

157 FERC ¶ 61,180
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;
Cheryl A. LaFleur, and Colette D. Honorable.

Filing Requirements for Electric Utility Service Agreements	Docket Nos. RM01-8-013
Electricity Market Transparency Provisions of Section 220 of the Federal Power Act	RM10-12-012
Revisions to Electric Quarterly Report Filing Process	RM12-3-001
Electric Quarterly Reports	ER02-2001-020

ORDER ON REHEARING AND CLARIFICATION

(Issued December 5, 2016)

1. Energy Compliance Consulting, LLC (ECC), Edison Electric Institute (EEI), and Wisconsin Electric Power Company and Wisconsin Public Service Corporation (jointly, WEC Companies) filed requests for rehearing and clarification of the June 16, 2016 order clarifying Electric Quarterly Report (EQR) reporting requirements and updating the EQR Data Dictionary.¹ In this order, we grant in part and deny in part rehearing, and grant clarification, as discussed below. The deadline to comply with the clarifications to the EQR reporting requirements set forth in the June Order and clarified in this order has been extended to the Q1 2017 EQR filing.² Thus, the updated EQR Data Dictionary

¹ *Filing Requirements for Electric Utility Service Agreements*, 155 FERC ¶ 61,280 (2016) (June Order).

² *Filing Requirements for Electric Utility Service Agreements*, 157 FERC ¶ 61,088 (2016).

adopted in the June Order and as modified in this order will be used beginning with the filing of the Q1 2017 EQR, and will be due by April 30, 2017.

2. We also note that since the issuance of the June Order, Commission staff has reinstated the EQR Users Group meetings, which will enable Commission staff and EQR users to engage in an ongoing dialogue about EQR-related issues, including possible future changes to the EQR filing requirements and the EQR Data Dictionary before those changes are implemented.

I. Background

3. In the June Order, pursuant to sections 205 and 220 of the Federal Power Act (FPA),³ the Commission sought to implement certain clarifications to the existing EQR reporting requirements and the EQR Data Dictionary. In particular, the Commission clarified reporting requirements and associated fields in the EQR Data Dictionary related to “Increment Name” and “Commencement Date of Contract Terms.” The Commission also affirmed the requirement that transmission providers must report transmission-related data in their EQRs. In addition, the Commission made certain updates to the EQR Data Dictionary with respect to the “Time Zone” field options and deleted fields associated with reporting e-Tag ID data. Lastly, the Commission clarified that future minor or non-material changes to EQR reporting requirements and the EQR Data Dictionary, such as those outlined in the June Order, will be posted directly to the Commission’s website,⁴ and EQR users will be alerted via email of these changes.

³ 16 U.S.C. §§ 824d, 824t (2012).

⁴ 18 C.F.R. § 35.10b (2016). *See also Revised Public Utility Filing Requirements*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007); *Revised Public Utility Filing Requirements*, 106 FERC ¶ 61,281 (2004) (directing Commission staff to alert EQR users of future changes to entries for control area and hub names by email and to post these changes on the Commission’s website).

II. Discussion

A. Increment Name

1. June Order

4. In the June Order, the Commission clarified that if the price associated with a transaction does not change on an hourly basis, then that transaction should not be listed as “Hourly” and if the price associated with a transaction does change on an hourly basis, then it must be listed as “Hourly.”⁵ In order to align actual transactional data with the “Increment Name” required by Field Number 61, the Commission also added values for sub-hourly transaction increments in the form of “(5) - Five-Minute” and “(15) - Fifteen-Minute” to Field Numbers 28 and 61. The Commission also deleted the word “consecutive” from the definitions listed under “Increment Name” in the Contract Data and Transaction Data sections.⁶

2. Requests for Rehearing and Clarification

5. EEI requests that the Commission retain its prior guidance that the “Increment Name” for contracts and transactions is set by the length of the terms of the contract or transaction, not the frequency of price changes. EEI argues that the clarification in the June Order bases the transaction increment on the frequency at which the price changes, which is inconsistent with prior Commission orders and guidance that instead base the transaction increment on the length of time the terms of the contract or sale are set, regardless of the frequency of price changes.⁷ EEI believes that focusing on the frequency of price changes will create confusion and encourages the Commission to specify that a contract or transaction’s “Increment Name” is driven by the length of time of the contract or transaction, regardless of the frequency of price changes.

6. ECC requests clarification that if a sale lasts between two and six hours with prices that do not change, then such sale should be reported with an Increment Name of “Hourly,” consistent with the EQR Data Dictionary.⁸ ECC also requests clarification that

⁵ June Order, 155 FERC ¶ 61,280 at P 6.

⁶ *Id.* PP 7-8.

⁷ EEI Request at 5-6 (citing Order No. 2001-G, 120 FERC ¶ 61,270 at P 40).

