need to obtain the status of a fixed set of facilities, particularly the QF’s under the PURPA.

- ***Other EIA Forms***

EIA has two other quadrennial consumption surveys: the Form EIA-457, “Residential Energy Consumption Survey (RECS),” (OMB No. 1905-0092), and the Form EIA-871, “Commercial Buildings Energy Consumption Survey (CBECS),” (OMB No. 1905-0145). Both the RECS and the CBECS are collected in two stages: first an interview with the household or building, then a survey is done of the suppliers of electricity (and other energy sources) to the households or buildings. Consumption surveys are sample surveys that are designed to collect end-use data, rather than electricity production data, for only a small (5-6,000) nationwide sample of households and buildings. In addition to collecting the data from users as opposed to suppliers, the data collected on these surveys are limited by frequency and coverage.

- ***Other Non-EIA Forms***

The **FERC** publishes a cumulative listing of the facilities that have sought QF status under PURPA. The data are derived from information docketed under the FERC QF program, including:

- Name and address of the applicant, and location of the facility
- A brief description of the facility, including a statement indicating if it is a cogeneration or small power production facility
- Primary energy source used or to be used
- Percent ownership by an electric utility or by an electric utility holding company; and
- The date installation of the facility began or will begin.

These data cover only a small portion of the universe that EIA needs and it does not capture the breadth of information that the EIA forms collect.

The **Census Bureau** collects data through their “Annual Survey of Manufactures,” (ASM) (OMB Number 0607-0449) on electricity generation, sales, and purchases from a sample of manufacturing establishments, similar to the MECS. Annual estimates from the ASM are published on purchases and on-site generation used within the establishments. The ASM purchase data includes both inter-company sales and sales to electric utilities. The amount of power going to the grid cannot be separated. Because the ASM results are confidential under Title 13, many of the same limitations associated with the Form EIA-846 apply to the ASM.

The **Federal Reserve Board** (FRB) conducts the “Monthly Survey of Industrial Electricity Use,” (OMB Number 7100-0057) through its district banks. The survey is voluntary. It collects information from electric utilities on the volume of electricity sold to mining and manufacturing establishments and data from self-generators on the amount of electricity generated by such establishments for their own use. EIA electric power data forms do not collect data on the electricity sold to mining and manufacturing establishments.

The **Edison Electric Institute** (EEI), the association representing the investor-owned electric utilities, began a voluntary survey of its member utilities in 1986 to provide data on non-utility power production in the United States. A summary of the results of the survey (which is considered proprietary) has been published in the EEI publication, Capacity and Generation – Non-utility Sources of Energy. However, this report has been discontinued by EEI. The data are reported by Census division and include capacity and generation by energy source, and the amount of electricity received by utilities from non-utility sources. Because electric utilities do not have full knowledge of non-utility operations, the EEI data on total generation were incomplete. No data are collected on energy consumption.

A.5. Provisions for Reducing Burden on Small Businesses

The EIA is mindful of the need to minimize burden on small business and, to that end, designs its data surveys, to the extent possible, so that small operations are not unduly affected. Statistical sampling for the Form EIA-826, the Form EIA-906, and the Form EIA-920, and the thresholds or cutoffs for the Form EIA-412, Form EIA-423, Form EIA-767, Form EIA-860 and Form EIA-861 are examples of EIA's concern for burden on small business. The Form EIA-412 respondents are allowed to report their financial information based on their own fiscal accounting year. They are not required to recalculate the information on a calendar year basis, even though this can affect analysis of the data across companies. Also, EIA pre-populates many data elements reported on prior surveys for items that do not change frequently. This allows respondents (both large and small) to simply verify that the information has not changed as opposed to reporting it each period.

A.6. Consequences of Less-Frequent Reporting

The monthly data to be reported on the Form EIA-423, the Form EIA-826, the Form EIA-906, and the Form EIA-920 will be collected, reviewed and tabulated by the EIA and used to provide statistics on net generation; sales and revenues of electric power; consumption of fuels used to generate electricity; fuel receipts and costs; and fuel stocks for the electric power industry. These data are used to monitor the state of one of the Nation's most important industries on a monthly basis. The data appear in several agency publications. The most prominent are Electric Power Monthly, Monthly Energy Review, Electric Power Annual and Annual Energy Review. These EIA reports are made available through the Internet to the Congress, State and local governments, private industry, various offices of the Federal government, both within the EIA and in other agencies, and the general public. The EIA web site had over 1.1 million user sessions in June 2004.

The data are also used in other EIA products such as the State Energy Data System and for EIA short-term forecast models. Eliminating EIA's ability to provide monthly status reports on the electric power industry would deprive the Congress, State and local governments, private industry and various offices of the Federal government from monitoring a critical industry that is making sweeping changes to its operations and degree of competition. It would place a large burden on the State governments to collect and process their data and then try to obtain similar information from other States for comparison and monitoring purposes. It would also place a larger burden on the industry to provide its information to more than one data collection agency.

A.7. Compliance with 5 CFR 1320.5

The data are being collected consistent with the guidelines in 5 CFR 1320.5, except for requiring respondents to report information more frequently than quarterly. See item A.6 above for justification for monthly reporting.

A.8. Summary of Consultations Outside the Agency

Consultations were conducted using a Federal Register notice (69 FR 17400 covering all collections) published April 2, 2004. Copies of the notice were mailed to potential respondents, industry associations, and environmental and consumer groups for comment. A summary of the comments received, along with EIA's responses, for the Forms are detailed in Appendix B (Comments on the Forms and Instructions) and Appendix C (Comments on the Confidentiality Proposal).

A.9. Payments or Gifts to Respondents

No payments or gifts are made to the respondents to any of the surveys.

A.10 Provisions for Confidentiality of Information

The EIA is updating its procedure concerning the confidential treatment of electric power data collected through the surveys contained in this forms clearance package. It is an appropriate time to review and modify the confidential treatment of the electric power data, due to the many changes occurring in the electric power industry.

The EIA requested comments from interested parties and those who might be affected by changes in the EIA confidentiality procedure. The proposed changes are based on the review of all comments received (Appendix C) and consideration of the applicable laws and regulations. It is the intent of the EIA to establish a procedure of equal public disclosure treatment for all market participants, as much as possible, given the increased areas of competition at the retail and wholesale levels of electricity sales. The EIA weighed the concerns of the commenters with the legal implications of any action(s) taken and the laws governing the EIA survey collection series and the data needed by the individual States. The laws and regulations considered are:

1. Trade Secrets Act, (18 U.S.C. 1905)
2. Freedom of Information Act (FOIA), (5 U.S.C. 552)
3. Department of Energy, Freedom of Information Act (FOIA) Regulations, (10 C.F.R. 1004)
4. Paperwork Reduction Act, (44 U.S.C. 35) and
5. Clean Air Act, (CAAA90, Public Law 101-549),
6. Confidential Information Protection and Statistical Efficiency Act of 2002, (Title 5 of Public Law 107-347)

1. Trade Secrets Act

For purposes of the Act, a trade secret is defined in narrow terms, as a secret commercially-valuable plan, formula, process, or device that is used for the making, preparing, compounding or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.

2. Freedom of Information Act (FOIA)

The Freedom of Information Act is an open policy favoring disclosure of data held by Federal agencies, and consequently the burden rests on the party or agency seeking non-disclosure to establish that an enumerated exemption to FOIA applies in the circumstances. One such exemption, Exemption 4, covers confidential commercial or financial information and trade secrets, the release of which would cause substantial harm to submitters in a competitive market. Exemptions to FOIA are narrowly construed, however, and the question of whether substantial competitive harm will in fact occur from public information disclosure is a highly fact-specific one. For Exemption 4 to apply there must be actual competition in the industry and the information must not be available from other sources. Even after such a showing is made, however, an agency may balance competing interests and release contested information if the competitive danger is outweighed by the public interest in accessing the information.

3. Department of Energy (DOE), FOIA Regulations

The DOE regulations implementing FOIA do not preclude a reevaluation of the confidentiality of individual data elements. The electric power industry is undergoing a period of widespread restructuring, and EIA's data collection and reporting requirements must necessarily keep pace reflecting these changes in the industry. The fact that the EIA did or did not at one time consider specific data elements to be confidential does not preclude a reevaluation of its position on confidentiality at any time. Even if EIA finds that underlying data are confidential, it may yet disseminate the data at an aggregated level that does not reveal the identity of the data submitter.

4. Paperwork Reduction Act

DOE also complies with the Paperwork Reduction Act of 1995 that provides that a Federal agency may make confidential information available to another Federal agencies if the disclosure is not inconsistent with applicable law. The Office of Legal Counsel of the Department of Justice concluded on March 20, 1991, that the Federal Energy Administration Act requires the EIA to provide company-specific data to other Federal entities for official use. However, this requirement is not applicable for data collected under the Confidential Information Protection and Statistical Efficiency Act.

5. Clean Air Act

Since 1963, a series of Clean Air legislation has been enacted to control air pollution. This includes the Clean Air Act of 1963, the Air Quality Act of 1967, the Clean Air Act Amendments of 1970 and 1977 and various additional amendments and extensions of the Clean Air Act passed in 1971, 1973, 1974, and 1976. The latest major addition to the Clean Air Act, the Clean Air Act Amendments of 1990 (CAAA90, Public Law 101-549), established new provisions designed to reduce emissions of sulfur dioxide, as well as nitrogen oxides that are primarily emitted by fossil-fueled electric power plants, other industrial sources, and transportation fuels. To achieve

certain emissions criteria and to monitor individual and aggregate emission levels, these laws require the collection of a variety of electricity-related data and the release of it to the public.

6. Confidential Information Protection and Statistical Efficiency Act of 2002

The primary purpose of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) is to protect information collected by the Federal government for exclusively statistical purposes from improper disclosure and to ensure that the information is not used for non-statistical purposes. To achieve this, CIPSEA establishes limitations on the use and disclosure of the statistical data or information. Data or information acquired under a pledge of confidentiality to be used for exclusively statistical purposes cannot be disclosed for a non-statistical purpose, except with the informed consent of the respondent. CIPSEA creates a process for agencies to share information with approved agents to be used for exclusively statistical purposes. Under CIPSEA, a statistical agency or unit may designate agents, by contract or by entering into a special agreement containing the provisions required under section 502(2), who may perform exclusively statistical activities, subject to the limitations and penalties described in CIPSEA.

The electric power surveys include many elements that are not treated as confidential and are publicly released in identifiable form. For those elements, the survey respondents will be told the following:

The information elements (names of elements) reported on Form EIA-xxx will not be treated as confidential and may be publicly released in identifiable form. In addition to the use of the information by EIA for statistical purposes, the information may be used for any non-statistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

The electric power surveys also include some elements that are treated as confidential. Some elements are collected in accordance with CIPSEA and are limited to use for exclusively statistical purposes unless respondents provide informed consent for non-statistical uses. Other elements are treated as confidential but may be released in identifiable form at some time and/or may be shared for uses approved by EIA.

For electric power survey elements collected in accordance with CIPSEA, the survey respondents will be told the following:

The information elements (name elements) you provide will be used for statistical purposes only. In accordance with the Confidential Information Protection provisions of Title 5, Subtitle A, Public Law 107-347 and other applicable Federal laws, that information will be kept confidential and will not be disclosed in identifiable form to anyone other than employees or agents without your consent. By law, every EIA employee as well as every agent has taken an oath and is subject to a jail term, a fine, or both if he or she makes public that identifiable information about you.

For electric power survey elements treated as confidential but that are not collected in accordance with CIPSEA, the survey respondents will be told the following:

The information elements (name elements) reported on Form EIA-xxx will be kept confidential and not disclosed to the public (*as appropriate the following wording will be included* - until six months after the end of the calendar year in which the data are reported) to the extent that the information satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552, the DOE regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905. The Energy Information Administration (EIA) will protect your information in accordance with its confidentiality and security policies and procedures.

The Federal Energy Administration Act requires the EIA to provide company-specific data to other Federal agencies when requested for official use. The information reported on this form may also be made available, upon request, to another component of the Department of Energy (DOE); to any Committee of Congress, the General Accounting Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order. The information may be used for any non-statistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

Disclosure limitation procedures are applied to the statistical data published from these elements to ensure that the risk of disclosure of identifiable information is very small.

After reviewing the comments received in response to the Federal Register notices, EIA has determined that the elements listed in Table 2 are the data elements that will not be publicly released in identifiable form. All data elements not listed in Table 2 may be disclosed in identifiable form. The rationale for choosing these elements is addressed in Appendix C.

Table 2. Confidential Data Elements

DATA ELEMENTS	FORMS AFFECTED	PROPOSED CHANGES
Cost of fuels for non-utility plants <i>[Protection to lapse 6 months after end of calendar year]</i>	<u>EIA-423</u> - costs of coal, natural gas and petroleum received at a non-utility power plant.	The information contained on this form relating to Column '1' Delivered Fuel Cost - Plant Purchase Price will be treated as confidential until six months after the calendar year for which data are reported. At that time, the information may be publicly released in identifiable form.
Tested heat rates	<u>EIA-860</u> - tested heat rate under full load.	No Change: Schedule 3, Part B, Tested Heat Rate will continue to be treated as confidential and not disclosed to the public in identifiable form.
Fuel inventory – stocks <i>[Protection to lapse 6 months after end of calendar year]</i>	<u>EIA-906</u> - end-of-month coal and petroleum stocks. <u>EIA-920</u> – end-of-month coal and petroleum stocks.	“Stocks at End of Reporting Period” information will be treated as confidential until six months after the calendar year for which data are reported. At that time, the information may be publicly released in identifiable form.
Plant cost and expenses for non-utility plants	<u>EIA-412</u> - generator plant cost and expenses for non-utility plants.	Electric Generating Plant Statistics specific to cost of plant and production expenses for non-utility plants (Schedule 9, Part B, lines 11 – 23 and Schedule 9, Part C, lines 11 –22) will be treated as confidential and will now be collected in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002.
Monthly electricity sales information reported for energy-only service <i>[Protection to lapse 6 months after end of calendar year]</i>	<u>EIA-826</u> - monthly electric sales, revenue and number of customers reported for energy-only service or by energy-service-providers and marketers.	The information provided by retail energy providers or marketers providing data relating to Revenue, Megawatthours Sold, and Number of Customers will be treated as confidential until six months after the calendar year for which data are reported. At that time, the information may be publicly released in identifiable form.
Latitude and Longitude	<u>EIA-767</u> - latitude and longitude <u>EIA-860</u> - latitude and longitude	No Change: Latitude and Longitude will continue to be treated as confidential and not disclosed to the public.
Power flow cases and bulk electric transmission system maps	<u>EIA-411</u> - power flow cases and bulk electric transmission system maps	Bulk transmission facility power flow cases and bulk electric transmission system maps will be treated as confidential and not disclosed to the public.

