



January 23, 2014

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Submitted by email to [Chad S Whiteman@omb.eop.gov](mailto:Chad_S_Whiteman@omb.eop.gov) and erus2014@eia.gov

RE: Proposed Agency Information Collection Extension with Changes

Please accept these comments by the American Public Power Association (APPA) in response to the proposed agency information collection extension with changes, published in Vol. 78, No. 247 of the *Federal Register*, on December 24, 2013. The Energy Information Administration (EIA) has asked the Office of Management and Budget (OMB) to renew approval of survey forms EIA-63B, EIA-411, EIA-826, EIA-860, EIA-860M, EIA-861, EIA-861S, and EIA-923, and to approve the creation of form EIA-930.

APPA represents the interests of the nation's approximately 2,000 not-for-profit, publicly owned electric utilities. APPA member systems file many of the forms listed in the *Federal Register* notice. Several larger public power systems must file the monthly EIA-826, "Monthly Electric Utility Sales and Revenue Report with State Distributions." All public power systems file sales and revenue information, either on form EIA-861, "Annual Electric Power Industry Report," or the short form, EIA-861S. Publicly owned utilities that operate generating capacity are required to supply information on EIA-860, "Annual Electric Generator Report," and EIA-923, "Power Plant Operations Report." Additionally, 36 public power systems serve as Balancing Authorities and would therefore have to complete the new form EIA-930, "Balancing Authority Operations Report."

APPA's comments are directed principally at those forms that most directly impact its members. As such, APPA does not address the changes to forms EIA-63B, EIA-411, EIA-826, or EIA-

860M. Additionally, APPA does not offer further comment on EIA-860 and EIA-923, as the proposed changes do not constitute a substantial burden to filers.

EIA-861

APPA generally supports the proposed changes to form EIA-861, and as such encourages OMB to accept these changes, with some modifications noted below.

APPA appreciates the revisions that EIA has made since its initial proposal. EIA has proposed adding new schedules dealing with distribution system information and system reliability. As originally proposed, these new schedules would have posed a potential time burden for many utilities as the questions were either duplicative or unclear. EIA listened to the concerns expressed by several within the industry and has substantially altered its original proposal. EIA eliminated several unnecessary questions from these schedules. Additionally, EIA re-organized the schedules, greatly increasing the clarity of the instructions and improving the overall layout. However, some of the remaining questions would cause confusion, additional burden, and bad data if they are not deleted from the form.

APPA agrees with the comments filed by the IEEE Working Group on Distribution Reliability (DRWG) that Schedule 3, Part A: Distribution System Information needs to be revised, particularly those questions containing any references to “distribution automation.” For question 4, “number of customers served by distribution circuits with automation,” EIA defines automation as the number of customers that are delivered energy that travels from the transmission system to the end-use customer through a distribution circuit (or distribution transformer or substation) that uses any form of automation. In spite of the definition provided for automation, there are not consistent and easily accessed methods for calculating the number of customers that may somehow be affected by automation. Further, automation should include non-communicating technologies such as line reclosers or other similar devices that attempt to restore the flow of electricity to the customer. This makes calculating an answer to this question nearly impossible and guarantees that it will not be the same calculation from one utility to the next.

Similarly, there is no standardized way to calculate question 3, “Load served by distribution circuits with automation (MWh).” In addition, most companies do not aggregate energy by circuit, though in some cases companies may be able to set up special calculations to do this. APPA also recommends deleting question 2, “Number of Distribution Circuits applying distribution automation technology,” as again, there is no standardized formula for such a calculation. Due to the lack of standardization for questions related to automation, the information collected by these questions would be of no statistical use and would consume additional reporting time and effort.

EIA-861S

The overwhelming majority of respondents to form EIA-861S are public power systems, and a slight majority of public power systems are now eligible to complete this shorter form in lieu of the longer EIA-861. This has led to the loss of sector-specific data for many APPA members, and the diminishment of APPA’s ability to fully assess the public power sector.

APPA understands EIA's desire to minimize both the reporting burden for smaller entities and its own burden in collecting information from utilities that comprise a relatively small share of the electric industry; however, a small amount of additional information would be of great use in adequately analyzing the reach of these smaller systems.

APPA recommends that OMB urge EIA to add fields for respondents to provide the number of customers for each sector (residential, commercial, and industrial). This is readily available information that should not add any time burden. This information would allow industry analysts to observe any notable changes in the size and makeup of smaller utilities without waiting five years for these utilities to report their complete information. It would also enable EIA and other analysts to make better use of the other survey data being collected on EIA-861S. For example, on Schedules 6C and 6D respondents are asked to provide information about the number of customers served by dynamic pricing and advanced metering in each sector. The absence of general sector-specific customer information on the EIA-861S makes doing any sort of baseline comparison much more difficult as one cannot measure the ratio of overall customers in each sector on dynamic pricing programs or with advanced metering installed.