⁸ ECC Request at 4.

transactions with prices that change hourly because they are priced based on a formula that is set for a period of time longer than six hours should be assigned an Increment Name other than “Hourly.” ECC provides, as an example, a multi-year contract that may pass along the regional transmission organization (RTO) or independent system operator (ISO) price to a generator, where the rate is set for over a year but the price changes hourly. ECC notes that prior Commission staff advice has been that these transactions should be assigned an “Increment Name” other than “Hourly.” ECC requests clarification that the appropriate “Increment Name” should be tied to the length of time for which the formula is set and should not be listed as “Hourly” merely because the price changes hourly.⁹

7. ECC and EEI also request that the Commission revise the definitions of the “Increment Names” for “Five-Minute,” “Fifteen-Minute,” and “Hourly” to show the range of times for each value.¹⁰ EEI encourages the Commission to refine the definition of “Fifteen-Minute” to apply when terms are set for “more than five minutes and up to 15 minutes” and to refine the definition of “Hourly” to apply when terms are set for “more than 15 minutes and up to 6 hours.” EEI notes that this would mirror the range for “Daily” in Attachment A, which applies when the terms of the contract or transaction are set for “more than 6 hours and up to 60 hours,” and would provide clarity.¹¹ ECC also requests clarification of what should be entered into the Comma-Separated Values (CSV) and Extensible Markup Language (XML) versions of data for the sub-hourly values.¹²

8. EEI also asks that the Commission withdraw its clarification and retain reference to “consecutive” in the definition of “Increment Name.”¹³ EEI states that it recommended the inclusion of the term “consecutive” in the definitions in a November 2006 EQR Users Group meeting and that the definitions allow these fields to be calculated by a computer for those filers with automated systems formatting their transaction data. EEI states that those automated systems calculate the “Increment Name” by subtracting the Begin Date/time for the transaction from the End Date/time for

⁹ *Id.* at 5-6.

¹⁰ ECC Request at 4-5; EEI Request at 7.

¹¹ EEI Request at 6-7.

¹² ECC Request at 5.

¹³ EEI Request at 7.

the transaction and then comparing the result to the definitions. EEI states that, now that the term “consecutive” has been deleted, a transaction that runs for two hours a day for four days will be considered a daily product, but the industry would not consider this a daily product. EEI also believes that deleting “consecutive” will create more confusion.¹⁴

3. Commission Determination

9. We grant rehearing in part, deny rehearing in part, and grant clarification on how to report the “Increment Name” for transactions in Field Number 61. We also grant clarification on the definitions for sub-hourly “Increment Names.” However, we deny EEI’s request for rehearing with respect to deleting “consecutive” from the “Increment Name” definitions in Field Numbers 28 and 61. We note that the June Order made only two revisions to the definitions of “Increment Name” in Field Numbers 28 and 61: (1) to delete the term “consecutive” before the term “hours;” and (2) to add options for sub-hourly (i.e., Five-Minute and Fifteen-Minute) “Increment Names.” The June Order did not otherwise revise the current definitions of “Increment Name” in Field Numbers 28 and 61, which are based, respectively, on the “terms of the contract (if specifically noted in the contract)” and the “terms of the particular sale.”

10. In order to reduce certain transaction reporting errors in Field Number 61, the Commission clarified in Paragraph 6 of the June Order that, if the price associated with a transaction does not change on an hourly basis, then that transaction should not be listed as “Hourly;” but if the price associated with a transaction does change on an hourly basis, then it must be listed as “Hourly.”¹⁵ We clarify that the Commission did not intend to revise the current definitions of “Increment Name” in Field Numbers 28 and 61 with this clarification. However, the clarification referring to changes in “price” appears to have resulted in some confusion, so we provide further clarification.

11. In Order No. 2001-G, the Commission explained that the “Increment Name” fields are “intended to provide information regarding the duration of the terms agreed upon in the contract or transaction” and that the definitions do not refer to the characteristics of the sales themselves.¹⁶ The Commission provided, as an example, a monthly peak-only

¹⁴ *Id.*

¹⁵ June Order, 155 FERC ¶ 61,280 at P 6.

¹⁶ *Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh’g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh’g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C,

(continued ...)

sale priced on a daily index and stated that, because the “quantity sold, the hours of flow, and the pricing method” are set for the entire month, it should be designated as “Monthly” in the “Increment Name” field in the Transaction Data section (current Field Number 61).¹⁷

12. Accordingly, in reporting the “Increment Name” for transactions, we clarify that, if the duration of the terms agreed upon in the transaction (the quantity sold, the hours of flow, and the pricing method) do not change on an hourly basis (i.e., for six hours or less), then that transaction should not be listed as “Hourly.” Moreover, unless the contract provides the specific terms of the particular sale,¹⁸ if the duration of the terms agreed upon in the transaction (i.e., the quantity sold, the hours of flow, and the pricing method) change on an hourly basis (i.e., for six hours or less), then the “Increment Name” for that transaction should be listed as “Hourly” in Field Number 61.

13. In response to ECC’s request that we clarify the appropriate increment name for transactions with formula-based prices that change hourly, we clarify that, if a transaction lasts for four hours and the price does not change, then the transaction should be reported with an “Increment Name” of “Hourly,” consistent with the definition in Field Number 61, which states in relevant part: “[t]erms of the particular sale set for up to 6 hours.” We also clarify that, for transactions lasting longer than six hours in which the price changes hourly because the price is tied to a formula or price index which changes hourly, the appropriate “Increment Name” should be tied to the duration of the terms

101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, at P 39, *order on reh’g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, FERC Stats. & Regs. ¶ 31,282 (2008). Order No. 2001-G also noted that, “[i]f completed correctly, this field provides information about whether a sale at a given price for a full day was the result of a daily sale or, possibly, a monthly sale with a daily index.” Order No. 2001-G, 120 FERC ¶ 61,270 at P 39.