A.11. Justification for Sensitive Questions

There are no questions of a sensitive nature.

A.12. Estimate of Respondent Burden Hours and Cost

The overall annual burden for this package is estimated to be 155,307 burden hours (Table 3). As in the past, the burden estimate includes time for follow-up on survey responses to clarify any questions, and correct or edit information reported by respondents. The burden has been reduced by approximately 18,683 hours from the previous package due partly to the EIA effort to collect data via its Internet Data Collection system.

The cost to the respondents is estimated to be \$8,541,885 (155,307 burden hours times \$55 per hour). An average cost per hour of \$55 is used because that is the average loaded (salary plus benefits) cost for an EIA employee. EIA assumes that the survey respondent workforce completing surveys for EIA is comparable with the EIA workforce.

Table 3. Electric Power Burden Information for OMB Number 1905-0129

EIA Form Number/Title	Number of Respondents Per Year	Number of Reports Annually	Total Number of Responses	Burden Hours per Response	Annual Burden Hours
Form EIA-411/ Coordinated Bulk Power Supply Program Report NERC Councils and Headquarters Utilities	11 800	1 1	11 800	120.0 18.0	1,320 14,400
Form EIA-412/ Annual Electric Industry Financial Report SCH 1-9 SCH 9 (1,800 nonutility plants) SCH 10-12	500 1,200 40	1 1 1	500 1,200 40	23.4 2.1 1.7	11,700 2,520 68
Form EIA-423/ Monthly Cost and Quality of Fuels for Electric Plants Report	740	12	8,880	1.3	11,544
Form EIA-767/ Steam-Electric Plant Operation and Design Report 100MW & greater 10MW to <100MW (SCH 1, 2, 4A&D, 7, 8A&B)	620 770	1 1	620 770	66.3 3.4	41,106 2,618
Form EIA-826/ Monthly Electric Sales and Revenue with State Distributions Report	450	12	5,400	1.2	6,480
Form EIA-860/ Annual Electric Generator Report Utility (3,800 plants) Non-Utility (1,900 plants)	800 1,900	1 1	800 1,900	10.2 5.1	8,160 9,690
Form EIA-860M/ Monthly Update to the Annual Electric Generator Report	75	12	900	0.3	270
Form EIA-861/ Annual Electric Power Industry Report	3,300	1	3,300	8.1	26,730
Form EIA-906/ Power Plant Report Monthly (1,440 plants) Annual (3,000 plants)	615 1,800	12 1	7,380 1,800	1.3 1.9	9,594 3,420
Form EIA-920/ Combined Heat and Power Plant Report Monthly (305 plants) Annual (671 plants)	300 530	12 1	3,600 530	1.3 1.9	4,680 1,007
Total Burden Hours					155,307

A.13. Annual Reporting and Record Keeping - Cost

There are no capital and start-up cost components or operations and maintenance associated with this data collection. The information is maintained in the normal course of business. Therefore, other than the cost of burden hours, there are no additional costs for generating, maintaining, and providing the information.

A.14. Annual Cost to the Federal Government

The 10 surveys in the clearance group are included in the Annual Operating Plan for EIA. The annual costs, including personnel, for development/maintenance, collection, processing, analysis, and publication are estimated to be approximately \$5.7 million in FY 2004.

A.15. Changes in Burden

The currently approved burden for OMB Numbers 1905-0129 is 173,990 hours and the proposed burden for this request is 155,307 hours; this is a decrease of 18,683. The reasons for the burden decrease are described below.

Modifications affecting burden include adding or deleting data elements on some forms, adding or deleting respondents on some forms, including a new form, pre-populating static information on the forms, and implementing an electronic reporting option that eliminates the need for any paper submissions or signatures. The modifications in the individual electric power forms are described in detail in item A.2.

The changes in burden hours for the individual forms are as follows:

- **Form EIA-411** changes will result in an increase of burden of approximately 23 percent due to the modification of proposed Schedules 2 and 3 that will collect some new generator-specific information, as well as the addition of a new Schedule 7. Because EIA accepted several commenters' revisions to the data collection it originally proposed, the increase in burden was mitigated to a significant degree. The changes now proposed result in a 2,920-hour-program increase, for a total of 15,720 hours.
- **Form EIA-412** will show a minor burden decrease. Three countervailing actions are proposed. First, select plant statistics data from the non-utility portion of the industry were consolidated (in new Schedules 9B and 9C). Second, additional information is being requested on transmission system upgrades. Third, the information will be collected via the Internet Data Collection system and much of the data will be populated by EIA. Overall, the burden will decrease by 662 hours.
- **Form EIA-423** will not have any data requirement changes, except for the checkbox for tollers. However, since the last forms clearance, the Form EIA-423 has identified 190 additional plants that should file the form. With the savings from filing the Form EIA-423 over the Internet, the overall burden will increase by 1,644 hours.

- **Form EIA-767** will not have any changed data requirements, although the number of respondents has been corrected. Together with the usage of Internet Data Collection system, this will significantly reduce the reported burden by 15,276 hours.
- **Form EIA-826** will add a check box for mergers and acquisitions and modify the Schedules, so that Schedule 1.D. will now be filled out by Retail Energy Providers who provide fully bundled services. This does not incur any additional burden as the respondents would merely be providing the same information that they had previously provided on Schedule 1.A. Therefore, with the use of the Internet Data Collection system, the overall burden will be reduced by 1,080 hours.
- **Form EIA-860M** is a new form that will collect monthly updates of new plants coming on line during the upcoming 12 months. Using the Internet Data Collection option, the total burden of this new form is 270 hours.
- **Form EIA-860** collects data from utility and non-utility respondents. EIA estimated the burden for completing the Form EIA-860 separately for each group because the utilities, on average, have more generators per form. Therefore, they require more time to complete the survey. The new generator interconnection and fuel switching capability questions are expected to increase the burden; however, this will be offset somewhat by accounting for the use of the Internet Data Collection system. Overall, the burden will increase by 1,350 hours.
- **Form EIA-861** will collect new information on Distributed and Dispersed Generation and Mergers and Acquisitions. This will increase the burden slightly. Additionally, moving the electricity source and disposition reporting by non-utilities to the Form EIA-906 and Form EIA-920 will result in a reduction in the burden imposed by EIA-861. However, a concomitant increase in burden for the Form EIA-906 and Form EIA-920 is noted below. Given these changes and the use of the Internet Data Collection system will decrease the overall burden by 6,120 hours.
- **Form EIA-906 and Form EIA-920**, as noted above, have added the electricity supply and disposition schedules to both forms for non-utility power plants. To offset this added burden, EIA re-estimated the monthly data collection samples. This enabled EIA to move a significant number of respondents from the monthly to the annual data collections. This had the effect of reducing the total burden hours. In addition, the use of the Internet Data Collection system results in an overall reduction in burden of 1,729 hours.

A.16. Collection, Tabulation, and Publication Plans

The data collected on these 10 forms by the electric power program are released in EIA reports, and are available on EIA's web site. Detailed information on the data elements collected on each form and their associated collection, tabulation and publication time schedules are contained in Table 4 and Table 5, respectively.

Table 4. Proposed Electric Power Data Collection by EIA Form

Form	Date Notified	Form Due Date	Period	Elements Collected	Level of Detail
411	12/1	To NERC: 4/30 To EIA: 7/15	Annual	Actual energy and peak demand for prior year plus next 5 years; existing and future generating capacity; scheduled capacity transfers; projections of capacity, demand, purchases, sales, and scheduled maintenance; transmission line outages; and bulk electric transmission system maps.	Utility and NERC Region
412	1/15	4/30	Annual	Financial, accounting, and operational data.	Utility
423	27 th of each month	45 calendar days following the end of the month	Monthly	Purchase type, expiration date, energy source, supplier, quantity received, quality (Btu content, sulfur content, ash content), and fuel cost. For coal only: type, State & county of origin.	Plant/ Facility
767	1/15	4/30	Annual	Design parameters and annual operations data regarding the plants' boilers, generators, cooling systems, flue gas particulate collectors, flue gas desulfurization units, fuel use, and stacks and flues.	Generator/ Plant
826	27 th of each month	40 calendar days following the end of the month	Monthly	Revenue, electricity sales by residential, commercial, industrial, and transportation sectors, and number of customers.	Company/ State
860	12/15	2/15	Annual	Existing and planned capacity additions and retirements; and new generator interconnection costs.	Unit/ Company
860M	27 th of each month	15 working days after reporting month	Monthly	Changes to proposed plant additions or changes in next 12 months.	Unit
861	1/15	4/30	Annual	Energy sources, disposition, peak load, sales, revenue, number of customers, and name, address, telephone number, and site of non-utilities in service area of reporting utility.	Company
906 Monthly	27 th of each month	Last day of the month following reporting period	Monthly	Net generation by energy source, consumption of fossil fuels, end-of-month stocks of coal and petroleum, and heat content of fuel.	Plant/ Facility
906 Annual	12/27	3/1	Annual	Net generation by energy source, consumption of fossil fuels, end-of-month stocks of coal and petroleum, and heat content of fuel. Also, annual electricity balance of non-utilities.	Plant/ Facility
920 Monthly	27 th of each month	Last day of the month following reporting period	Monthly	Net generation by energy source, consumption of fossil fuels, end-of-month stocks of coal and petroleum, and heat content of fuel.	Plant/ Facility
920 Annual	12/27	3/1	Annual	Net generation by energy source, consumption of fossil fuels, end-of-month stocks of coal and petroleum, and heat content of fuel. Also, annual electricity balance.	Plant/ Facility

Table 5. Publications Using Proposed Electric Power Data by Form

Form	Elements Published	Level of Detail
Electric Power Monthly – 3 months after reporting month		
423	Energy source, quantity received, quality (Btu content, sulfur content, ash content), fuel cost. For coal only: type, State & county.	National, Census Division, State
826	Revenue and electricity sales by residential, commercial, industrial, and transportation sectors.	National, Census Division, State
860, 860M	Existing and planned capacity additions and retirements.	National, Census Division, State
906 and 920	Net generation by energy source, consumption and heat content of fossil fuels, end-of-month stocks of coal and petroleum, and thermal output.	National, Census Division, State
Electric Power Annual and supporting EXCEL spreadsheets – November		
411	Non-coincidental peak load, net internal demand, planned capacity resources and capacity margins.	NERC Region
412	Financial, accounting, and operational data.	National, Census Division
423	Energy source, quantity received, quality (Btu content, sulfur content, ash content), fuel cost. For coal only: type, State & county.	National, Census Division
767	Design parameters and annual operations data regarding the plants' boilers, generators, cooling systems, flue gas particulate collectors, flue gas desulfurization units, and stacks and flues.	National, Census Division
860, 860M	Existing and planned capacity additions and retirements.	National, Census Division
861	Electricity sales, revenue, and number of customers.	National, Census Division
906 and 920	Net generation by energy source, consumption and heat content of fossil fuels, end-of-month stocks of coal and petroleum, and thermal output.	National, Census Division
Cost and Quality of Fuels for Electric Power Plants (Annual) – August		
423	Energy source, quantity received, quality (Btu content, sulfur content, ash content), fuel cost. For coal only: type, State & county.	National, Census Division, State
Monthly Energy Review – three months after reporting month		
423	Energy source and fuel cost.	National
826	Revenue and electricity sales by residential, commercial, industrial, and transportation sectors.	National
906 and 920	Net generation by energy source, consumption and heat content of fossil fuels, end-of-month stocks of coal and petroleum, and thermal output.	National
Annual Energy Review - October		
411	Non-coincidental peak load, net internal demand, planned capacity resources and capacity margins.	National
423	Energy source, quantity received, Btu content, fuel cost.	National
767	Emissions equipment and estimates.	National
860, 860M	Existing and planned capacity additions and retirements.	National
861	Electricity sales and retail price of electricity.	National
906 and 920	Net generation by energy source, consumption and heat content of fossil fuels, end-of-year stocks of coal and petroleum, and thermal output.	National
Quarterly Coal Report – 3 months after reporting month		
906 and 920	Consumption and end-of-month stocks of coal.	National
Annual Coal Report – August		
906 and 920	Coal consumption and end-of-year stocks of coal.	National, Census Division, State

Form	Elements Published	Level of Detail
Renewable Energy Annual – December		
860, 860M	Existing and planned capacity additions and retirements.	National, State
906 and 920	Net generation by energy source.	National, State
Natural Gas Monthly – 4 months after reporting month		
906 and 920	Natural gas consumption.	National, State
423	Fuel cost.	National, State
Natural Gas Annual – December		
906 and 920	Natural gas consumption.	National State
423	Fuel cost.	National, State

A.17. OMB Number and Expiration Date

The OMB number and expiration date are displayed on each form.

A.18. Certification Statement

Meets all certification requirements of the "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-11.

B. Collection of Information Employing Statistical Methods

B.1. Respondent Universe

The electric power surveys collectively cover the entire range of companies involved in the generation, transmission, distribution, and sales of electricity. Of the 10 surveys in this package, six surveys are of the entire universe (or nearly the entire universe) based on more exacting filing requirements given in those surveys. The remaining four surveys are sample surveys. The respondent universe for each survey is:

- **EIA-411** – The 10 North American Electric Reliability Councils assemble the information using input from their members and any nonmembers (approximately 800 in total) that choose to participate. The Councils then compile the data and submit it to NERC headquarters where it is consolidated and forwarded to EIA.
- **Form EIA-412** – There are approximately 500 municipal, Federal, and State-owned utilities in the United States, 45 cooperatives, and approximately 800 non-utility entities. The schedules of the form that must be completed vary for the different types of respondents. All Federal entities must submit Schedules 1-12. Each municipally or State-owned utility must submit Schedules 1-8 if their annual sales to ultimate consumers or sales for resale are 150,000 megawatt-hours or greater for the 2 previous years. Municipally and State-owned utilities and non-utilities with a nameplate capacity of 10 megawatts or greater must file Schedule 9. Municipally or State-owned utilities and generation and transmission cooperatives having a nominal voltage of 132 kilovolts or greater must submit Schedules 10, 11, and 12.

