

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
William L. Massey, and Nora Mead Brownell.

Revised Public Utility Filing Requirements

101 FERC ¶ 61,314
Docket No. RM01-8-003

ORDER NO. 2001-C

ORDER DIRECTING FILING OF LIST OF CONFORMING CONTRACTS
CURRENTLY ON FILE IN TARIFFS AND PROVIDING DETAILS ON
ACCESSING
THE SOFTWARE TO BE USED FOR ELECTRIC QUARTERLY REPORTS TO BE
FILED ON OR BEFORE JANUARY 31, 2003 AND THEREAFTER

(Issued December 19, 2002)

1. In Order No. 2001,¹ a final rule establishing revised public utility filing requirements, we required public utilities to identify the service agreements in their tariffs currently on file with the Commission that conform to standard forms of service agreements at the time the final software format is implemented.² This software will be in place for the Electric Quarterly Reports to be filed on or before January 31, 2003. Thus, in this order we explain how the directive to identify certain service agreements is to be implemented.

¹Revised Public Utility Filing Requirements, Order No. 2001, 67 FR 31043, FERC Stats. & Regs. ¶ 31,127 (April 25, 2002); reh'g denied, Order No. 2001-A, 100 FERC ¶ 61,074, reconsideration and clarification denied, Order No.2001-B, 100 FERC ¶ 61,342 (2002).

²Order No. 2001 at P360.

2. Order No. 2001 also provided that public utilities were to file Electric Quarterly Reports in an interim format until the final software format was implemented.³ This software has been developed, and will be in place for the Electric Quarterly Reports to be filed on or before January 31, 2003. Thus, this order also provides details on how to access the software and the Users Guide.

BACKGROUND

3. Order No. 2001 provides, at P360, as follows:

The NOPR further proposed that at the time public utilities make their initial Index of Customers filings under the final rule, they will also be required to identify the service agreements in their tariffs currently on file with the Commission that conform to the standard forms of service agreements. The Commission will implement this procedure only after the final software format is implemented and will discuss this issue further in the order implementing the final software format. Once the final software format is implemented, the Commission will remove, as redundant, those conforming service agreements from the Commission-maintained tariff. Removal of these agreements from the Commission-maintained version of the public utility's tariff is simply an administrative function. It does not terminate, cancel or in any way change the terms, conditions, rates or effectiveness of these agreements. Service agreements that remain in a public utility's tariff at the Commission will continue to be subject to the filing, format, and designation requirements of Part 35.

4. Since the issuance of Order No. 2001 on April 25, 2002, the Commission's staff has been actively engaged in the development of the Electric Quarterly Report filing software anticipated in Order No. 2001. With the cooperation of industry volunteers, this software has undergone testing and is now available for public use. Thus, it is now time for the Commission to provide instructions on how to implement the requirement that public utilities identify the service agreements in their tariffs currently on file with the Commission that conform to the standard forms of service agreements and to provide details on accessing the software to be used for Electric Quarterly Report filings due on or before January 31, 2003 and thereafter.

³Order No. 2001 at P356-359.

DISCUSSION

A. List of Conforming Service Agreements

5. Pursuant to the requirements established in Order No. 2001, on or before January 31, 2003, all public utilities with conforming agreements on file with this Commission must file (as part of an electronic text or spreadsheet) a document that contains a table listing the following information for each reporting utility:

- FERC Service Agreement or Rate Schedule designation of a service agreement that is a conforming service agreement pursuant to § 35.1(g) of the Commission's regulations.⁴
- For market based rate service agreements, the FERC Tariff or Rate Schedule; for cost based and other service agreements, the FERC Tariff or Rate Schedule that contains the standard form of service agreement pursuant to § 35.10a of the Commission's regulations.⁵

6. This filing shall be filed with the Commission electronically in Docket No. ER02-2001 on or before January 31, 2003.⁶ The filing is to be made using the FERC electronic filing system (available on the FERC Internet site, www.ferc.gov), by selecting the link labeled e-filing, and logging in. At the "Filing Type Selection" page, filers are directed to select the option for "Answer/Response to a Pleading or Motion" from the file types listed under "Other." Respondents are to file a single document in either Microsoft Excel, Microsoft Word, or WordPerfect. This file is to contain, in addition to the required table, the information required by Rule 203 of the Commission's Rules of

⁴18 C.F.R. § 35.1(g) (2002).