¹⁷ Order No. 2001-G, 120 FERC ¶ 61,270 at P 40.

¹⁸ If the contract provides the specific terms of the particular sale, then the “Increment Name” of the contract reported in Field Number 28 is likely to be the same as the “Increment Name” of the transaction in Field Number 61.

agreed upon in the transaction and should not be listed as “Hourly” merely because the price changes hourly. Accordingly, in ECC’s example, a multi-year contract that is indexed to the RTO or ISO price should be assigned an “Increment Name” of “Yearly” in Field Number 61 because the terms of the particular sale are set for more than one year, even though the price changes hourly, consistent with the definition of “Yearly.”¹⁹

14. We also grant ECC’s and EEI’s request that we revise the definitions of “Five-Minute,” “Fifteen-Minute,” and “Hourly” Increment Names to specify the range of times in order to provide additional clarity. The June Order added “Five-Minute” and “Fifteen-Minute” increments to Field Numbers 28 and 61 so that EQR filers will be able to report transactions that occur on a sub-hourly basis, as applicable, using the relevant designations.²⁰ We will refine the definitions of “Increment Names” for “Five-Minute” to apply when terms are set for more than 0 minutes and less than or equal to 5 minutes, for “Fifteen-Minute” to apply when terms are set for more than 5 minutes and less than or equal to 15 minutes, and for “Hourly” to apply when terms are set for more than 15 minutes and less than or equal to 6 hours. We will revise the EQR Data Dictionary accordingly.

15. ECC also requests clarification of what should be entered in the CSV and XML versions of data for the “Five-Minute” and “Fifteen-Minute” values. We clarify that the Commission will make the EQR Data Dictionary and XML values available on the EQR webpage before implementing the clarifications to the reporting requirements specified in the June Order.

16. We deny EEI’s request to reinstate the term “consecutive” in the definitions of “Increment Name” in Field Numbers 28 and 61. EEI argues that retaining “consecutive” in the definitions allows the “Increment Name” field to be calculated by computer for those filers with automated systems formatting their transaction data by subtracting the Begin Date/time for the transaction from the End Date/time. Although the “Transaction Begin Date” (Field Number 51) and “Transaction End Date” (Field Number 52) provide information about the characteristics of a transaction, we find, however, that these two

¹⁹ The “Increment Name” for “Yearly” is defined as “[t]erms of the particular sale set for one year or more . . . Includes all long-term contracts with defined pricing terms (fixed-price, formula, or index).”

²⁰ June Order, 155 FERC ¶ 61,280 at P 7.

fields do not necessarily reflect the duration of the “terms of the particular sale” that must be reported in Field Number 61.²¹

17. We also disagree with EEI that deleting “consecutive” will create more confusion. The June Order deleted the term “consecutive” before “hours” from the definitions listed under “Increment Name” in Field Numbers 28 and 61, noting that the use of this term had caused confusion among filers. For example, some filers have interpreted the term “consecutive” before “hours” in the “Increment Name” definitions in Field Number 61 to mean that they should report “Increment Name” based on the hours of consecutive flow. For instance, a weekly, off-peak sale that runs for four hours (between 12:00 a.m. and 4:00 a.m.) over a period of seven days from Monday through Sunday would flow for 28 non-consecutive hours. Some filers may report this transaction as “Hourly” in Field Number 61 because the flow in each day does not exceed six “consecutive” hours.²² Other filers may report this transaction as “Daily” in Field Number 61 because the flow for the week is 28 hours, which exceeds six hours but is less than or equal to 60 hours.²³ However, this weekly, off-peak sale should instead be reported as “Weekly” in Field Number 61 because the “terms of the particular sale” reflect the duration of 148 hours (from 12:00 a.m. Monday through 4:00 a.m. Sunday). This 148-hour duration exceeds 60 hours, but is less than or equal to 168 hours, consistent with the “Increment Name” definition for “Weekly.” Because inclusion of the term “consecutive” under “Increment Name” in Field Numbers 28 and 61 has caused confusion among filers, we decline to grant EEI’s request that the Commission retain reference to “consecutive” in the definition of “Increment Name.”

²¹ See Order No. 2001-G, 120 FERC ¶ 61,270 at PP 39-40.

²² Prior to the June Order, an “Hourly” transaction in Field Number 61 was defined as the “[t]erms of the particular sale set for up to 6 *consecutive* hours” (emphasis added).

²³ Prior to the June Order, a “Daily” transaction in Field Number 61 was defined as the “[t]erms of the particular sale set for more than 6 and up to 60 *consecutive* hours” (emphasis added).

B. Commencement Date of Contract Terms**1. June Order**

18. In the June Order, the Commission added two contractual terms, “Seller Company Name” (Field Number 16) and “Customer Company Name” (Field Number 17), to the list of specified terms in the definition of “Commencement Date of Contract Terms” (Field Number 22). The Commission thereby revised the definition of Field Number 22, in relevant part, to “[t]he date the terms of the contract reported in fields 16, 17, 18, 23 and 25 through 44 (as defined in the data dictionary) became effective.”²⁴