- **Form EIA-423** – There are about 740 non-utility, fossil-fueled, steam electric generators with a nameplate capacity of 50 megawatts or greater. This is a cutoff threshold sample.
- **Form EIA-767** – The Form EIA-767 collects information annually from all steam-electric generating plants with a total nameplate capacity of 10 megawatts or greater using combustible fuels (about 1,400 plants). Plants with a nameplate capacity of 100 megawatts or greater must complete the entire Form EIA-767. Smaller plants are not required to provide certain information, such as electric generator and cooling system data.
- **Form EIA-826** – Respondents for the Form EIA-826 include all of the investor-owned utilities (188), 4 Federal utilities, all electric service providers (92), all distribution companies, and a model-based sample of 164 municipal, cooperative, State and political subdivision utilities that have sales to end-users customers.
- **Form EIA-860** – There are approximately 2,700 entities that operate about 5,700 facilities, containing 16,000 generators, each with nameplate capacities of 1 megawatt or greater, who are required to file the Form EIA-860. The respondents to this survey form the basis for universe of EIA’s power plants from which the other surveys draw their samples.
- **EIA-860M** – Respondents are the operators of power plants containing new or modified generators that are expected to enter commercial service within a rolling 12-month period. Based on the number of plants putting new generators into service in 2005 and 2006, EIA estimates that in a typical month the EIA-860M will be used to collect data from approximately 75 plants.
- **Form EIA-861** – There are approximately 3,300 utilities in the United States, its territories and Puerto Rico involved in the generation, transmission, and distribution of electric energy. This survey serves as the universe for the Form EIA-826 to draw its sample.
- **Form EIA-906** – The monthly portion of this survey collects data from 615 respondents filing for about 1,400 plants. This is based on a cutoff threshold using capacity size. The rest of the utility and Independent Power Producer universe, who do not file the form on a monthly basis, files the annual collection (approximately 1,800 respondents, for almost 3,000 plants).
- **Form EIA-920** – The monthly portion of this survey collects data from approximately 300 entities for 305 plants, based on a cutoff threshold sample using capacity size. The rest of the universe, combined heat and power plants that do not file the form on a monthly basis, submit the form on an annual basis, approximately 530 entities for about 670 plants.

B.2. Statistical Methodology

Statistical sampling is used on several monthly surveys, particularly the EIA-826, EIA-906, and EIA-920, to limit the burden on industry.

Form EIA-826

For the Form EIA-826, the sample is composed of those utilities that typically sell most of the electricity in each category (or 'end-use sector') in each State. All investor-owned utilities, all power marketers, and all Federal utilities are surveyed. The municipal and cooperative utilities are sampled. A zero-intercept, ratio model (see Royall and Cumberland, 1978) is used to estimate total sales and revenue by end-use sector and State. The sample eliminates the smaller respondents, thus reducing burden and reducing the source of non-sampling errors.

The Form EIA-826 sample design and estimation procedure is based on a linear regression relationship between present and past data reported by the same respondents. The past, or regressor, data come from the Form EIA-861. Data for which there is no historical Form EIA-861 imputation data are treated as add-ons to the total. However, if the regressor data are reliable, and Form EIA-826 data are found to be unreliable, the Form EIA-826 data are imputed. As mentioned above, a census is performed within the Form EIA-826 for the utilities and power marketers or energy service providers (ESP) data, and their totals are added to the estimated (imputed) entities to obtain the entire universe. Non-response for the utility data is handled by imputing 1/12th of the previous corresponding Form EIA-861 number.

Form EIA-906 and EIA-920

The Form EIA-906 and Form EIA-920 also use regression modeling for generation data. The sample for the monthly Form EIA-906 and Form EIA-920 previously consisted of utilities and non-utilities that had a nameplate capacity of 50 megawatts or larger, based on fuel type and location. In addition, some facilities that had a nameplate capacity less than 50 megawatts, based on fuel type and location, were included in the sample so that the sample would be statistically significant and provide high quality data.

In 2003, EIA made a concerted effort to reduce the overall burden on the industry by reducing the number of respondents on the monthly Form EIA-906 and Form EIA-920 surveys. The objective of the sample design for the Form EIA-906 and Form EIA-920 for 2004 was to reduce total survey error, and make sampling less unwieldy, by reducing sample sizes. At the same time, EIA sought to avoid increasing the relatively large relative standard errors already being encountered. This effort resulted in a 53-percent reduction in the sample size of the utility respondents, a 46-percent reduction in Independent Power Producer respondents, and a 36-percent reduction in combined heat and power respondents on the two forms. By eliminating some of the smallest responses, EIA found that estimated relative standard errors were nearly the same or even smaller. Below are the fuel specific sample cut-offs and sizes.

Table 6. Sample Cut-offs and Sizes for Forms EIA-906 and EIA-920

	Utility		IPP		CHP	
	Sample Cut-off Points in Megawatts					
	2004	2003	2004	2003	2004	2003
Fuel source						
Coal	200	50	200	50	200	50
Petroleum	200	50	200	40	200	40
Natural Gas	200	50	160	40	200	40
Hydro Conventional	80	50	80	30	80	30
Waste	50	25	50	10	50	10
Wood	30	25	30	10	40	10
All Other Fuels	25	25	25	10	25	10
Nuclear	Census	Census	Census	Census	Census	Census
Pumped Storage	Census	Census	Census	Census	Census	Census
	Utility		IPP		CHP	
	Sample Counts					
	2004	2003	2004	2003	2004	2003
Universe	3,150	3,150	1,900	1,900	671	671
Sample Size	843	1,805	597	1,110	305	477
Reduction in Sample Size (Percent)	-53.30	--	-46.22	--	-36.06	--

The regression estimation/imputation procedures used for the Form EIA-826, Form EIA-906, and Form EIA-920 is documented and discussed in the on-line statistics journal, *InterStat*, in the following articles:

- “Using Prediction-Oriented Software for Survey Estimation,” at the following URL: <http://interstat.stat.vt.edu/interstat/articles/1999/abstracts/g99001.html-ssi>,
- “Using Prediction-Oriented Software for Survey Estimation - Part II: Ratios of Totals,” at the following URL: <http://interstat.stat.vt.edu/interstat/articles/2000/abstracts/u00002.html-ssi>, and
- “Using Prediction-Oriented Software for Survey Estimation - Part III: Full-Scale Study of Variance and Bias,” at the following URL, <http://interstat.stat.vt.edu/interstat/articles/2001/abstracts/u01001.html-ssi>.

The method described in these articles is generally useful for both small area estimation, and imputation, with adjustments as described in those documents. This method is operationally simple, and integrates well with graphical editing. Data storage is flexible, and so are the model parameters. This method can also be used in conjunction with design-based estimation. It has the potential for use in a wide range of census and sample surveys.

Additional documentation includes: (1) “Model-Based Sampling, Inference and Imputation,” available on the EIA Web site at: <http://www.eia.doe.gov/cneaf/electricity/forms/eiawebme.pdf> and (2) “Weighting in Regression for Use in Survey Methodology,” *InterStat*, available at: <http://interstat.stat.vt.edu/InterStat/ARTICLES/1997/abstracts/A97001.html--ssi>.

B.3. Methods to Maximize Response Rates

For all EIA’s electric power surveys, the response rates are close to 100 percent. To maximize response rates, the EIA forms have been designed and the instructions have been written to be clear and concise to help the respondent complete the forms. Data that are not expected to change from year-to-year are pre-populated on the forms that are mailed to the respondents. Forms and/or notifications are mailed or e-mailed early to maximize the time that respondents have to complete the surveys. As noted herein, EIA’s new Internet Data Collection (IDC) initiative makes forms available on-line as soon as respondents obtain a secure ID and password. Given the high IDC response rate in 2004, most of those respondents will merely log on in the next data collection period and access their required forms. Form(s) due dates are the same each period so that respondents can schedule their completion activities. The schedule for mailing and receipt of each survey is provided in Table 4.

Non-respondents are followed up with e-mails, telephone calls, and letters, to request data submission until an insignificant non-response rate is obtained. Statistical imputation fills any gaps created by this small amount of non-response.

Follow-up letters and e-mails citing failure to file the required form are mailed to all non-respondents. If no response occurs as a result of the letters, additional correspondence is sent from the Office Director and Administrator, if necessary, to higher level management officials requesting submission of the appropriate data.

For all surveys, a specific schedule is followed for e-mails, telephone calls, and letters to non-respondents. Every effort is made to assist respondents in obtaining on-line access to the IDC system, or otherwise completing e-mail or hardcopy surveys and submitting them in a timely manner. Overall, non-response is a minimal problem for the electric power surveys. Respondents whose forms fail edit checks are also called for correction or clarification of any unusual data.

B.4. Tests of Procedures

The electric power surveys are established continuing surveys, except the new Form EIA-860M. Modifications to the existing forms were made by the EIA staff in conjunction with discussions with the electric power industry and potential respondents. A Federal Register notice was published April 2, 2004, outlining the proposed changes and soliciting comments.

B.5. Forms Consultation

For additional information concerning these surveys please contact Charlene Harris-Russell at 202-287-1747 or at charlene.harris-russell@eia.doe.gov. For information concerning this request

for OMB approval, please contact the agency Clearance Officer, Jay Casselberry, at 202-287-1717 or at jay.casselberry@eia.doe.gov.

Appendix A

Partial List of Electric Power Data Users

Alaska Electric Light & Power Co
American Electric Power
American Public Power Association
Arizona Corporation Commission
Association of Electric Cooperatives
Baltimore Gas & Electric Co.
BBC Research & Consulting
Bonneville Power Administration
BP
California Energy Commission
Carolina Power & Light Co
Center for Clean Air Policy
Central Power & Light
Central & South West Services Inc
Colorado Department Regulatory Agencies
Colorado Department Public Health & Environmental Agency
Commonwealth Edison Co
Consol Energy Inc.
Consumers Energy Co
Detroit Edison
Dominion Virginia Power
Duke Energy Corporation
Dynergy
Edison Electric Institute
Electric Power Supply Association
Electric Power Group
Energy Market & Policy Analysis Inc
Entergy Corp
Federal Documents Inc
FirstEnergy Corp.
Friends of The Earth
Hawaiian Electric Co Inc
Illinois Power
Indiana Dept of Commerce
Iowa Dept Natural Resources
Kansas City Power & Light Co
Komanoff Energy Associates
Laclede Gas Co
Maryland Energy Administration
Massachusetts Department of Public Utilities
MDU Resources Group, Inc.

Michigan Department of Consumer & Industry Services
Michigan State - College of Business
Michigan Municipal Electric Association
Mid Atlantic Area Council
MidAmerican
MSB Energy Associates Inc.
J.D. McKenzie
Missouri Department of Natural Resources
National Association of State Energy Officials
National Association of State Utility Consumer Advocates
National Mining Association
National Resources Defense Council
National Rural Electric Cooperative Association
National Association Regulatory Utility Commissioners
Native Forest Network
New Century Energies
New England Conference of PUC
New Jersey Dept Environmental Protection
New York Energy Research/Development Authority
North Carolina Dept of Environment/Natural Resources
North American Electric Reliability Council
Northeast States Coordinated Air Use Management
Nuclear Energy Institute
Oak Ridge National Laboratory
OnLocation Inc
Paine Webber
PECO Energy Co
PG&E
Philadelphia Public Health & Services
Platt's Analytics
Potomac Electric Power Co
Price Waterhouse
Public Service Company of New Mexico
PUC of Ohio
Puget Sound Energy Inc
Resource Data International
Resources for the Future
Sigcorp Inc
Southern California Edison
Southern Environmental Law Center
Stanford University Hoover Institution
TECO Energy
Texas Utilities Electric Co
Tucson Electric Power Co
Union of Concerned Scientists

University of Wisconsin Madison
Utility Power Group
Virginia Technology Center of Coal & Energy Research
Washington State Department of Community Development
Washington Utilities Transport Commission
Western Resources
Wisconsin - Department of Justice
Wisconsin Public Service Corporation
University of Delaware
U.S. Department of Agriculture
U.S. Department Commerce Bureau Economic Analysis
U.S. Environmental Protection Agency

Appendix B

Summary of Comments on Forms and Instructions Received in Response to Federal Register Notice (Vol. 69, No. 64) Published April 2, 2004

Introduction

The Energy Information Administration (EIA) received 87 sets of comments from interested parties, including more than one set of comments from some organizations (Table B1). In addition to comments addressing the forms and instructions, many of these comments addressed confidentiality issues. The EIA response to those comments on confidentiality is provided in Appendix C. The EIA response to the comments addressing the forms and instructions is shown below. Copies of the comments received in reply to the notices are available in the DOE Public Reading Room (Room 1E-190 at 1000 Independence Avenue, S.W., Washington, D.C.).

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 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 OMB 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 respondents offered comments that resulted in form changes. Some were editorial in nature, and others resulted in substantive changes to the instructions and/or the forms. In many cases, the changes made by EIA were deemed to be a sufficient response to the selected comments. Accordingly, not all of those comments are addressed directly in this section. A number of commenters provided concerns and questions regarding the forms they currently file; for example, how the Internet Data Collection system performed in 2004. These specific questions were addressed by EIA staff directly with the responding parties, and are not addressed below.

General Comments:

Several comments addressed the burden imposed by the various forms on the respondents. Additionally, some commenters indicated that the EIA burden estimate on the forms is lower than the actual burden they experience when preparing the form.

Some comments specifically highlighted the burden to small power producers. These parties suggested a larger capacity cutoff (filing threshold) for the survey frames.

Due to accounting and metering variances between respondents, some commenting parties noted that several data elements were difficult, if not impossible, to provide.

Many comments were received that questioned the use of the terms “utility” and “non-utility” in some forms, versus “regulated” or “unregulated” entities in others.