EIA-930

EIA has proposed the creation of a new survey of hourly electric power operating data from Balancing Authorities (BA). As APPA and other industry trade associations have stated previously in filed comments and in discussions with EIA, this proposal would create an excessive time burden for BAs and would make sensitive information publicly available in near real-time.

Balancing Authorities would be required to submit hourly demand data on a web portal within ten minutes of the end of the reporting hour, and they would have to post other hourly information by 7:00 a.m. the business day after. Posting this hourly information in near real-time poses serious data confidentiality concerns and may also lead to the exercise of market power against small load serving BAs. For example, suppliers would be able to use the interchange data to become aware of BAs that have lost a generating unit or fuel supply. If these suppliers do not have to offer cost-based rates, then they could potentially exert market power in their pricing to the BA. EIA correctly observes that FERC has enforcement power over anti-competitive behavior, but this does not justify EIA enabling such anti-competitive behavior in the interest of providing information of questionable utility.

EIA also contends in its Supporting Statement that many existing resources already make much of this data available, listing some of the firms that provide such information. That other businesses track down this information does not alleviate EIA of the responsibility of reasonably protecting the confidentiality of electric power systems. If a private organization publicly released certain individual tax returns, it would not then be permissible for the Internal Revenue Service to also make all individual tax returns publicly available on its website.

EIA has offered an accommodation to BAs with only one or two interconnections. Hourly demand for these entities would be aggregated and not made publicly available at the BA level for two days. Though APPA appreciates EIA's efforts to address the concerns of these smaller BAs, EIA's proposed accommodation does little to assuage security and market power issues. It

does not address the issue of smaller BAs with more than two interconnections. And it still leaves even those BAs with aggregated data vulnerable since the data for each of the larger BAs to which the smaller BAs are connected would still be made publicly available in near real-time. In other words, for every import into a BA, there is a corresponding export from another BA.

No business case has been made to justify the release of this information in real-time or near real-time. EIA argues that it needs this data to help policymakers and others develop innovative demand response and variable energy resource policies. Setting aside the question of whether these data are necessary for this purpose, APPA does not see why it is necessary to have this data published publicly in near real-time. Even if EIA were to collect the information on an hourly basis, it could share the data with select interested parties and other key policy makers without revealing all of the data to the wide world. Think tanks, academic institutions, and other analysts could then have access to the data after an appropriate period of time has elapsed.

Despite EIA's assertions to the contrary, there would be a substantial time and budget burden associated with this survey. Though some larger BAs do generate much of this data as a necessary business function and have the systems already in place to comply with this survey, many BAs do not currently collect, report, or post this information. The up-front costs for developing an automatic system to support hourly and daily reporting would be quite substantial, especially for many APPA member utilities that do not have significant operating budgets.

If OMB grants EIA approval to move ahead with this form, EIA has suggested that it would move the effective start date of the form to March 1, 2014. Considering that OMB will not be able to grant approval for this form until almost this exact date, this is a preposterously short time frame for would-be filers to implement their systems. Most entities would not want to devote time and resources to developing a reporting system until they have confirmation that the survey will indeed go into effect, thus leaving them almost no time between OMB approval and the start date of this survey.

By way of comparison, the Federal Energy Regulatory Commission (FERC) recently expanded the number of utilities subject to the filing requirements of the Electric Quarterly Report (EQR), a quarterly survey similar in many respects to the EIA-930. FERC waited almost a full year before mandating that these utilities comply with the filing requirement. FERC also allowed these utilities to test the new reporting software before the requirement went into full effect. If this survey is granted approval, there should be a much wider window for BAs to prepare and test the filing software.

Conclusion

APPA appreciates the opportunity to comment on these proposed changes. APPA also thanks EIA for its willingness to listen to industry input, and to make revisions to its proposals where necessary. APPA and other industry trade associations have met with EIA multiples times over the past eighteen months, specifically with regards to the EIA-930, and EIA has been diligent in communicating its plans with us.

APPA here affirms its general support for most of the revisions to the existing survey forms, but reiterates its great concern with the creation of the new form EIA-930. OMB should deny approval for this form and encourage EIA to convene industry-wide working sessions to identify data that are most likely to be useful, less burdensome alternatives for collecting the data, and ways to address commercial and security concerns.

Thank you for the opportunity to comment. Should you have any questions concerning these comments, please do not hesitate to contact me. I may be reached at (202) 467-2969 or pzummo@publicpower.org.

Respectfully submitted,

/s/ Paul Zummo

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