2. Requests for Rehearing and Clarification

19. ECC and EEI request rehearing of the addition of “Seller Company Name” (Field Number 16) and “Customer Company Name” (Field Number 17) to the list of fields specified in the definition of “Commencement Date of Contract Terms” (Field Number 22) that, when changed, necessitate a change in the “Commencement Date of Contract Terms.” ECC and EEI argue that changes in the “Seller Company Name” or “Customer Company Name” occur often and usually without a contract amendment or changes to contract terms, so that changes in the “Seller Company Name” or “Customer Company Name” should not trigger a change in the “Commencement Date of Contract Terms.”²⁵ In addition, EEI asserts that a new “Commencement Date of Contract Terms” will be confusing for EQR filers and users and will require utilities to track down the effective date of name changes that are not implemented through a contract amendment.²⁶

20. ECC and EEI also request clarification or rehearing of the requirement to report a new contract number if the “Commencement Date of Contract Terms” changes.²⁷ EEI notes that EQR filers do not normally need to assign a new contract number if such a change occurs. EEI also states that the Commission did not define “contract number” but, even if it means either “Contract Service Agreement ID” or “Contract Unique Identifier,” changing these numbers would not make sense in light of their purpose. EEI

²⁴ June Order, 155 FERC ¶ 61,280 at P 11.

²⁵ ECC Request at 6-8; EEI Request at 8-10.

²⁶ EEI Request at 10-11.

²⁷ ECC Request at 6; EEI Request at 11.

argues, moreover, that EQR filers do not change their in-house contract numbers when contracts change and believes that a change in “contract number” could inappropriately imply that the contract with the prior number was canceled. Lastly, EEI asserts that this change could cause software problems.²⁸

3. Commission Determination

21. We grant the requests for rehearing of ECC and EEI regarding the addition of “Seller Company Name” (Field Number 16) and “Customer Company Name” (Field Number 17) to the list of fields specified in the definition of “Commencement Date of Contract Terms” (Field Number 22). The definition of “Commencement Date of Contract Terms” relates to when the terms of the contract became effective and, to the extent those terms become effective on multiple dates due to amendments, the date to be reported in the EQR is the date the most recent amendment became effective. ECC and EEI state that changes to seller and customer company names occur frequently, but do not necessarily result in an amendment to the contract that would need to be reported as a new “Commencement Date of Contract Terms” in Field Number 22. We agree that adding Field Numbers 16 and 17 to the current definition of Field Number 22 may result in some confusion and lead to inconsistent data reporting in Field Number 22. We will therefore grant rehearing and revise the EQR Data Dictionary to remove Field Numbers 16 and 17 from the list of fields specified in the definition of “Commencement Date of Contract Terms.”

22. In response to EEI, we clarify that the “new corresponding contract number” referred to in the June Order that EQR filers should report when there is a new “Commencement Date of Contract Terms” (Field Number 22) is the “Contract Unique ID” (Field Number 15). As the Commission stated in Order No. 2001-H,²⁹ Field Number 22 refers to the date that service commenced under the current terms and conditions under the contract. In Order No. 2001-H, the Commission clarified the specific terms deemed relevant for determining or changing the “Contract Commencement Date” and stated that any amendment in those terms would require a change in the “Contract Commencement Date.” Accordingly, EQR filers should assign a new “Contract Unique ID” to the relevant contract after the specific term necessitating a new “Commencement Date of Contract Terms” has been changed. Without the new “Contract Unique ID,” it

²⁸ EEI Request at 11-14.

²⁹ Order No. 2001-H, 121 FERC ¶ 61,289 at P 11.

would not be possible to distinguish between transactions associated with the previous contract or the amended contract.

C. Transmission-Related Data

1. June Order

23. In the June Order, the Commission affirmed the requirement set forth in Order No. 2001 that public utilities, including RTOs and ISOs, must file information about generally applicable transmission service and any agreements with individual terms and conditions or unexecuted agreements for any service in the Contract Data section of the EQR.³⁰

2. Requests for Rehearing and Clarification

24. ECC requests clarification that RTOs and ISOs are required to report transmission-related contracts in the Contract Data section of the EQR. ECC requests clarification that a transmission-owning utility is not required to report in its EQR a three-party interconnection agreement, i.e., between the transmission-owning utility, the RTO or ISO as the transmission operator, and another utility as the interconnector. ECC states that, because the service is being performed under the RTO or ISO tariff, the RTO or ISO should be required to report the contract, and the transmission owner should not be required to report the same contract.³¹

25. ECC requests clarification of whether certain cost-based ancillary service sales should be reported in the transaction portion of the EQR and asks how they should be reported, if required. ECC states that some utilities provide black start service and reactive power sales to RTOs and ISOs, and the prices are included in the RTO or ISO Open Access Transmission Tariff (OATT). ECC requests clarification that, because these cost-based services are being sold under the RTO or ISO OATT, they do not need to be reported by the utility. ECC and WEC Companies also request clarification that, if a utility is selling cost-based ancillary services to an RTO or ISO under the utility's own OATT, these cost-based ancillary services do not need to be reported in the contract or

³⁰ June Order, 155 FERC ¶ 61,280 at P 12.