Comments were received from several parties, stating that some data requested are duplicated across forms.

Some responding parties noted that the definitions are sometimes inconsistent between the instructions, glossary and the forms.

EIA 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. 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 clearly fall above the estimate, while others will fall below the estimate.

EIA must survey small and renewable power plants to adequately track electric generating capacity. EIA works with these respondents to facilitate accessing, completing, and submitting the form. EIA made an extensive effort to reduce the 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).

Where it was appropriate, EIA modified the instructions for some data elements to indicate that an estimate could be provided in lieu of actual data. However, such entries must be adequately footnoted.

Use of the terms "utility" and "non-utility" are now being consistently used throughout the forms, along with appropriate definitions of these terms in one master glossary, which will be available with all of the forms.

Some commenting parties provided examples of perceived redundancies. The table below lists those examples, the forms on which they appear, and an explanation of why the data are collected as they are.

Table B1. Perceived Redundant Data Collections Between Forms and Agencies

Perceived Redundant Data	Forms	Explanation
Energy Balance Data	Forms EIA-906/920 and Form EIA-861, Schedule 2, Part B	Data are collected from different respondent types on each form. Non-utilities will now file their energy balance data on Forms EIA-960/920, eliminating the burden for those respondents from filing Form EIA-861, as in the past. Utilities will continue to file energy balance information on Form EIA-861.
Energy Source Information	Forms EIA-860 and EIA-767	The Form EIA-860 collects information at the generator level, while the Form EIA-767 collects data at the boiler level. The Form EIA-767 asks for fuels that were actually used, while the Form EIA-860 requests information on the types of fuels that <u>could</u> be used. The Form EIA-767 does not include fuel transportation information. The Form EIA-767 is limited to steam electric plants only.
Electric Energy Account Information	Form EIA-861, Schedule 2, Part B, duplicates Electric Energy Account on FERC Form 1	FERC Form 1 collects data only from investor-owned utilities (and selected entities). The EIA instructions advise that those utilities are free to file copies of the FERC data with their EIA submission.
Electric Operating Revenue	Form EIA-861, Schedule 3, duplicates FERC Form 1, Page 300	FERC Form 1 collects data only from investor-owned utilities (and selected entities). The EIA instructions advise that those utilities are free to file copies of the FERC data with their EIA submission.
Fuel Receipts	Form EIA-906 and Form EIA-423	Receipts of fuel are requested on the Form EIA-423, whereas the consumption of fuel is requested on the Forms EIA-906/920. Receipts and consumption can be far different,

Perceived Redundant Data	Forms	Explanation
		especially in the cases of coal and petroleum, which can be stockpiled. They can also be different due to different accounting practices.
Generator Information	Form EIA-860M and NERC seasonal assessments	The EIA data collection has more comprehensive coverage than data received through NERC regional assessments (major generators) and needs more frequent updates than those available through NERC.
Generator Interconnection Data	Form EIA-860 & FERC	Interconnection equipment and cost data are not filed with FERC.
Generator Interconnection Data (Dates of actual generator interconnection and first request; cost of interconnection and transmission enhancements.)	Form EIA-860 & Open Access Same Time Information System (OASIS)	Some of these data are filed on transmission provider OASIS sites. However, these OASIS sites are not a Federal government data collection system. The data are for members only, and access to the data is controlled. The fact that the data are filed on these OASIS sites indicates that there will be little burden on industry to provide the data to EIA.
Nameplate Ratings Btu Content, Fuel Quantity, Sulfur and Ash	Forms EIA-860, EIA-767, FERC Form 1, FERC Form-423	<p>The duplicated data cells for nameplate ratings are for data comparison and quality assurance purposes. They are important tools for the Form EIA-767 to map boilers to associated generators and then to nameplate capacity. The nameplate capacity is also provided to the respondents by EIA automatically in the Internet Data Collection system. FERC Form 1 data collection is not comprehensive.</p> <p>Fuel data reported to FERC Form-423 are as received, whereas the Form EIA-767 fuel data are reported on an as burned basis.</p>

Comments on Form EIA-411

General Comments:

A number of parties requested that the Form EIA-411 be kept voluntary and that EIA delay implementation of several of the new data schedules.

The form should be segregated into clearly defined sections that address transmission and generation/capacity separately. Collection of this information now comes from diverse entities that may not need to see the information collected about other parts of the electric power industry.

The Form EIA-411 should be kept voluntary until there is some resolution concerning the different practices of the various regional reliability councils and until the changing structure of the electric reliability oversight function has taken place.

EIA should show flexibility in accommodating the filing schedules of certain regions that are bound by State law to report information at a later date than required by the current EIA filing deadline.

EIA should delay implementation of certain new data schedules within the Form EIA-411 until the industry can change its data collection processes to accommodate it.

There should be increased coordination between EIA and NERC data collections on the information collected on the Form EIA-411 to minimize any duplication and to reduce the burden of reporting.

EIA estimates of the burden in completing the EIA-411 are too low. The total actual burden is much greater.

Some of the data EIA proposes to collect should be held confidential. Specifically, data on individual generators and some transmission outage data are very sensitive. The information on transmission maps and power flows should also be kept confidential.

Specific Comments:

Numerous commenters cited differences in regional practices and the need to recognize these in the instructions for Schedule 2, "Capacity for Existing Generators in Reporting Year." Others mentioned that there was inconsistency in certain definitions between the Form EIA-411 and the Form EIA-860. Still other commenters questioned the need for and usefulness of collecting data on distributed generation. Many stressed the importance of close coordination between EIA and the NERC Data Collection Working Group in order to minimize industry burden and reduce duplication of effort.

Some commenters stated that the generator-by-generator data collected for the reporting year in Schedule 3, "Historical and Projected Demand and Capacity," was sensitive and should be held confidential. NERC suggested a rearrangement between Schedule 3 and Schedule 2 that would reduce the amount of information collected on a generator-specific basis.

Some commenters stated that the level of detail of Schedule 6, “Projected Transmission Lines,” is excessive and observed that certain requested information is not currently collected on projected transmission lines by regional utilities. Examples included detailed design information, such as conductor size and material, bundling arrangement, and pole/tower type. One commenter stated that this data collection would not enhance reliability and should not be mandatory.

The proposed new Schedule 7, “Annual Data and Transmission Line Outages for EHV Lines,” attracted more comments than any other part of the Form EIA-411. These include the following:

- The Form EIA-411 is not an appropriate report for collecting planned and unplanned transmission outage data, because this information pertains to system operations. The purpose of the Form EIA-411 has been to collect and compare actual and forecast load data with existing and proposed generation and transmission facilities in order to assess the adequacy of the Nation’s bulk electric facilities.
- Some commenters stated concerns about duplication of data collections and mentioned that a number of outage collection initiatives had already been proposed by numerous agencies. Specifically mentioned was the need to coordinate with the NERC on their “Vegetation Outage Report” and any future reporting proposals by FERC on this topic.
- EIA should coordinate with NERC to enhance the reporting of scheduled and unscheduled transmission outages to gather more useful information. Further, if EIA must collect unscheduled outage information, then causal codes need to be established to distinguish between preventable and unpreventable events.
- Some of the information requested on scheduled outages is not currently maintained by utilities in a format that would permit them to meet the proposed reporting requirements. A specific problem is the reporting of scheduled outages of short duration, especially when such outages are made on short notice.
- Most transmission outages in the eastern interconnection are already being reported to NERC, via the Security Data Exchange Process. EIA should work with NERC to arrive at a way of collecting the information that EIA needs from this source.
- The burden for companies to collect and report all scheduled and unscheduled outages in Schedule 7 would be very substantial. Additionally, participants are likely to have to make changes/additions to their data collections systems in order to collect these data, and this will take time to put in place.

EIA Response:

EIA appreciates the fact that historically the respondents on Form EIA-411 (both the Regional Reliability Councils as well as NERC headquarters) have been organized under a NERC planning function. Further, EIA knows that some of the new data it now proposes to collect on the Form EIA-411 would likely require additional help from respondents from operations groups within those organizations. Accordingly, EIA understands that there could be benefits associated

with separating the Form EIA-411 into sections that separately address the planning issues related to generation/capacity and load, and operational data related to transmission. Nonetheless, the EIA need for the proposed data outweighs any additional burden it may create for NERC due to its internal organizational structure. However, EIA will continue to focus on this issue in its on-going discussions with NERC and, may in the future, consider consolidating all transmission information into a single form.

EIA understands and agrees that there are complications associated with making the Form EIA-411 mandatory at the present time. Therefore, EIA will keep the form voluntary and work with NERC to resolve the technical and inter-regional practice differences that preclude making this form mandatory.

EIA recognizes that certain States' statutory and regulatory constraints make it difficult for some respondents' to provide information in a timely fashion, and that the current filing deadlines could increase these respondents' burden. Therefore, EIA proposes a revised due date of April 30 for Regional Councils to submit their data to NERC (a 30-day extension from the current due date), and a revised due date of July 15 for NERC to compile the regional responses and submit the completed form to EIA.

The delay in implementing the proposal was made by those who felt the industry did not have uniform systems in place to collect the requested new data. Thus EIA accepts the proposal made by the NERC to revise Schedules 2 and 3 to mitigate the detailed requirements for generator level information, and to delete all momentary transmission outages from Schedule 7. It is hoped that these changes will substantially mitigate commenters concerns that compiling this important data will require significant information system upgrades by respondents.

EIA agrees that its proposed increase in voluntary reporting could increase the burden estimates. EIA also acknowledges that changes in the industry have increased the complexity in some regions for reporting and summarizing data. Therefore, EIA has increased its burden estimates for this form.

EIA does not believe its current proposal (which now aggregates certain generator specific data) requires any new confidentiality protections. However, the data related to regional transmission maps and power flow cases will continue to be treated as confidential.

In response to comments that Schedule 2 contains inconsistent definitions between the Forms EIA-411 and EIA-860, EIA has developed a single glossary of definitions that will alleviate any discrepancies in definitions across all EIA forms.

Commenters questioned the need for new distributed generation information in Schedule 2. However, these data are needed to begin to assess the amount of such capacity Nationwide and its potential impact on system reliability, avoided costs, and alternatives to transmission expansion.

Most of the NERC recommendations for the revision of Schedules 2 and 3 are accepted, and a revised form and instructions have been developed. With regard to Schedule 3, EIA believes

that the rearrangement of the information between Schedules 2 and 3 will alleviate the concerns that were raised about confidential generation data.

Regarding Schedule 6, EIA recognizes that some characteristics of proposed lines may not be available and may not be reportable. Because the form will remain voluntary, respondents are not expected to report any data that they do not have or do not collect.

Concerning Schedule 7, EIA offers the following responses to the various comments:

- EIA believes that the proposed Schedule 7 collects information that directly affects power system adequacy. We do not believe that any other form including the Form EIA-417 or other NERC or FERC data collections substantially duplicates the data collected on this Schedule. With regard to the FERC collection of information about transmission outages due to vegetation, EIA has been informed that the FERC collection is part of a one-time report to Congress, rather than a recurring data collection.
- EIA agrees that establishing causal codes for transmission unscheduled outage data would be beneficial. EIA has now proposed such codes for use in Schedule 7.
- EIA accepts some commenters' recommendations that reporting of scheduled outages of short duration can present problems. Therefore, EIA has removed the momentary categories for both scheduled and unscheduled outage data collected on the form and clarified the form's instructions to read that there is a 1-hour minimum threshold for outages.

Comments on Form EIA-412:

Some parties stated that the necessary instrumentation for collecting "Gross Generation Reporting Requirement" on Schedule 9 is not available to all respondents. Several responding parties stated that it was unclear as to why this additional information is needed.

One party stated that complete industry information on "Upgrades to Existing Transmission Lines and Terminal Stations" (Schedule 12) would be good, but EIA would only collect from Federal and public power utility filers.

Three responding parties suggested that the threshold for filing Schedule 9 be increased, thus relieving the burden of providing the data from smaller plants. One of these parties indicated that its high cost for internal power consumption would be misleading.

Some respondents thought that smaller utilities should report in kilowatthours versus megawatthours.

EIA Response:

- EIA decided to collect gross generation because not all respondents can provide net generation. Net generation is necessary to calculate "expenses per net kilowatthour." EIA has amended the instructions to clarify that Gross Generation and Station Use are to be

provided only if the respondent is unable to report Net Generation. Further, if necessary, Station Use should be estimated and footnoted accordingly on Schedule 13.

- EIA generally agrees that the proposed transmission data collection, if received from investor-owned utilities, would be desirable, but will defer its decision on collection of such data until it completes its on-going discussions with NERC, DOE, and FERC regarding the ultimate scope of transmission data that will be collected from all entities. Nonetheless, EIA did amend its list of required transmission respondents (Schedule 12) to include generating and transmission cooperatives.
- The 10-megawatt threshold serves the purpose intended to gather data on all but the smallest plants. The data currently collected are of value to EIA in profiling the types of plants and operating costs throughout the electric industry, and particularly new technologies, such as wind.
- To ensure accuracy, EIA must have all similar data reported in the same units of measure. While we considered the option to change the requirement for filing MW units to 3 decimals, the burden to update our automated systems would be significant.

Comments on Form EIA-423:

One responding party asked for clarification of how tolling arrangement data are to be reported, if there is more than one tolling arrangement.

EIA Response:

Tollers will not be permitted to file using the IDC system. This will protect the tollers' confidential delivered price data from being examined by respondents. The instructions have been expanded to make this clearer.

Comments on Form EIA-767:

A concern raised by one responding party was if "net equivalent generation" could be provided in lieu of net generation.

One party had security concerns regarding the reporting of the latitude and longitude of plants on the Form EIA-767.

EIA Response:

The respondent apparently wants to convert his steam sales into an estimated amount of electricity generation. However, EIA is looking for the generating stations that actually generate the electricity to report that data. Therefore, EIA will continue to request that the respondents report their "net generation."

Latitude and longitude are indeed security concerns. Therefore, this information will be treated as confidential and will not be released to the public.

Comments on Form EIA-826:

Two parties commented that the reclassification of street lighting and public authorities back into residential, commercial or industrial is inappropriate. Other parties commented that EIA should consider reinstating the “Other” sector.