⁵18 C.F.R. § 35.10a (2002).

⁶Attached to this order is an example showing what a table listing conforming service agreements should look like.

Practice and Procedure.⁷ This filing shall be in addition to the January 31, 2003 Electric Quarterly Report filing.

7. Public utilities with conforming service agreements that terminated by their own terms during the October 1, 2002 through December 31, 2002 quarter, and that did not file notices of cancellation and a cancellation tariff sheet, should report the terminated service agreement in this report of conforming service agreements. If utilities fail to remove their terminated conforming service agreements by means of this report, they will be required to file notices of cancellation and a cancellation tariff sheet in the traditional fashion.⁸

B. Software to Be Used for Electric Quarterly Reports to Be Filed on or Before January 31, 2003 and Thereafter.

8. The Electric Quarterly Report System can be accessed on the Commission's web site at www.ferc.gov/electric/eqr/eqr.htm. (For those familiar with the Commission's Form 1 or Form 423 software, the Electric Quarterly Report System uses a similar approach.) The Electric Quarterly Report System Users Guide, a detailed guidance document, is also available to be downloaded from that web page. The software provides a user interface on the filer's workstation. It can be loaded onto several PCs to allow use by multiple users working on a LAN. Data can reside anywhere on the user's network. Data can be entered manually or imported into the system in Comma Separated Values (CSV) format. The data collected by the new Electric Quarterly Report System is identical to the data collected during the interim format period.

9. The Electric Quarterly Report System includes a feature to submit the Electric Quarterly Report filing to the Commission. There is no file size limit for the Electric Quarterly Report submittals as there was in the interim format. As directed in the final rule, the Electric Quarterly Report filing for the fourth quarter of 2002 must be filed on or before January 31, 2003 using the new Electric Quarterly Report System. Electric Quarterly Reports submitted by any means other than the Electric Quarterly Report System software will not be considered in compliance with this order.

⁷18 C.F.R. § 385.203 (2002). This section provides the minimum data to be included in pleadings and rate filings, including: docket numbers and other identifying numbers; tariff or rate sheet numbers; name and address of applicant; and certificate of service.

⁸Sections 35.15 and 35.9 of the Commission's regulations, respectively.

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The Commission orders:

(A) Public utilities with service agreements in their tariffs currently on file with the Commission that conform to the standard forms of service agreements must identify those agreements in the manner described in this order on or before January 31, 2003.

(B) Public utilities shall file Electric Quarterly Reports using the new Electric Quarterly Report System on or before January 31, 2003, and each quarter thereafter, in accordance with Order No. 2001.

By the Commission.

(S E A L)

Linwood A. Watson, Jr.,
Deputy Secretary.

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Appendix
Example of a table listing conforming service agreements:

**Table of Conforming Service Agreements for
ABC Public Utility Co.**

Item No.	Rate Schedule/Tariff with Standard form of agreement, or MBR Rate Schedule/Tariff Designation	Conforming Service Agreement Designation
1	1st Rev. Tariff No. 1	Original SA No. 5
2	1st Rev. Tariff No. 1	2nd Rev. SA No. 8
3 <u>*/</u>	1st Rev. Tariff No. 1	Rate Schedule No. 3, and all supplements thereto
4	Original OATT No. 1	Original SA No. 1
...
19	Original OATT No. 1	Original SA No. 15
20	Rate Schedule No. 15	Original SA No. 1
21 <u>**/</u>	Rate Schedule No. 15	Docket No. ER98-xxxx, Order dated 8/25/98, 84 FERC ¶ 61,xxx
22 <u>***/</u>	Rate Schedule No. 8	Rate Schedule No. 155

Service Agreement designations are usually found in the Commission order accepting the tariff sheets.

*/ Item 3 illustrates a service agreement designation often used prior to Order No. 614. All supplements or amendments to a service agreement must be consistent with the standard form of agreement.

**/ Item 21 illustrates a pre-Order No. 614 service agreement where the Commission's designation was not provided.

***/ Item 22 illustrates a situation wherein Rate Schedule No. 8 contains that standard form of agreement, and Rate Schedule No. 155 is a service agreement (usually one that pre-dates Order No. 614) that conforms with Rate Schedule No. 8's standard form of agreement.