³¹ ECC Request at 9.

transaction portion of the EQR because they are sales under a transmission tariff that are not part of a wholesale power sale.³²

26. ECC also requests that the Commission require RTOs and ISOs to directly file EQRs for their market participants or require them to create EQR-formatted reports that their members can upload to relieve their participants from the responsibility to report their sales to RTOs and ISOs. ECC requests that the Commission convene a technical conference to discuss what accommodations can be made to relieve the industry of the burden of filing RTO or ISO data. ECC also requests that the Commission reinstate EQR Users Group meetings and conference calls, stating that these informal interactions allowed utilities and Commission staff to work out implementation issues in ways that produced the least burden to the industry.³³

3. Commission Determination

27. We did not intend the statement in the June Order affirming the requirement set forth in Order No. 2001 that public utilities, including RTOs and ISOs, must file information about generally applicable transmission service and any agreements with individual terms and conditions or unexecuted agreements for any service in the Contract Data section of the EQR to mean that transmission-owning public utilities that are members of an RTO or ISO, or that participate in an RTO or ISO market, do not have an obligation to report their transmission-related information in the EQR. Although RTOs and ISOs administer their own OATTs, a transmission-owning public utility that makes transmission sales is responsible for filing its transmission-related information in the EQR, consistent with FPA section 205(c).³⁴ As with other public utilities, to the extent RTOs or ISOs make wholesale power sales or transmission sales, they must report these sales in their own EQRs.³⁵

³² ECC Request at 9-10; WEC Companies Request at 2-3.

³³ ECC Request at 10-11.

³⁴ FPA section 205(c) requires every public utility to have its rates and charges on file for any transmission or sale subject to the jurisdiction of the Commission. Order No. 2001, FERC Stats. & Regs. ¶ 31,127 at P 31.

³⁵ See Order No. 2001, FERC Stats. & Regs. ¶ 31,127 at P 335; Order No. 768-A, 143 FERC ¶ 61,054 at P 18.

28. Although we will not require RTOs and ISOs to report transmission-related information in the EQR to satisfy other public utilities' filing obligations under FPA section 205(c), RTOs and ISOs may file transmission-related information on behalf of a member or market participant, if authorized by the member or market participant to do so.³⁶ Accordingly, in response to ECC's request for clarification, a transmission-owning utility retains the obligation to report transmission-related information in its EQRs, including a three-party interconnection agreement between the transmission-owning utility, the RTO or ISO as transmission operator, and another utility as the interconnector. However, as noted above, an RTO or ISO may file transmission-related information on the transmission-owning utility's behalf, if authorized to do so.

29. With respect to requests to clarify the reporting of ancillary services transactions, we note that the Commission has recently sought comments related to reporting ancillary services transactions in Docket Nos. RM01-8-000, RM10-12-000, RM12-3-000, and ER02-2001-000.³⁷ Accordingly, we will address requests to clarify the reporting of ancillary services transactions in that proceeding.

30. We find that ECC's requests for the Commission to require RTOs and ISOs to directly file EQRs for their market participants and to create EQR-formatted reports for their members to be beyond the scope of this proceeding. We deny ECC's request to convene a technical conference at this time. However, we note that Commission staff has reinstated periodic EQR Users Group meetings which can, among other things, provide a forum for exploring ways to reduce the reporting burden for EQR filers.

D. Time Zone Field Options

1. June Order

31. In the June Order, the Commission stated that it will eliminate from Appendix D of the EQR Data Dictionary both the "Universal Time" option and the "Not Applicable" option.³⁸

³⁶ See Order No. 2001, FERC Stats. & Regs. ¶ 31,127 at P 336; Order No. 768-A, 143 FERC ¶ 61,054 at P 18.

³⁷ *Filing Requirements for Electric Utility Service Agreements*, 156 FERC ¶ 61,211 (2016).

³⁸ June Order, 155 FERC ¶ 61,280 at P 13.

2. Requests for Rehearing and Clarification

32. EEI requests that the Commission reinstate the “NA (Not Applicable)” option because that option applies to certain products reported by some filers in the EQRs, such as in the “Other” and “Customer Charges” fields, and is needed to complete the EQR form.³⁹

3. Commission Determination

33. We deny EEI’s request to reinstate the “NA (Not Applicable)” option to the “Time Zone” field listed in Appendix D of the EQR Data Dictionary. Even when EQR filers report information in the “Other” and “Customer Charges” fields, they must report the corresponding “Transaction Begin Date” in Field Number 51 and “Transaction End Date” in Field Number 52, which relate to the date and time the product was sold. Because time zone information is necessarily a component of the time the product was sold, it should exist and be reported in the EQR.

E. Future Minor or Non-Material Changes to Reporting Requirements

1. June Order

34. The Commission clarified in the June Order that, consistent with section 35.10b of the Commission’s regulations,⁴⁰ future minor or non-material changes to reporting requirements and the EQR Data Dictionary, such as those changes set forth in the June Order, will be posted directly to the Commission’s website, and EQR users will be alerted via email of the changes.⁴¹

2. Requests for Rehearing and Clarification

35. EEI requests that the Commission withdraw its plan to make all future minor or non-material changes to the EQR reporting requirements and EQR Data Dictionary via the Commission’s website, not through an order, for several reasons. First, EEI argues that what the Commission and Commission staff may consider to be minor or non-material may differ significantly from what the regulated community considers to be

³⁹ EEI Request at 14.

⁴⁰ 18 C.F.R. § 35.10b (2016).