Several parties asked for clarification of the difference between bundled retail sales in Schedule 1, Part A and bundled service by Retail Service provider in Schedule 1, Part D.

One party questioned the need for the merger and acquisition data and how the data are to be provided.

One party asked if the reporting burden is shared among utilities.

EIA Response:

To better capture information on the transportation sector, the EIA decided to re-categorize items previously collected in the “other” category into the commercial or industrial sector and collect transportation as a separate sector. These changes were instituted for the 2004 data collection cycle after being proposed and published in a Federal Register notice published in September of 2003 and approved by OMB in November 2003. The rationale for this change was that the data collection would then be consistent with the rest of the EIA data collection forms, i.e., to separate transportation from other categories and place all commercial and industrial activities in their respective sectors.

Schedule 1, Part A, requests data from the historically regulated electric utilities that provide fully bundled services, including transmission, distribution and energy services. Schedule 1, Part D, requests data from entities who also provide fully bundled services, but are in competition to provide those services. Texas, in particular, has retail energy providers who would file on this schedule. As these types of entities are in competition, the data filed on this Schedule will be held confidential for six months after the end of the reporting year.

The instructions for this section have been expanded to clarify what is required.

The survey is collected from a census of investor-owned utilities, Federal utilities, energy service providers, and distribution companies. A sample of municipal, cooperative, State and political subdivisions is used to impute the rest of the universe. The survey provides coverage of about 75 to 80 percent of the electricity sales data in the country and the remaining sales are estimated.

Comments on Form EIA-860:

Several comments were received that indicated that the new survey questions on fuel switching information are excessive and redundant. Several responding parties commented on the large number of fuel sources requested and inconsistency in the number of sources requested in different parts of the form. At a minimum, the relationship of these questions needs to be better described.

Some responding parties stated that the request for multiple fuel switching and co-firing options asks for an excessive amount of information, which likely cannot be put to practical use. Focus should be on oil-gas switching.

Some responding parties stated that the fuel switching questions should be asked once and then not repeated on the annual form.

Several responding entities noted that collecting Megavolt Ampere Reactive (MVAR) on the form is a very good idea as it relates to reliability criteria. Some parties that approved collecting the data thought it might be difficult to obtain or of questionable value.

Several parties commented that there is no justification provided for collecting transportation information. Additionally, they stated that the information is not readily available, and at a minimum should be limited to collect the predominant and second-most predominant energy sources.

Two parties, one of which represents many industry participants, wanted to know what was to be reported if a generator changes status during a reporting period. They stated that tracking this level of detail would be burdensome, and suggested that regulatory status should remain a question at the plant level. They also wanted to know how a respondent should handle the regulatory status of a generator with multiple owners; some of which are regulated and others are not.

One responding party noted that the form does not make clear which units are parts of an Integrated Gasification Combined Cycle (IGCC) facility.

Several parties commented that the value of collecting the generator interconnection data is questionable.

Several parties stated that dates of actual interconnection and first request may not be meaningful due to construction delays, and that for regulated entities, dates may be concurrent.

Several parties commented that the financial data collection would be onerous, incomplete, and may not agree with other regulatory reports.

Some parties stated that financial information might not be available to the Form EIA-860 respondents.

Several commenting parties noted that locating financial data back to 2000 might be very difficult.

One respondent commented that the use and meaning of terms such as facility code, ORIS code, plant code, utility code, and respondent ID are confusing.

Several responding parties asked that EIA delay the implementation of the new schedules in the form until 2006, at the earliest, due to the increased burden.

EIA Response:

Fuel-switching data are important in understanding system reliability in the event of fuel supply or transportation disruptions or severe market changes. The data will be much more valuable to public and private analysts, and to policymakers, if it is available at the facility level, especially in regions or situations in which the status of a small number of plants may be critical to the reliability evaluation.

The data are collected because EIA does not have generator-level fuel use information on the Forms EIA-906/920. Multiple fuels are requested primarily to account for paper mills and other renewable-type facilities that burn diverse fuels. In practice, most plants will only put in one or two fuels. However, fuel-switching options were reduced from nine to six.

The Form EIA-860 is pre-populated with the prior year's data. If a plant's fuel switching characteristics do not change, the respondent does not need to take any action.

The question on maximum output at maximum Megavolt Ampere Reactive (MVAR) was deleted. The form now asks for maximum lagging MVAR at anticipated maximum real power output, summer and winter.

The transportation data are primarily collected to assist in analyzing an energy transportation emergency, such as a rail strike. Transportation data have been collected for several years, and this OMB request simply asks for reauthorization of the existing data collection for this data element. The form already limits collection of these data to the predominant and second-most predominant energy sources and the plants typically know how their fuel was transported to them.

Regulatory status at the entity level may not be meaningful because of the very multiple ownership issue raised by responding parties. EIA has re-phrased the question from "Is this generator regulated?" to "Is any part of this generator owned by a non-utility?"

For clarification purposes, a question has been added, asking whether the generator will be part of a gasification system.

The requirement to report data from 2000 through reporting year has been removed. The collection time period is now limited to the prior calendar year.

EIA has revised the instructions on the form to more clearly state meanings of the codes and where the codes can be found.

Comments on Form EIA-860M:

Many responding parties commented that the addition of the Form EIA-860M was an unreasonable burden on industry.

Several commenting parties suggested that the information required could be obtained by using alternative means. It was also suggested that the collection be less frequent than the monthly collection that is proposed.

Some responding parties commented that the data are “seasonal” in nature.

Many commenting parties stated that similar data are reported through the NERC seasonal assessments.

One party commented that there is little to no change in data from annual reporting.

EIA Response:

EIA has the responsibility for maintaining accurate, up-to-date statistics on existing generating capacity and near-term capacity additions that can be used to assess the adequacy of the Nation’s electric generating capacity. The separate form is a reliable instrument for tracking existing capacity and near-term proposed capacity additions.

There will be very few respondents to the Form EIA-860M in any given month. For each month, if the respondent has no generators proposed to start commercial operation within the next 12 months, the respondent is not required to file and will not receive an announcement for completing the form. If respondents have no changes to their data, they check “no change” and submit the form.

New generators are brought on line all during the year and modifications to existing generators are completed throughout the year. In order for EIA to keep the Nation apprised of the progress concerning additional new generating capacity, this form is essential.

The EIA data collection has more comprehensive coverage than data received through NERC regional assessments (major generators) and provides more frequency of updates than those available through the regional assessments. An example was when over half of the planned new capacity for 2003 was cancelled during the year and such information was not available on a detailed, timely basis.

Experience has shown that certain data (e.g., dates, status, ownership) do have significant changes over a 12-month period. Therefore, the burden, while minimal, will provide important information for policy makers.

Comments on Form EIA-861:

Several commenting parties stated that EIA needs to provide a justification for the data collection of Schedule 7, “Distributed Generation.”

Many responding parties had questions on what the Schedule is expected to collect, and requested clarification on various terms, the nature of the entities that are required to file, where certain fuel types should be reported, and if the Schedule is intended to collect information already reported on the Form EIA-860.

Several parties stated that it is difficult to report the data.

Many responding parties were confused as to why Schedule 4, Parts D and E were added to the Form for retail sales information.

One respondent noted that he has no opportunity to report wholesale sales data on the EIA forms.

EIA Response:

The area of distributed generation is becoming increasingly important to policy-makers, market designers, and systems planners. The new Schedule addresses this policy need by collecting distributed generation information systematically at the national level. The information on distributed generation capability is needed to accurately assess critical industry issues such as reliability, transmission expansion, and restructured wholesale and retail markets. Distributed generation may become an important reliability strategy for the industry, and EIA must be able to provide information related to it.

EIA revised the form to clarify exactly what respondents are required to report on the Schedule. Respondents are now instructed to report commercial and industrial generators, and the types of applicable end-use sectors. The form now draws a distinction between distributed (grid-connected) and dispersed generation (not grid-connected) and the definitions are provided in the Glossary.

EIA revised the instructions to clarify that respondents are allowed to report the information to the best of their knowledge, if full information is not available. EIA expects that the quality and scope of the data will gradually improve over successive survey cycles as respondents acquire more information about distributed generation located within their service territories. Respondents are invited to provide any necessary explanations in the Footnotes section, Schedule 9.

EIA deleted Schedule 4, Part E, and clarified the instructions for Schedule 4, Part D to eliminate confusion, similar to the Form EIA-826.

EIA currently has a task force reviewing wholesale sales data. It is exploring what data are needed to be collected from whom; what data are currently available; and the overall feasibility of adding this data collection to the existing data collection efforts.

Comments on Form EIA-906:

Some commenters noted that they cannot determine the higher heating value on an “as-burned” basis, and suggested that the instructions be changed to allow reporting of the heat value “as received.”

Some parties voiced concerns about inequitable treatment between sampled and non-sampled respondents, related concerns about fairness and relief from monthly reporting. It was

recommended that EIA withhold monthly data until all plant level data are published annually or require all plants to report monthly.

Several parties commented that the energy balance data have not been collected from unregulated generation plants in the past and that it is unavailable. Other parties voiced support for collection of these data from all industry participants.

Several parties commented that the data are of little use or value, not readily or consistently available, and too burdensome to gather and report. A recommendation was made that gross generation by unit be reported only for larger power plants, i.e., greater than 25 MW.

One responding party does not support asking for the respondent's supervisor on the form, and prefers the older version of the form, where a "second contact" is requested.

EIA Response:

The instructions now state that the higher heating value may be reported as received and noted in the footnote section.

Monthly data are needed in order for EIA to provide statistics on the generation of electricity and the consumption of fuel for power and stockpiles. Sample data are the preferred method of fulfilling this obligation, as taking a complete census of the industry every month would be prohibitively costly. Those in the sample are typically the larger facilities.

The energy balance data have been collected from non-utilities for the past three years on the Form EIA-861. This package merely requests moving the data collection from that form to the Form EIA-906.

EIA will collect net generation on the Form EIA-906 from utilities and independent power producers. We will collect gross generation from combined heat and power plants on Form EIA-920, allowing an option to report net generation accompanied by a footnote.

Contact number 2 is being replaced with the "supervisor" due to the high turnover of contacts and lesser likelihood of the supervisor changing year to year. This will help EIA in maintaining a consistent contact person for its annual surveys and also allow for more consistent follow-up if the forms are not submitted on time.

Comments on Form EIA-920:

One responding party noted that they do not measure the fuel used for electricity.

Several parties commented that the data are of little use or value, not readily or consistently available, and too burdensome to gather and report. A recommendation was made that gross generation by unit be reported only for larger power plants, i.e., greater than 25 megawatts.

EIA Response:

EIA developed the Form EIA-920 one year ago for combined heat and power (CHP) plants so they would estimate the fuel used for electricity generation, rather than providing EIA with the

amount of “useful thermal output” that they produce. The form was developed with substantial input from the industry, including 40 on-site visits and several meetings with industry trade groups. Since its inception, it is apparent that some of the CHP plants cannot estimate this data element easily. Therefore, EIA is currently developing a guide to assist the respondents with a methodology for estimating fuel used for generation.

EIA will collect net generation on the Form EIA-906 from utilities and independent power producers. We will collect gross generation from combined heat and power plants on Form EIA-920, allowing an option to report net generation accompanied by a footnote.

Table B2. List of Commenters by Affiliation Responding to the April 02, 2004, Federal Register Notice

Number	Commenter	Affiliation
1	AES Thames	Electric Industry - Private
2	Allele/Minnesota Power	Electric Industry - Private
3	American Electric Power	Electric Industry - Private
4	American Electric Power (AEP)	Electric Industry - Private
5	American Public Power Association	Electric Industry Association
6	Boise Paper	Independent Power Producer
7	Bowersock Mills and Power	Independent Power Producer
8	Bruce Stevens	Citizen
9	California ISO	Independent System Operator
10	ChevronTexaco Global Gas & Power	Independent Power Producer
11	Citizens Thermal Energy	Electric Industry - Private
12	City of Austin, Texas, d/b/a Austin Energy	Municipal Utility
13	City Of Marceline	Municipal Utility
14	City of Rocky Mount Public Utilities	Municipal Utility
15	City of Southport	Municipal Utility
16	City of Waynoka	Municipal Utility
17	Cleco	Electric Industry - Private
18	ConEd	Electric Industry - Private
19	Dean Blaha	Citizen
20	Duke Power	Electric Industry - Private
21	East Grand Forks Water and Light Department	Municipal Utility
22	Edison Electric Institute	Electric Industry Association
23	First Energy	Electric Industry - Private
24	Florida Power & Light	Electric Industry - Private
25	Florida Reliability Coordinating Council	Regional Reliability Council
26	Florida Reliability Coordinating Council	Regional Reliability Council
27	Global Energy Inc.	Electric Industry - Private
28	Grant County PUD	Public Utility District
29	Hopewell Cogeneration Facility	Independent Power Producer
30	Illinois Power	Electric Industry - Private
31	Inland Paperboard and Packaging, Inc.	Independent Power Producer
32	Iowa Association of Municipal Utilities	Electric Industry Association
33	Kansas City Power & Light	Electric Industry - Private
34	Lebanon Methane Recovery, Inc	Independent Power Producer
35	Lee County Electric Cooperative, Inc	Electric Industry - Cooperative