⁴¹ June Order, 155 FERC ¶ 61,280 at PP 5, 15.

minor or non-material. Further, EEI believes that changes to the EQR process are inherently not non-material, and EEI notes that the Commission has needed to give additional explanation and clarification to filers when making past changes to the EQR form, Data Dictionary, or filing process.⁴²

36. Second, EEI argues that, by making changes to the EQR form, Data Dictionary, and filing process directly via the website rather than through an order, the Commission could bypass an informative notice-and-comment process and the opportunity for requests for rehearing. EEI believes that this will lead to requests for clarification after changes have taken effect and without the ability of EQR filers to first engage in a dialogue with the Commission and staff. According to EEI, with a form like the EQR that must be compiled through an ongoing process in real-time, post-change dialogue is a distant second best to advance notice and opportunity to comment before the changes are made. EEI also argues that bypassing the opportunity for a request for rehearing or clarification after changes are announced removes another important step for EQR filers to understand what is intended and to provide the Commission with feedback on its changes.⁴³

37. Third, EEI argues that, by simply announcing changes on the Commission's website, the Commission risks providing inadequate notice to EQR filers. As an example, EEI notes that, during the early development of the EQR form and EQR Data Dictionary, only some filers were aware of the EQR changes that Commission staff posted to the website and notified EQR filers of through an RSS feed, while others would discover changes when they went to file their next EQRs and they received error messages. EEI also believes that an RSS feed should not be the sole mechanism for notice. Further, EEI suggests that the Commission should provide greater clarity as to how one can be sure to receive RSS feeds, should automatically provide them to all EQR filers, and should provide greater clarity as to who the "EQR Users" are that will receive emails regarding future changes.⁴⁴

38. Fourth, EEI asserts that, by posting changes to the website the Commission risks making changes too casually. In this regard, EEI asserts that Commission staff has already made hundreds of changes to the EQR form, Data Dictionary, and the filing

⁴² EEI Request at 16-17.

⁴³ *Id.* at 17.

⁴⁴ *Id.* at 17-18.

process over the last decade, and the need for and the implementation of the changes have not always been clear. Further, EEI argues that EQR filers must implement each change, which can include adjusting internal data collection and verification systems, possibly software, and staff training and business practices. EEI believes that the resulting information collection burden is cumulatively substantial, and the ongoing evolution of the form has left EQR filers in a state of constant flux as to what is required. EEI argues that the Commission should strive for more stability in the form, evaluating whether changes really are needed on a three-year schedule that coincides with review of the form and reauthorization of it by Office of Management and Budget under the Paperwork Reduction Act.⁴⁵

39. According to EEI, except for purely ministerial or clerical changes, such as updating the list of balancing authorities, all proposed changes to the EQR requirements, EQR Data Dictionary, and EQR filing process should be made via orders. EEI believes that several of the changes in the June Order are not minor or non-material and are “proposed new information requests” which require Office of Management and Budget review. EEI argues that, unlike the Point of Delivery additions or deletions to drop-down screens that the Commission allowed staff to change without a rulemaking in a March 25, 2004 order, the changes in the June Order represent more fundamental changes to the EQR and EQR Data Dictionary that should be adopted, if at all, only through a notice-and-comment proceeding and with approval by the Office of Management and Budget. EEI believes that the Commission should provide EQR filers with the opportunity for input and engage in discussion with EQR filers before changes are adopted to address any concerns and questions. EEI suggests that such dialogue can include preliminary announcements inviting comments, discussions with an EQR Users Group, and technical conferences. EEI encourages the Commission to keep changes to a reasonable minimum, and to adopt them as needed on a three-year Paperwork Reduction Act schedule.⁴⁶

3. Commission Determination

40. We deny EEI’s request that the Commission withdraw its plan to make all future minor or non-material changes to the EQR reporting requirements and EQR Data Dictionary via the Commission’s website. The Commission’s decision to make future minor or non-material changes to the EQR reporting requirements and the EQR Data Dictionary by posting them directly to the Commission’s website is consistent with

⁴⁵ *Id.* at 18-19.

⁴⁶ *Id.* at 19-20.

section 35.10b of the Commission's regulations. In Order No. 2001, the Commission adopted a new regulation at 18 C.F.R. § 35.10b (2016) that requires public utilities to file

EQRs⁴⁷ “prepared in conformance with the Commission’s software and guidance posted and available for downloading from the FERC web site”⁴⁸ The Commission has noted that this provision obviates the need to revise the Commission’s regulations to implement revisions to the EQR software and guidance.⁴⁹ Likewise, in Order No. 770,⁵⁰ when the Commission revised the process for filing EQRs by adopting a web-based filing system, it also revised section 35.10b of the Commission’s regulations to state that “Electric Quarterly Reports must be prepared in conformance with the Commission’s guidance posted on the FERC Web site”

41. We emphasize that the intent of posting future minor or non-material changes to EQR reporting requirements and the EQR Data Dictionary to the Commission’s website and alerting EQR users of such changes via email and through RSS feeds is to enable these changes to take place in a more timely manner. Our intent in this approach is not to preclude feedback from EQR users, but merely to streamline the EQR process. In response to EEI’s concerns that EQR users still have the ability to seek guidance and request clarification from Commission staff regarding EQR filings requirements, we have reinstated EQR Users Group meetings and conferences. These meetings and conferences will benefit Commission staff and EQR users by notifying EQR users of possible changes to the EQR reporting requirements and EQR Data Dictionary and enabling Commission staff to discuss such changes before they are implemented. Commission staff has

⁴⁷ The Commission extended the EQR filing requirement to apply to certain non-public utilities in Order No. 768. *See Electric Market Transparency Provisions of Section 220 of the Federal Power Act*, FERC Stats. & Regs. ¶ 31,336 (2012), *order on reh’g*, Order No. 768-A, 143 FERC ¶ 61,054 (2013), *order on reh’g*, Order No. 768-B, 150 FERC ¶ 61,075 (2015).

⁴⁸ June Order, 155 FERC ¶ 61,280 at P 2.

⁴⁹ *See* Order No. 2001-I, FERC Stats. & Regs. ¶ 31,282 at P3.

⁵⁰ *Revisions to Electric Quarterly Report Filing Process*, Order No. 770, FERC Stats. & Regs. ¶ 31,338 (2012).

scheduled its first EQR Users Group meeting for December 8, 2016.⁵¹ The Commission plans to communicate information about possible future minor or non-material changes on the Commission's website and through RSS feeds, along with subscription information for those interested in subscribing to the RSS feeds. In addition to posting possible changes on the Commission's website and providing RSS feeds, the Commission plans to email EQR users that are listed as contacts in the EQR system from the immediately preceding EQR filing quarter.

42. We disagree with EEI that the Commission risks making minor or non-material changes to EQR reporting requirements and the EQR Data Dictionary too casually by posting such changes to the Commission's website. In making changes to the EQR filing requirements and the EQR Data Dictionary, the Commission is mindful of any burden on filers to comply with such changes and, therefore, does not intend to make such changes casually. Rather, as stated in the June Order,⁵² the Commission intended that this process would enable it to make necessary minor or non-material changes in a more timely manner. Furthermore, as explained in the June Order, the Commission has made other minor or non-material changes, including updates to the lists of Balancing Authority Area and Hub names in the EQR, in this manner.⁵³ Moreover, in an effort to provide a forum for dialogue between the Commission staff and EQR users before changes to the EQR filing requirements and the EQR Data Dictionary are implemented, the Commission intends for its staff to discuss possible future changes in the periodic EQR Users Group meetings.

43. We also disagree with EEI's arguments regarding burden and timing. The burden and cost estimates for complying with the requirements to report information related to the "Increment Name" and "Time Zone" were previously provided and approved in Order No. 2001.⁵⁴ The clarifications made to the definitions of "Increment Name" and the "Time Zone" field options do not materially affect the burden estimates relating to the current requirements presented in Order No. 2001 and, therefore, do not trigger the Paperwork Reduction Act. Conversely, changes to EQR reporting requirements and the

⁵¹ Notice of Electric Quarterly Report Users Group Meeting, Docket No. RM01-8-000, *et al.*, (November 17, 2016).

⁵² June Order, 155 FERC ¶ 61,280 at P 5.

⁵³ *Id.* P 15.

⁵⁴ *See* Order No. 2001, FERC Stats. & Regs. ¶ 31,127 at PP 368-378.

EQR Data Dictionary which trigger the Paperwork Reduction Act will be proposed in a Commission order or rulemaking, which will provide an opportunity for comment, and will be submitted to OMB for review.⁵⁵ In this regard, we note that the Commission recently issued a notice seeking comment on several proposed changes to EQR reporting requirements and the EQR Data Dictionary.⁵⁶ Therefore, we disagree with EEI that the changes made here are proposed new information requests that require Office of Management and Budget review. We also reject EEI's request that the Commission limit the adoption of changes to once every three years because changes to the EQR reporting requirements and the EQR Data Dictionary must keep pace with constantly evolving market developments, and a three-year schedule would not allow necessary changes to be made in a timely manner.

F. Implementation

1. June Order

44. In the June Order, the Commission stated that the updated EQR Data Dictionary adopted in this order shall be used beginning with the Q4 2016 EQR.⁵⁷

2. Requests for Clarification

45. EEI requests that the Commission clarify several issues regarding implementation. First, EEI asks that the Commission clarify that the changes adopted in the June Order are prospective so that, for example, EQR filers do not need to reclassify "Commencement Date of Contract Terms" or "Increment Name" for prior quarters. Second, EEI requests that the Commission clarify that the new sub-hourly Increment Names need not be reported until at least six to 12 months after sub-hourly increments are actually in use by an RTO, ISO, or other seller. EEI states that several RTOs and ISOs are moving to sub-hourly transactions, but it will take time to complete the transition. Third, EEI asks that the Commission provide a test database for EQR filers to use to help them adopt the

⁵⁵ June Order, 155 FERC ¶ 61,280 at P 5. This Order on Rehearing and Clarification will be submitted to OMB for information only.

⁵⁶ See *Filing Requirements for Electric Utility Service Agreements*, 156 FERC ¶ 61,211.

⁵⁷ June Order, 155 FERC ¶ 61,280 at P 1, Ordering Paragraph (B).

changes and to understand how the changes are to be implemented. EEI argues that the Commission should announce when such a database will be available.⁵⁸

46. EEI also requests that the Commission stay the deadline for complying with the June Order until the EQR covering the first quarter that is at least six to 12 months after the Commission responds to requests for rehearing and clarification. According to EEI, EQR filers cannot know whether and, if so, how to adjust their EQR compilation business practices and software, and that making those adjustments takes time, especially if third-party software is involved.⁵⁹

3. Commission Determination

47. We deny EEI's request for stay of the requirement to comply with the June Order until the EQR covering the first quarter that is at least six to 12 months after the Commission issues an order on rehearing in this proceeding. However, the Commission has extended the deadline for complying with the June Order from the Q4 2016 EQR filing to the Q1 2017 EQR filing, which is due by April 30, 2017.⁶⁰ The clarifications to the EQR reporting requirements and EQR Data Dictionary made in the June Order and affirmed in this order should be applied to EQR filings beginning with the first quarter when the changes must be implemented.