Number	Commenter	Affiliation
36	LG&E Energy	Electric Industry - Private
37	Lyondell Chemical Company	Independent Power Producer
38	Mid-Atlantic Area Council	Regional Reliability Council
39	MAIN STAFF	Regional Reliability Council
40	Massachusetts Water Resources Authority	Water Authority
41	McGrath Light& Power	Electric Industry - Private
42	Mecklenburg Cogeneration Facility	Independent Power Producer
43	Mid-Continent Area Power Pool	Power Pool
44	Minnesota Power Company	Electric Industry - Private
45	Nebraska Public Power District	Public Power
46	NiSource	Electric Industry - Private
47	Noresco	Electric Industry - Private
48	North American Electric Reliability Council	Reliability Council
49	North Shore Towers	Independent Power Producer
50	Northeast Power Coordinating Council(NPCC)	Regional Reliability Council
51	Oswego Harbor Power	Independent Power Producer
52	Pasco Cogen, Ltd.	Independent Power Producer
53	PCS Phosphate	Independent Power Producer
54	Platt's - Analytics	Researcher/Information Provider
55	PNM - San Juan Generating Station	Independent Power Producer
56	Portland General Electric	Electric Industry - Private
57	Poudre Valley REA	Public Power
58	PPLWeb	Electric Industry - Private
59	Puerto Rico Electric Power Authority	Public Power
60	PSEG Services Corporation	Electric Industry - Private
61	Reliant Energy	Electric Industry - Private
62	Rusty Netz	Citizen
63	Robert Rothermel	Citizen
64	SacCounty	Independent Power Producer
65	Sacramento Municipal Utility District	Public Utility District
66	Savannah Electric - Plant McIntosh	Electric Industry - Private
67	Select Energy	Electric Industry - Private
68	Seminole Electric Cooperative, Inc	Electric Industry - Cooperative
69	Shell OPUS	Independent Power Producer
70	Sithe Energies, Inc	Independent Power Producer
71	Southeastern Electric Reliability Council	Regional Reliability Council
72	Southern California Edison Company	Electric Industry - Private
73	Southern Company Services, Inc.	Electric Industry - Private

Number	Commenter	Affiliation
74	Southwest Power Pool	Power Pool
75	Summit Property Company	Independent Power Producer
76	Superior Water, Light and Power Company	Electric Industry - Private
77	The Town of Berlin, MD	Municipal Utility
78	Town of Highlands	Municipal Utility
79	Town of Smithfield NC	Municipal Utility
80	TriEagle Energy	Independent Power Producer
81	TXU Power Companies	Electric Industry - Private
82	United States members of Standards Review Committee of the ISO/RTO Council (IRC)	Independent System Operator
83	Waverly Light and Power	Municipal Utility
84	Western Electricity Coordinating Council	Regional Reliability Council
85	Westar Energy	Independent Power Producer
86	Winnetka	Municipal Utility
87	WPS Resources Corporation	Electric Industry - Private

Appendix C

Summary of Comments on Confidentiality Received in Response to Federal Register Notice (Vol. 69, No. 64) Published April 2, 2004

EIA received 87 sets of comments from interested parties, including more than one set of comments from some organizations. Of these, about 20 addressed the issue of confidentiality. The following is a summary of the major points raised regarding both general confidentiality issues and form-specific confidentiality concerns. Following the summary is the EIA response to the comments, including additional EIA research and analysis used in making its final determination.

A. General Concerns

As with past requests for comment on the triennial revision of electric power survey forms, some respondents in this comment period cited an increasingly competitive electric market and heightened security concerns in arguing that EIA should generally strengthen its current confidentiality proposal. One commenter argued that EIA should treat all of the new data elements it proposes to collect as confidential.

Several commenters noted specifically that disclosing cost, facility, and discrete company operating information could harm a company in both market and security areas. One of these commenters also noted that FERC has identified categories of information that it will treat as Critical Energy Infrastructure Information (CEII), providing this information only on a need-to-know basis. They also state that the U.S. Department of Homeland Security has also undertaken a similar program and that the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) provides statistical agencies, such as EIA, with avenues to provide enhanced protection for sensitive information collected for exclusively statistical purposes.

For certain elements, commercial sensitivity declines rapidly over time, and EIA proposes to remove confidentiality protection six months after the end of the calendar year of the data. The elements (and the forms involved) are: fuel cost (Form EIA-423); fuel stocks (Form EIA-906 and Form EIA-920); and monthly retail sales, revenues, and number of customers of energy providers (Form EIA-826). Citing competitive market concerns, several commenters requested that the confidentiality protection for these elements not lapse after six months.

Comments calling for a general increase in data elements to be treated as confidential included Duke Power, Edison Electric Institute, Southern California Edison, and TXU Power Companies.

However, several commenters stated support for the general EIA policy and rationale for releasing as much of the information as possible. Those commenters supporting this view include the American Public Power Association and Platts.

B. Form-Specific Concerns

Form EIA-411: Several commenters maintained that Schedules 2, 3, and 7 (generator capacity, projected capacity and demand, and transmission line outages, respectively) are commercially sensitive, and that the data reported in them should be aggregated. As for the data in Schedules 5, 7, and 8 (transmission maps, transmission line outages, and power flow cases for facilities coming on line), they suggested that these data should be exempt from disclosure under the Critical Infrastructure Information Act, (CIIA) (6 U.S.C. 131-134, P.L. 107-296)

Form EIA-412: Schedule 9, Part B, (plant costs and expenses) should have the same protection as Part C.

Form EIA-767: Some commenters specifically expressed support for confidentiality protection for latitude and longitude data.

Form EIA-860: In general, commenters questioned the necessity of collecting and releasing the data in Schedule 5 (new generator interconnect information). They noted that it is commercially sensitive and should be treated as confidential. One commenter added that confidentiality was particularly necessary for the cost-related data on lines 6 through 9. Another noted that some electric regional reliability councils have expressed similar views. Some commenters specifically expressed support for confidentiality protection for latitude and longitude data. One commenter added that plant address and zip code should also be protected as Critical Energy Infrastructure Information.

Form EIA-861: One commenter argued that customer-site generation data should be treated as confidential unless it is publicly available elsewhere. Another commenter argued for the same protection for cost of production and selling cost, while a third proposed that data on this form should remain confidential for at least one year.

Form EIA-906: One commenter suggested that if EIA decides to continue collecting and disclosing commercially sensitive data from this form, it should collect and disclose it equally for all market participants, and not just for a sample group.

Comments on this issue were received from American Electric Power, American Public Power Association, Duke Power, Edison Electric Institute, Kansas City Power and Light, Lyondell Chemical, Mid Atlantic Area Council, Mid-Continent Area Power Pool, Nebraska Public Power District, North American Electric Reliability Council, Northeast Power Coordinating Council, Public Service Electric and Gas Company, Reliant Energy, SPP, Select Energy, Southern Company Services, Southeastern Reliability Council, TXU Power Companies, and WPS Resources Corporation.

C. EIA Response

As EIA noted in its response to comments during the last review of electric power survey forms in 2001, EIA recognizes the evolutionary process that has been taking place in the electric power

industry. As the industry has changed, so have the concerns of the industry about the sensitivity of disclosing the individual plant or company data that it will be required to provide. However, the electric power industry is still in a transition period. The success of this transition depends in large part on the public confidence in understanding the effects of the movement towards more competition and the ability of regulators, legislators, and the public to measure its progress. In addition, the quality of business decisions is enhanced by the availability of high quality and timely information.

EIA understands this strong public interest to review, analyze, and use the electric power data that EIA proposes to collect for a plethora of current and ongoing issues, programs, and initiatives. Thus, EIA must maintain a balance between disclosing commercially sensitive data and the public's need-to-know. EIA has considered all of these positions to develop an appropriate balance between the need to serve the public good and, equally as important, to protect sensitive data.

The EIA final proposed policy is designed taking into account, among other issues, several Federal laws, including:

- Freedom of Information Act (FOIA), (5 U.S.C. 552, P.L. 93-502)
- Trades Secrets Act (TSA) (18 U.S.C. 1905, P.L. 96-349)
- Clean Air Act of 1970 (CAA) and Clean Air Act Amendments of 1990 (CAAA) (P.L. 91-604 and P.L. 101-549)
- Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) (P.L. 107-347) and
- Critical Infrastructure Information Act (CIIA) (6 U.S.C. 131-134, P.L. 107-296)

The FOIA seeks to promote the public's interest in access to the data collected by the Federal government, while through FOIA exemptions, protecting respondents from competitive harm that might be caused by the public disclosure of their data. The confidentiality provisions established by EIA properly balance these interests and are in compliance with the applicable statutory prohibitions on disclosure of data (such as the Trade Secrets Act).

EIA fully appreciates the heightened concerns about security issues, and recognizes that certain elements reported on its electric survey forms reveal detail that could be exploited by those seeking to harm the United States' critical energy infrastructure. EIA evaluated the importance of the public to access EIA-collected information that falls under this area versus the danger it would pose to making the information available to potential enemies of the United States. As discussed below, there are many data elements that are required to be released to the public, and others that should be kept confidential for competitive purposes. The remaining elements were evaluated to determine if their release would affect the Nation's security, in light of today's security concerns.

One of the most important areas that utilize EIA data is the development of environmental regulations, policy analysis, and industry monitoring. The Clean Air Act, its Amendments and related regulations established emission standards for certain air pollutants. The responsibility

for enforcing these standards can be delegated by the Environmental Protection Agency (EPA) to the individual States. In implementing these programs, the States require information on fuel input (quantities and quality), electricity generation, and thermal output on a monthly basis. To design their programs and to monitor their implementation, the States also need to have access to data on the existing and planned capacity and emissions control equipment. These States will either have to collect these data themselves or rely on EIA to collect them. Whatever data the States or EPA use to implement their programs, they are required by the Clean Air Act (42 U.S.C. 7408) to release to the public all of the data they use for emissions control. This precludes EIA from withholding the same information on grounds of commercial sensitivity. In addition, many State and local government agencies (including public utility commissions, economic planning agencies, etc.) need access to these same data for their daily business. The unified effort of EIA asking the same questions and providing a high degree of data reliability makes the EIA efforts to collect these data a more efficient use of the Nation's and States' resources. It also allows data from one State to be used by other States to better assess their own proposals, progress, and plans. Finally, the unified collection of data by EIA avoids the burden in which companies that are located in several States would receive similar inquiries from multiple jurisdictions for the same information.

The Clean Air Act, however, does not cover the release of the financial data. In fact, it is these data that are most crucial to be guarded from competitors. These data could be used to underbid a competitor or by a supplier to raise their prices. The financial data are not only important to a company's ability to sell electricity, but some of the companies who report data on the EIA electricity surveys are in competition in other businesses, with electricity being an auxiliary product of the company. Therefore, the release of their financial data could put the company in jeopardy in their main business line. It is with this in mind that EIA has made a number of financial data elements confidential for those companies who are in a competitive business.

The primary purpose of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) is to protect information collected by the Federal government for exclusively statistical purposes from improper disclosure and to ensure that the information is not used for non-statistical purposes. To achieve this, CIPSEA established limitations on the use and disclosure of the statistical data or information. Data or information acquired under a pledge of confidentiality and for exclusively statistical purposes can only be used for exclusively statistical purposes and cannot be disclosed for a non-statistical purpose, except with the informed consent of the respondent. CIPSEA does create a process for agencies to share information to be used for exclusively statistical purposes. Under CIPSEA, a statistical agency or unit may designate agents, by contract or by entering into a special agreement containing the provisions required under section 502(2), who may perform exclusively statistical activities, subject to the limitations and penalties described in CIPSEA. This new authority has been examined to determine which data elements should be covered by this Act. EIA determined that the Act would be used in only limited cases for the electric power data, as much of the data are required by the Clean Air Act to be in the public domain.

It should be noted that EIA would treat requests for the confidential data elements listed in Table C1 in accordance with applicable FOIA (and in the case of EIA-412, CIPSEA) regulations and policies.

Table C1. Confidential Data Elements

Data Elements	Forms Affected
Cost of fuels for unregulated plants (*) <i>[Protection to lapse 6 months after end of calendar year]</i>	<u>EIA-423</u> – costs of coal, natural gas and petroleum received at unregulated power plant
Tested heat rates (*)	<u>EIA-860</u> – tested heat rate under full load.
Fuel inventory – stocks (6 months) (*) <i>[Protection to lapse 6 months after end of calendar year]</i>	<u>EIA-906</u> – end-of-month coal and petroleum stocks. <u>EIA-920</u> – end-of-month coal and petroleum stocks.
Plant cost and expenses for unregulated plants (*)	<u>EIA-412</u> – generator plant cost and expenses for unregulated plants.
Monthly electricity sales information reported for energy-only service (*) <i>[Protection to lapse 6 months after end of calendar year]</i>	<u>EIA-826</u> – electric sales, revenue and number of customers reported for energy-only service provided by retail energy providers, or power marketers.
Latitude and Longitude (*)	<u>EIA-767</u> – latitude and longitude <u>EIA-860</u> – latitude and longitude
Electric Transmission Maps	<u>EIA-411</u> – bulk electric transmission system maps
Transmission Facility Power Flow Cases	<u>EIA-411</u> – bulk transmission facility power flow cases

(*) Elements that are presently treated as confidential.

Specific Data Elements:

Cost of Fuels (Form EIA-423): Electric utilities have historically filed delivered fuel cost data on the FERC Form 423. Because they are regulated entities, all of their information has been properly placed in the public domain, as the plants are regulated and by law have to share their financial information with the public. However, non-utility plants are in competition in the wholesale marketplace. If a plant’s competitors have access to its rivals’ fuel costs, it will aid that competitor to estimate its rivals’ marginal costs of production. They could then use this information to develop their electricity bidding strategy. During the months that these data are collected, EIA uses aggregation guidelines to protect the identity of confidential data when the

data are published. However, as the information ages, it loses its usefulness to competitors. From consultations with industry and data users, while there is not unanimous agreement, it appears that when the data are at least six months old, the fuel cost data lose their usefulness to accurately predict current or future marginal costs. Therefore, EIA now proposes to release these data six months after the end of the calendar year to which they refer.

Tested heat rate under full-load (Form EIA-860): Information on the tested heat rate under full-load also provides the plant's competitors with information on the plant's production efficiency and on how far a plant can extend itself in its operations. It is true that the operating heat rate can be calculated for all plants from the fuel consumption and electricity generation data collected and released on the Form EIA-906 and Form EIA-920. However, the test under full-load measures the upper limit of the plant's capabilities. The use of these data could enable competitors to estimate the marginal cost of producing electricity, thereby giving them an edge in the bidding process. Therefore, EIA proposes to continue to hold these data confidential.

Fuel stocks (Forms EIA-906 and EIA-920): The Forms EIA-906 and EIA-920 collect fuel stock levels of coal and petroleum at power plants. The Federal government uses these data to monitor the stocks of fuel in case of emergencies, such as a railroad transportation strike, a coal miners strike, or severe weather. If these data were released near the time the stock levels were measured, it could provide a plant's fuel suppliers with information about the level of its inventories and could influence the price offers that are submitted to the plant during fuel negotiations. During the months that these data are collected, EIA uses aggregation guidelines to protect the identity of confidential data when the data are published. However, six months after the fuel data are collected, the industry is in an entirely different season and the fuel stock data lose their usefulness to aid suppliers in knowing the fuel needs of individual plants. Therefore, EIA now proposes to release these data six months after the end of the calendar year to which they refer.