48. The changes that will apply are as follows: (1) EQR filers will be required to report contracts and transactions that occur on a sub-hourly basis, i.e., in five-minute or fifteen-minute increments, as applicable (Field Numbers 28 and 61); (2) the definitions of the specific increments listed under "Increment Name" in both the Contract Data and Transaction data sections will no longer include the term "consecutive" before "hours"; and (3) the "Time Zone" field options will no longer include "Universal Time" or "Not Applicable." We also clarify that EQR filers do not need to revisit or refile EQRs filed prior to the Q1 2017 EQR filing to reflect the clarifications affirmed in this order.

49. In Order No. 825, the Commission required that each RTO and ISO align settlement and dispatch intervals by, among other things, settling energy transactions

⁵⁸ EEI Request at 14-16.

⁵⁹ *Id.* at 20-21.

⁶⁰ *Filing Requirements for Electric Utility Service Agreements*, 157 FERC ¶ 61,088 (2016).

in its real-time markets at the same time interval it dispatches energy.⁶¹ A participant in the RTO or ISO market should report information about its sales in the EQR using the “Increment Name” that matches the settlement interval used by the RTO or ISO. Thus, for example, to the extent an RTO or ISO has completed its transition to a five-minute settlement interval, market participants in that RTO or ISO should report in their EQRs information about the relevant contracts or transactions, as applicable, using the five-minute “Increment Name.” If an RTO or ISO has not completed the transition to a sub-hourly settlement interval, then market participants in that RTO or ISO will not be required to report information about their contracts and transactions made through the RTO or ISO market using a sub-hourly “Increment Name.” We deny EEI’s request to give sellers at least six to 12 months to report the new sub-hourly increments in their EQRs after the RTOs complete the transition to five-minute and fifteen-minute increments. We believe that sellers will be able to develop the capabilities to report their information in sub-hourly increments concurrently with the RTO or ISO, because the market participants will receive settlement data from the RTO or ISO in sub-hourly increments after the RTO or ISO transitions to a sub-hourly settlement interval and that settlement data will be used to report information in the EQR.

50. With respect to EEI’s request for a test database, we note that the existing EQR system has a Test-Only functionality that can be used by EQR filers to help them adopt EQR changes before making filings. This Test-Only functionality will continue to be made available to EQR filers to test their filings before they are submitted.

The Commission orders:

(A) The Commission denies rehearing in part, grants rehearing in part, and grants clarification, as discussed in the body of this order.

(B) The Commission hereby adopts the updates in the EQR Data Dictionary shown in the Attachment, as discussed in the body of this order.

⁶¹ *Settlement Intervals and Shortage Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators*, Order No. 825, FERC Stats. & Regs. ¶ 31,384 (2016).

(C) The definitions adopted in the June Order, as modified in this order, shall be used in filing the Q1 2017 EQR, due on April 30, 2017, and in subsequent filings of the EQR.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Attachment A

Update to Electric Quarterly Report Data Dictionary

EQR Data Dictionary**Contract Data**

Field #	Field	Required	Value	Definition
22	Commencement Date of Contract Terms	✓	YYYYMMDD	The date the terms of the contract reported in fields 16, 17 , 18, 23 and 25 through 44 (as defined in the data dictionary) became effective. If those terms became effective on multiple dates (i.e., due to one or more amendments), the date to be reported in this field is the date the most recent amendment became effective. If the contract or the most recent reported amendment does not have an effective date, the date when service began pursuant to the contract or most recent reported amendment may be used. If the terms reported in fields 18, 23 and 25 through 44 have not been amended since January 1, 2009, the initial date the contract became effective (or absent an effective date the initial date when service began) may be used.
28	Increment Name	✓	(5) – Five_Minute	Terms of the contract (if specifically noted in the contract) set for <u>more than 0 minutes and less than or equal up</u> to 5 minutes (≥ 0 and ≤ 5 minutes).
28	Increment Name	✓	(15) – Fifteen_Minute	Terms of the contract (if specifically noted in the contract) set for <u>more than 5 minutes and less than or equal up</u> to 15 minutes (≥ 5 and ≤ 15 minutes).
28	Increment Name	✓	H - Hourly	Terms of the contract (if specifically noted in the contract) set for <u>more than 15 minutes and less than or equal up</u> to 6 hours (> 15 minutes and ≤ 6 hours).

EQR Data Dictionary**Transaction Data**

Field #	Field	Required	Value	Definition
61	Increment Name	✓	(5) – Five-Minute	Terms of the particular sale set for <u>more than 0 minutes and less than or equal up to five</u> minutes (> 0 and ≤ 5 minutes).
61	Increment Name	✓	(15) – Fifteen-Minute	Terms of the particular sale set for <u>more than 5 minutes and less than or equal up to fifteen</u> 15 minutes (≥ 5 and ≤ 15 minutes).
61	Increment Name	✓	H - Hourly	Terms of the particular sale set for <u>more than 15 minutes and less than or equal up to 6 hours</u> (> 15 minutes and ≤ 6 hours). Includes LMP based sales in ISO/RTO markets.