Plant cost and expenses of non-utility plants (EIA-412): In 2002, EIA began to collect plant cost and expense information from non-utility plants on Form EIA-412. Investor-owned electric utilities file similar information on the FERC Form 1, which is released to the public because they are regulated entities. Publicly owned utilities and Federal entities file the Form EIA-412, and their plant cost and expense data are also released to the public because they are regulated. However, non-utility plants are in competition in the wholesale marketplace to sell their electric power. If a plant's competitor has access to its rivals' cost and expense data, it could help that competitor to estimate its rival's marginal costs of production. These data are particularly sensitive, as they would show the internal finances of plants that are in competition, not only in the electric power industry, but also in their commercial or industrial sector. Its competitors could then use this information to develop their electricity and product bidding strategies. These data are most useful to the Federal government to measure the progress that various technologies are making in lowering the cost of producing electricity, particularly for renewable technologies, as very little information is available on their costs. While the data can be used by other Federal agencies to monitor progress, it is unnecessary for them to know the identity of the facilities to conduct the required analyses. Therefore, EIA proposes to protect these data under CIPSEA.

Monthly sales information (Form EIA-826): Energy service providers, who provide only electricity, are in competition in those States that have opened their retail markets to competition. Also, retail energy providers, who provide a fully bundled product, as in Texas, are also in competition. Therefore, releasing their up-to-date monthly data on electricity sales, revenue, and number of customers could cause them competitive harm. During the months that these data are collected, EIA uses aggregation guidelines to protect the identity of confidential data when the data are published. However, it should be noted that the annual information on electricity sales, revenue and number of customers for these same entities is already made available through the release of all of the data on the Form EIA-861. In addition, as discussed above, as the information ages, it loses its usefulness to the electricity retail competitors. Therefore, EIA proposes to release these data six months after the calendar year for which the data are reported.

Latitude and longitude data (Forms EIA-767 and EIA-860): The latitude and longitude coordinates of electric power plants and the cooling water sources of the plants have been collected by EIA for many years. However, in light of the current concerns about national security, EIA proposes to keep these data confidential, but make them available for use only by the Federal government. While these coordinates may be obtainable from other sources, the EIA policy is not to release this information to the public.

Electric Transmission Maps and Transmission Facility Power Flow Cases (Form EIA-411): FERC requires the submission of electric transmission maps. EIA only requires its respondents to submit copies of those maps. While FERC collects power flow cases for existing transmission lines, EIA collects those flow cases for planned lines. To be consistent with the FERC implementation of its Critical Energy Infrastructure Information rules, EIA proposes to treat the electric transmission maps and transmission facility power flow cases as confidential.

Specific Form Responses:

Form EIA-411: Existing and planned capacity information is freely available from public utility commissions and FERC. Transmission line outage information is essential for the public to better understand the reliability of the electric power grid, particularly in light of the August 2003 blackout. Withholding this information from the public will not allow them to make the needed types of analyses. EIA agrees that the transmission maps and power flow cases will be treated as confidential. It also should be noted that since FERC already collects these transmission line maps, EIA is merely asking for copies of them.

Form EIA-412: Schedule 9, Part B, plant costs and expenses for independent power producers, and Part C, for combined heat and power plants, will have the same confidentiality protection under CIPSEA.

Form EIA-860: Information on new generation interconnections has been a particularly important issue. These questions will allow the Federal government and the public to assess the cost and timeliness of these connections. Keeping this information confidential will not allow

the public to make these types of assessments. A plant address and zip code are not considered confidential, as they can be found in any telephone book.

Form EIA-861: The data that the commenters refer to are not a measure of generation. Rather, EIA-861, Schedule 7 (originally titled Customer-Site Generation in the Federal Register Notice) solicits information on distributed and dispersed generating capacity located near customer load (the proposed Schedule has accordingly been re-titled). The release of these data will not cause competitive harm and are essential in the EIA effort to obtain a clearer picture of the amount, type, and fuel requirements of additional capacity available to meet demand. The commenters' concerns about releasing capacity estimates and characteristics of customer-owned generation are also not well founded. Respondents are to provide, to the best of their ability, separate aggregate totals for distributed and dispersed generation (including that which they own as well as that owned by customers). These aggregated data would not compromise the confidential nature of any customer owned generation, nor cause competitive harm to any respondent.

Form EIA-906: During the year, EIA uses a sample to collect monthly data. However, as discussed above, if EIA does not collect and release these data, EPA or the States will do so. Therefore, EIA proposes to continue with its policy of releasing the sampled data as it is approved and then release all annual data together when they are finalized and approved.

Appendix D

Revised Electric Power Cover Letters, Forms and Instructions

- Form EIA-411, “Coordinated Bulk Power Supply Program Report”
- Form EIA-412, “Annual Electric Industry Financial Report”
- Form EIA-423, “Monthly Cost and Quality of Fuels for Electric Plants Report”
- Form EIA-767, “Steam-Electric Plant Operation and Design Report”
- Form EIA-826, “Monthly Electric Sales and Revenue with State Distributions Report”
- Form EIA-860, “Annual Electric Generator Report”
- Form EIA-860M, “Monthly Update to the Annual Electric Generator Report”
- Form EIA-861, “Annual Electric Power Industry Report”
- Form EIA-906, “Power Plant Report”
- Form EIA-920, “Combined Heat and Power Plant Report”

NOTIFICATION OF DATA COLLECTION FOR 2004 - FORM EIA-411 "COORDINATED BULK POWER SUPPLY PROGRAM REPORT"

Dear Respondent:

This is your first notice regarding the 2004 data collection for the Energy Information Administration's (EIA) Form EIA-411 "Coordinated Bulk Power Supply Program Report."

The Form EIA-411 is an annual survey that collects information on regional electricity supply and demand projections. This report is to be completed by each of the North American Reliability Councils from compiled data furnished by electric utilities and non-utilities in their Council areas.

The collected data are used to provide a comprehensive source of information on the projected electricity supply and demand for a five-year advance period and information on the transmission system and supporting facilities. The data are also used in EIA forecasting models. The data submitted on the form will appear in the Electric Power Annual, Annual Energy Review and other EIA reports and will be made available on the World Wide Web at <http://www.eia.doe.gov>.

Providing information on the Form EIA-411 is voluntary. **Your response is due no later than April 1, 2005.**

Your cooperation in completing this survey will enable EIA to continue to maintain high quality data and to serve the needs of the electric power industry and other electric data users. If you have questions concerning the form or the availability of the data, contact Mr. John Makens, survey manager, at (202) 287-1749 or John.Makens@eia.doe.gov.

Thank you for your cooperation in submitting this report.

Sincerely,

Robert M. Schnapp
Director
Electric Power Division
Energy Information Administration

NOTIFICATION OF DATA COLLECTION FOR 2004 - FORM EIA-412 "ANNUAL ELECTRIC INDUSTRY FINANCIAL REPORT"

Dear Respondent:

This is your first notice regarding the 2004 data collection for the Energy Information Administration's (EIA) Form EIA-412 "Annual Electric Industry Financial Report."

IMPORTANT NOTE: If you have not previously used the EIA Internet Data Collection System (IDC), you will need to register using the directions in forthcoming e-mails.

The Form EIA-412 is an annual survey that collects information on accounting, plant statistics, and transmission lines in the United States. This report is to be completed by municipally owned, Federally owned, and other electric utility and non-utility entities that meet the reporting requirements.

The collected data are used to compile statistics on the financial status of the industry. The data are also used in EIA forecasting models. The data submitted on the form will appear in the Electric Power Annual and other EIA reports and will be made available on the World Wide Web at <http://www.eia.doe.gov>.

Providing information on the Form EIA-412 is mandatory pursuant to Section 13 (c) of the Federal Energy Administration Act of 1974 (Public law 93-275). Specific information about reporting requirements, sanctions, statutory authorities, and disclosure of data you report is provided in the instructions. **Your response is due no later than April 30, 2005.**

EIA now collects virtually all electricity survey data via its Internet Data Collection (IDC) system. We have also replaced hard-copy mailing of notifications, such as this message, with e-mail. In the future, almost all your routine communication with EIA will be via the Internet and e-mail. Therefore, it is important that we have your correct e-mail address on file and that you notify the survey manager if there are changes. If you are not registered for the IDC system you will receive the necessary information to do so. For security reasons, you will receive your IDC registration information in two follow-up e-mails. These e-mails should arrive in mid-January, 2005 and will provide instructions for how to get help should you have difficulty in filing your data electronically.

Your cooperation in completing this survey will enable EIA to continue to maintain high quality data and to serve the needs of the electric power industry and other electric data users. If you have questions concerning the form or the availability of the data, contact Ms. Karen McDaniel, survey manager, at (202) 287-1799 or Karen.Mcdaniel@eia.doe.gov.

Thank you for your cooperation in submitting this report.

Sincerely,

Robert M. Schnapp
Director
Electric Power Division
Energy Information Administration

NOTIFICATION OF DATA COLLECTION FOR 2005 - FORM EIA-423 "MONTHLY COST AND QUALITY OF FUELS FOR ELECTRIC PLANTS REPORT"

Dear Respondent:

This is your first notice regarding the 2005 data collection for the Energy Information Administration's (EIA) Form EIA-423 "Monthly Cost and Quality of Fuels for Electric Plants Report."

IMPORTANT NOTE: If you have not previously used the EIA Internet Data Collection System (IDC), you will need to register using the directions in forthcoming e-mails.

The Form EIA-423 is a monthly survey that collects information on the cost and quality of fossil fuels from selected generating plants in the United States. This report is to be completed by non-utility electric generating plants that have fossil-fueled capacity with a total nameplate rating of 50 megawatts and above.

The collected data are used to compile statistics on the cost and quality of fossil fuels at electric generating plants. The data are also used in EIA forecasting models. The data submitted on the form will appear in the Electric Power Monthly, Electric Power Annual, Annual Energy Review, Cost and Quality of Fuels for Electric Power Plants and other EIA reports and will be made available on the World Wide Web at <http://www.eia.doe.gov>.

Providing information on the Form EIA-423 is mandatory pursuant to Section 13 (c) of the Federal Energy Administration Act of 1974 (Public law 93-275). Specific information about reporting requirements, sanctions, statutory authorities, and disclosure of data you report is provided in the instructions. **Your response is due no later than the 45th day following the close of the reporting month.**

EIA now collects virtually all electricity survey data via its Internet Data Collection (IDC) system. We have also replaced hard-copy mailing of notifications, such as this message, with e-mail. In the future, almost all your routine communication with EIA will be via the Internet and e-mail. Therefore, it is important that we have your correct e-mail address on file and that you notify the survey manager if there are changes. If you are not registered for the IDC system you will receive the necessary information to do so. For security reasons, you will receive your IDC registration information in two follow-up e-mails. These e-mails should arrive in mid-January, 2005 and will provide instructions for how to get help should you have difficulty in filing your data electronically.

Your cooperation in completing this survey will enable EIA to continue to maintain high quality data and to serve the needs of the electric power industry and other electric data users. If you have questions concerning the form or the availability of the data, contact Ms. Rebecca A. McNerney, survey manager, at (202) 287-1913 or Rebecca.McNerney@eia.doe.gov.

Thank you for your cooperation in submitting this report.

Sincerely,

Robert M. Schnapp
Director
Electric Power Division
Energy Information Administration

NOTIFICATION OF DATA COLLECTION FOR 2004 - FORM EIA-767 "STEAM ELECTRIC PLANT OPERATION AND DESIGN REPORT"

Dear Respondent:

This is your first notice regarding the 2004 data collection for the Energy Information Administration's (EIA) Form EIA-767 "Steam-Electric Plant Operation and Design Report."

IMPORTANT NOTE: If you have not previously used the EIA Internet Data Collection System (IDC), you will need to register using the directions in forthcoming e-mails.

The Form EIA-767 is an annual survey that collects information on the design and operations of organic-fueled or combustible renewable steam-electric plants in the United States. This report is to be completed by all steam-electric plants, regardless of ownership status, that have a total existing or planned generator nameplate rating of 10 megawatts and above (excluding nuclear power plants).

The collected data are used to compile statistics for calculating estimates of air emissions and allowances for emissions under the Clean Air Act Amendments of 1990. The data are also used in EIA forecasting models. The data submitted on the form will appear in the Electric Power Annual, and other EIA reports and will be made available on the World Wide Web at <http://www.eia.doe.gov>.

Providing information on the Form EIA-767 is mandatory pursuant to Section 13 (c) of the Federal Energy Administration Act of 1974 (Public law 93-275). Specific information about reporting requirements, sanctions, statutory authorities, and disclosure of data you report is provided in the instructions. **Your response is due no later than April 30, 2005.**

EIA now collects virtually all electricity survey data via its Internet Data Collection (IDC) system. We have also replaced hard-copy mailing of notifications, such as this message, with e-mail. In the future, almost all your routine communication with EIA will be via the Internet and e-mail. Therefore, it is important that we have your correct e-mail address on file and that you notify the survey manager if there are changes. If you are not registered for the IDC system you will receive the necessary information to do so. For security reasons, you will receive your IDC registration information in two follow-up e-mails. These e-mails should arrive in mid-January, 2005 and will provide instructions for how to get help should you have difficulty in filing your data electronically.

Your cooperation in completing this survey will enable EIA to continue to maintain high quality data and to serve the needs of the electric power industry and other electric data users. If you have questions concerning the form or the availability of the data, contact Ms. Natalie Ko, survey manager, at (202) 287-1957 or Natalie.Ko@eia.doe.gov.

Thank you for your cooperation in submitting this report.

Sincerely,

Robert M. Schnapp
Director
Electric Power Division
Energy Information Administration

NOTIFICATION OF DATA COLLECTION FOR 2004 - FORM EIA-826 "MONTHLY SALES AND REVENUE WITH STATE DISTRIBUTIONS REPORT"

Dear Respondent:

This is your first notice regarding the 2004 data collection for the Energy Information Administration's (EIA) Form EIA-826 "Monthly Sales and Revenue with State Distributions Report."

IMPORTANT NOTE: If you have not previously used the EIA Internet Data Collection System (IDC), you will need to register using the directions in forthcoming e-mails.

The Form EIA-826 is a monthly survey that collects information on the retail sales and revenue from electric utilities in the United States. This report is to be completed by electric utilities included in a statistically designed sample and all unregulated retail energy service providers.

The collected data are used to estimate the monthly sales, revenue, and price of electricity in the United States. The data are also used in EIA forecasting models. The data submitted on the form will appear in the Electric Power

Monthly, Monthly Energy Review and other EIA reports and will be made available on the World Wide Web at <http://www.eia.doe.gov>.

Providing information on the Form EIA-826 is mandatory pursuant to Section 13 (c) of the Federal Energy Administration Act of 1974 (Public law 93-275). Specific information about reporting requirements, sanctions, statutory authorities, and disclosure of data you report is provided in the instructions. **Your response is due no later 40 days after the close of the reporting month.**

EIA now collects virtually all electricity survey data via its Internet Data Collection (IDC) system. We have also replaced hard-copy mailing of notifications, such as this message, with e-mail. In the future, almost all your routine communication with EIA will be via the Internet and e-mail. Therefore, it is important that we have your correct e-mail address on file and that you notify the survey manager if there are changes. If you are not registered for the IDC system you will receive the necessary information to do so. For security reasons, you will receive your IDC registration information in two follow-up e-mails. These e-mails should arrive in mid-January, 2005 and will provide instructions for how to get help should you have difficulty in filing your data electronically.

Your cooperation in completing this survey will enable EIA to continue to maintain high quality data and to serve the needs of the electric power industry and other electric data users. If you have questions concerning the form or the availability of the data, contact Ms. Charlene Harris-Russell, survey manager, at (202) 287-1747 or Charlene.Harris-Russell@eia.doe.gov.

Thank you for your cooperation in submitting this report.

Sincerely,

Robert M. Schnapp
Director
Electric Power Division
Energy Information Administration

NOTIFICATION OF DATA COLLECTION FOR 2005 - FORM EIA-860 "ANNUAL ELECTRIC GENERATOR REPORT"

Dear Respondent:

This is your first notice regarding the 2005 data collection for the Energy Information Administration's (EIA) Form EIA-860 "Annual Electric Generating Report."

IMPORTANT NOTE: If you have not previously used the EIA Internet Data Collection System (IDC), you will need to register using the directions in forthcoming e-mails.

The Form EIA-860 is an annual survey that collects information on the status of existing and planned power plants in the United States. This report is to be completed by operators of all existing and planned electric generating plants with a nameplate rating of 1 megawatt and above.

The collected data are used to compile statistics on the status and type of electric generating plants in the U.S., including the installed capacity. The data are also used in EIA forecasting models. The data submitted on the form

will appear in the Inventory of Power Plants in the United States, Electric Power Annual, Annual Energy Review, Renewable Energy Annual, and other EIA reports and will be made available on the World Wide Web at <http://www.eia.doe.gov>.

Providing information on the Form EIA-860 is mandatory pursuant to Section 13 (c) of the Federal Energy Administration Act of 1974 (Public law 93-275). Specific information about reporting requirements, sanctions, statutory authorities, and disclosure of data you report is provided in the instructions. **Your response is due no later than February 15, 2005.**

EIA now collects virtually all electricity survey data via its Internet Data Collection (IDC) system. We have also replaced hard-copy mailing of notifications, such as this message, with e-mail. In the future, almost all your routine communication with EIA will be via the Internet and e-mail. Therefore, it is important that we have your correct e-mail address on file and that you notify the survey manager if there are changes. If you are not registered for the IDC system you will receive the necessary information to do so. For security reasons, you will receive your IDC registration information in two follow-up e-mails. These e-mails should arrive in mid-January, 2005 and will provide instructions for how to get help should you have difficulty in filing your data electronically.

Your cooperation in completing this survey will enable EIA to continue to maintain high quality data and to serve the needs of the electric power industry and other electric data users. If you have questions concerning the form or the availability of the data, contact Mr. Kenneth McClevey, survey manager, at (202) 287-1732 or Kenneth.McClevey@eia.doe.gov.

Thank you for your cooperation in submitting this report.

Sincerely,

Robert M. Schnapp
Director
Electric Power Division
Energy Information Administration

NOTIFICATION OF DATA COLLECTION FOR 2004 - FORM EIA-860M "MONTHLY UPDATE TO THE ANNUAL ELECTRIC GENERATOR REPORT"

Dear Respondent:

This is your first notice regarding the 2005 data collection for the Energy Information Administration's (EIA) Form EIA-860M "Monthly Update to the Annual Electric Generator Report."

IMPORTANT NOTE: If you have not previously used the EIA Internet Data Collection System (IDC), you will need to register using the directions in forthcoming e-mails.

The Form EIA-860M is a monthly survey that collects information on the status of proposed new generators, within 12 months of the generator going commercial, and proposed changes to existing generators, within 12 months of the proposed changes being effective. This report is to be completed by respondents to the Form EIA-860, "Annual Electric Generator Report", who have indicated in a previous filing to EIA that a proposed new generator is within 12 months of the generator going commercial, or that proposed changes to existing generators are within 12 months of completion.

The collected data are used to compile statistics on the status and type of electric generating plants in the U.S., including the installed capacity. The data are also used in EIA forecasting models. The data submitted on the form will appear in the Inventory of Power Plants in the United States, Electric Power Annual, Annual Energy Review, Renewable Energy Annual, and other EIA reports and will be made available on the World Wide Web at <http://www.eia.doe.gov>.

Providing information on the Form EIA-860M is mandatory pursuant to Section 13 (c) of the Federal Energy Administration Act of 1974 (Public law 93-275). Specific information about reporting requirements, sanctions, statutory authorities, and disclosure of data you report is provided in the instructions. **Your response is due no later than the 10th business day following the close of the calendar month.**

EIA now collects virtually all electricity survey data via its Internet Data Collection (IDC) system. We have also replaced hard-copy mailing of notifications, such as this message, with e-mail. In the future, almost all your routine communication with EIA will be via the Internet and e-mail. Therefore, it is important that we have your correct e-mail address on file and that you notify the survey manager if there are changes. If you are not registered for the IDC system you will receive the necessary information to do so. For security reasons, you will receive your IDC registration information in two follow-up e-mails. These e-mails should arrive in mid-January, 2005 and will provide instructions for how to get help should you have difficulty in filing your data electronically.

Your cooperation in completing this survey will enable EIA to continue to maintain high quality data and to serve the needs of the electric power industry and other electric data users. If you have questions concerning the form or the availability of the data, contact Mr. Kenneth McClevey, survey manager, at (202) 287-1732 or Kenneth.McClevey@eia.doe.gov.

Thank you for your cooperation in submitting this report.

Sincerely,

Robert M. Schnapp
Director
Electric Power Division
Energy Information Administration



NOTIFICATION OF DATA COLLECTION FOR 2004 - FORM EIA-861 "ANNUAL ELECTRIC POWER INDUSTRY REPORT"

Dear Respondent:

This is your first notice regarding the 2004 data collection for the Energy Information Administration's (EIA) Form EIA-861, "Annual Electric Power Industry Report."

IMPORTANT NOTE: If you have not previously used the EIA Internet Data Collection System (IDC), you will need to register using the directions in forthcoming e-mails.

The Form EIA-861 is an annual survey that collects information on the status of electric power industry participants involved in the generation, transmission, and distribution of electric energy in the United States; its territories, and Puerto Rico. The Form EIA-861 is to be completed by electric industry participants including: Electric utilities, wholesale power marketers, energy service providers, and electric power producers.

The collected data are used to compile statistics on source and disposition of electric energy, retail sales and revenue, and demand-side management activities. The data are also used in EIA forecasting models. The data submitted on the form will appear in the Electric Power Annual, Annual Energy Review, and other EIA reports and will be made available on the World Wide Web at <http://www.eia.doe.gov>.

Providing information on the Form EIA-861 is mandatory pursuant to Section 13 (c) of the Federal Energy Administration Act of 1974 (Public law 93-275). Specific information about reporting requirements, sanctions, statutory authorities, and disclosure of data you report is provided in the instructions. **Your response is due no later than April 30, 2005.**

EIA now collects virtually all electricity survey data via its Internet Data Collection (IDC) system. We have also replaced hard-copy mailing of notifications, such as this message, with e-mail. In the future, almost all your routine communication with EIA will be via the Internet and e-mail. Therefore, it is important that we have your correct e-mail address on file and that you notify the survey manager if there are changes. If you are not registered for the IDC system you will receive the necessary information to do so. For security reasons, you will receive your IDC registration information in two follow-up e-mails. These e-mails should arrive in mid-January, 2005 and will provide instructions for how to get help should you have difficulty in filing your data electronically.

Your cooperation in completing this survey will enable EIA to continue to maintain high quality data and to serve the needs of the electric power industry and other electric data users. If you have questions concerning the form or the availability of the data, contact Mr. Thomas Leckey, survey manager, at (202) 287-1840 or Thomas.Leckey@eia.doe.gov.

Thank you for your cooperation in submitting this report.

Sincerely,

Robert M. Schnapp
Director
Electric Power Division
Energy Information Administration



NOTIFICATION OF DATA COLLECTION FOR 2005 - FORM EIA-906 "POWER PLANT REPORT"

Dear Respondent:

This is your first notice regarding the 2005 data collection for the Energy Information Administration's (EIA) Form EIA-906 "Power Plant Report."

IMPORTANT NOTE: If you have not previously used the EIA Internet Data Collection System (IDC), you will need to register using the directions in forthcoming e-mails.

The Form EIA-906 is a survey that collects information on electric power generation, energy source consumption, and the heat content of fuels from electric power plants in the United States. This report is to be completed by all generators with a generating capacity of 1 megawatt and above and that provide electricity for public use

The collected data are used to compile statistics on the generation of electricity and fuel consumption by electric generating plants. The data are also used in EIA forecasting models. The data submitted on the form will appear in the Electric Power Monthly, Electric Power Annual, Annual Energy Review, Renewable Energy Annual, and other EIA reports and will be made available on the World Wide Web at <http://www.eia.doe.gov>.

Providing information on the Form EIA-906 is mandatory pursuant to Section 13 (c) of the Federal Energy Administration Act of 1974 (Public law 93-275). Specific information about reporting requirements, sanctions, statutory authorities, and disclosure of data you report is provided in the instructions. **Your monthly response is due no later than the last business day of the month following the reporting month and your annual response is due by March 1, 2005.**

EIA now collects virtually all electricity survey data via its Internet Data Collection (IDC) system. We have also replaced hard-copy mailing of notifications, such as this message, with e-mail. In the future, almost all your routine communication with EIA will be via the Internet and e-mail. Therefore, it is important that we have your correct e-mail address on file and that you notify the survey manager if there are changes. If you are not registered for the IDC system you will receive the necessary information to do so. For security reasons, you will receive your IDC registration information in two follow-up e-mails. These e-mails should arrive in mid-January, 2005 and will provide instructions for how to get help should you have difficulty in filing your data electronically.

Your cooperation in completing this survey will enable EIA to continue to maintain high quality data and to serve the needs of the electric power industry and other electric data users. If you have questions concerning the non-utility power plants or availability of the data, contact Mr. Ronald Hankey at (202) 287-1762 or Ronald.Hankey@eia.doe.gov. Electric Utility power plants questions and data availability may be directed to Mr. Melvin Johnson at (202) 287-1754 or Melvin.Johnson@eia.doe.gov.

Thank you for your cooperation in submitting this report.

Sincerely,

Robert M. Schnapp
Director
Electric Power Division
Energy Information Administration

NOTIFICATION OF DATA COLLECTION FOR 2005 - FORM EIA-920 "COMBINED HEAT AND POWER PLANT REPORT"

Dear Respondent:

This is your first notice regarding the 2005 data collection for the Energy Information Administration's (EIA) Form EIA-920 "Combined Heat and Power Plant Report."

IMPORTANT NOTE: If you have not previously used the EIA Internet Data Collection System (IDC), you will need to register using the directions in forthcoming e-mails.

The Form EIA-920 is a survey that collects information on electric power generation, energy source consumption, and the heat content of fuels from electric power plants in the United States. This report is to be completed by all combined heat and power plants with a generating capacity of 1 megawatt and above and that are connected to the grid.

The collected data are used to compile statistics on the generation of electricity and fuel consumption by combined heat and power plants. The data are also used in EIA forecasting models. The data submitted on the form will appear in the Electric Power Monthly, Electric Power Annual, Annual Energy Review, Renewable Energy Annual, and other EIA reports and will be made available on the World Wide Web at <http://www.eia.doe.gov>.

Providing information on the Form EIA-920 is mandatory pursuant to Section 13 (c) of the Federal Energy Administration Act of 1974 (Public law 93-275). Specific information about reporting requirements, sanctions, statutory authorities, and disclosure of data you report is provided in the instructions. **Your monthly response is due no later than the last day of the month following the reporting month and your annual response is due by March 1, 2005.**

EIA now collects virtually all electricity survey data via its Internet Data Collection (IDC) system. We have also replaced hard-copy mailing of notifications, such as this message, with e-mail. In the future, almost all your routine communication with EIA will be via the Internet and e-mail. Therefore, it is important that we have your correct e-mail address on file and that you notify the survey manager if there are changes. If you are not registered for the IDC system you will receive the necessary information to do so. For security reasons, you will receive your IDC registration information in two follow-up e-mails. These e-mails should arrive in mid-January, 2005 and will provide instructions for how to get help should you have difficulty in filing your data electronically.

Your cooperation in completing this survey will enable EIA to continue to maintain high quality data and to serve the needs of the electric power industry and other electric data users. If you have questions concerning the combined heat and power plants or availability of the data, contact Mr. Orhan Yildiz at (202) 287-1586 or Orhan.Yildiz@eia.doe.gov. Thank you for your cooperation in submitting this report.

Sincerely,

Robert M. Schnapp
Director
Electric Power Division
Energy Information Administration