

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. IC09-731-000]

Commission Information Collection Activities, Proposed Collection; Comment Request

July 31, 2009.

AGENCY: Federal Energy Regulatory Commission.**ACTION:** Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A) (2006), the Federal Energy Regulatory Commission (FERC or Commission) is soliciting public comment on the proposed information collection described below.

DATES: Comments on the proposed collection of information are due 60 days after publication in the **Federal Register**.

ADDRESSES: Comments may be filed either electronically (e-Filed) or in paper format, and should refer to Docket No. IC09-731-000. Documents must be prepared in an acceptable filing format and in compliance with Commission submission guidelines at <http://www.ferc.gov/help/submission-guide.asp>.

Comments may be eFiled. The eFiling option under the Documents & Filings tab on the Commission's home Web page (<http://www.ferc.gov>) directs users to the eFiling Web page. First-time users should follow the eRegister instructions on the eFiling Web page to establish a user name and password before eFiling. Filers will receive an e-mailed confirmation of their eFiled comments.

Commentors filing electronically should not make a paper filing. Commentors that are not able to file electronically must send an original and 14 paper copies of the filing to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

Parties interested in receiving automatic notification of activity in this docket may do so through eSubscription. The eSubscription option under the Documents & Filings tab on the Commission's home Web page directs users to the eSubscription Web page. Users submit the docket numbers of the filings they wish to track and will subsequently receive an e-mail notification each time a filing is made under the submitted docket numbers. First-time users will need to establish a

user name and password before eSubscribing.

Filed comments and FERC issuances may be viewed, printed and downloaded remotely from the Commission's Web site. The eLibrary link found at the top of most of the Commission's Web pages directs users to FERC's eLibrary. From the eLibrary Web page, choose General Search, and in the Docket Number space provided, enter IC09-731, then click the Submit button at the bottom of the page. For help with any of the Commission's electronic submission or retrieval systems, contact FERC Online Support via e-mail at:

ferconlinesupport@ferc.gov, or telephone toll-free: (866) 208-3676 (TTY (202) 502-8659).

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502-8415, by fax at (202) 273-0873, and by e-mail at michael.miller@ferc.gov.

SUPPLEMENTARY INFORMATION: In order to meet the requirements of Section 1252(e)(3) of the Energy Policy Act of 2005, the Commission proposes to conduct a survey with a response deadline of April 30, 2010, and publish a report on the results in 2010. The proposed survey is necessary to update the 2006 and 2008 advanced metering and demand response information collected on previous Commission surveys. A copy of the survey, instructions, and glossary are attached and part of this document, but they are not being printed in the **Federal Register**. The Attachments are available on the FERC's eLibrary (<http://www.ferc.gov/docs-filing/elibrary.asp>) by searching Docket No. IC09-731-000, and through the FERC Public Reference Room. Interested parties may also request paper copies of the survey, instructions, and glossary by contacting Michael Miller by telephone at (202) 502-8415, by fax at (202) 273-0873, or by e-mail at michael.miller@ferc.gov.

Section 1252(e)(3) of the Energy Policy Act of 2005,¹ requires the Commission to prepare and publish an annual report, by appropriate region, that assesses demand response resources, including those available from all consumer classes. Specifically, EPA 2005 Section 1252(e)(3) requires that the Commission identify and review:

(A) Saturation and penetration rate of advanced meters and communications technologies, devices and systems;

(B) Existing demand response programs and time-based rate programs;

(C) The annual resource contribution of demand resources;

(D) The potential for demand response as a quantifiable, reliable resource for regional planning purposes;

(E) Steps taken to ensure that, in regional transmission planning and operations, demand resources are provided equitable treatment as a quantifiable, reliable resource relative to the resource obligations of any load-serving entity, transmission provider, or transmitting party; and

(F) Regulatory barriers to improved customer participation in demand response, peak reduction and critical period pricing programs.

In 2006 and 2008, the Commission designed and used Office of Management and Budget (OMB) approved collections FERC-727, *Demand Response and Time Based Rate Programs Survey* (OMB Control No. 1902-0214), and FERC-728, *Advanced Metering Survey* (OMB Control No. 1902-0213), to collect and convey to Congress the requested demand response and advanced metering information. The collection proposed herein will update the information filed previously in the FERC-727 and 728 surveys. The Commission investigated alternatives, including using data from the North American Electric Reliability Corporation (NERC) and the Energy Information Administration (EIA), to fielding and collecting data using a FERC designed survey. However, as explained below, the data cannot be obtained by the Commission in time to complete the 2010 report to Congress.

In addition to creating the demand response and advanced metering requirements, EPA 2005 enacted section 215 of the Federal Power Act (FPA) titled "Electric Reliability," authorizing the Commission to approve and enforce reliability standards for the reliability of the interstate grid.² Section 215 of the FPA authorized FERC to certify an Electric Reliability Organization (ERO) to develop the reliability standards for the Nation's bulk power system, subject to Commission review and approval. NERC has been certified by the Commission as the ERO for the United States.³ Among many other things, NERC has begun to collect demand response data on dispatchable and non-

² Pub. L. 109-58, § 1211(a), 119 Stat. 594, 941 (codified at 16 U.S.C. 824o (2006)).

³ *North American Electric Reliability Corp.*, 116 FERC ¶ 61,062, order on reh'g & compliance, 117 FERC ¶ 61,126 (2006), appeal docketed sub nom. *Alcoa, Inc. v. FERC*, No. 06-1426 (D.C. Cir. Dec. 29, 2006).

¹ Pub. L. 109-58, § 1252(e)(3), 119 Stat. 594, 966 (2005) (EPA 2005).

dispatchable resources that it needs to conduct its reliability work. The Demand Response Data Task Force at NERC is in the process of developing a Demand Response Availability Data System (DADS) to collect demand response program information. NERC is planning a limited trial run of DADS in 2010 followed by a full-scale version, with disaggregated information on utility/load serving entity demand response programs, in 2011. NERC will not be collecting the 2009 data that the Commission plans to collect in its proposed survey. Moreover, NERC proposes to collect detailed demand response data on a quarterly basis for the year 2010, beginning in June 2010 and plans to publish the annual data for 2010 by May 1, 2011. Thus, the Commission will not be able to use the 2010 data that NERC proposes to collect for the FERC's 2010 report to Congress.

The Energy Information Administration (EIA) collects aggregated information on energy efficiency and load management as well as advanced metering data in its EIA-861, "Annual Electric Power Industry Report." The data collected in this survey does not identify existing demand response programs or time-based rate programs, but it does support the Commission's advanced metering data needs. Unfortunately, the finalized advanced metering data for 2009 will not be available until the fourth quarter of 2010

under EIA's proposed schedule. Therefore, the EIA data will not be available to the Commission in time to use in its 2010 report to Congress.

Therefore, because the alternatives will not provide data in a timely manner for the 2010 report, the Commission proposes to conduct a survey (attached) with a response deadline of April 30, 2010. This survey has been designed to be consistent with the NERC's data collection such that, in future years, the Commission may be able to use the NERC data when it becomes available, phase-out the FERC demand response survey and still comply with EPCA 2005 Section 1252(e)(3).

FERC staff has designed a survey that will impose minimal burden on respondents by providing respondents with an easy-to-complete, fillable form that will include such user friendly features as pre-populated fields and drop-down menus, make use of the data that is becoming available from reliable sources, and provide it with the information necessary to draft and file the report that is required by Congress. It is a streamlined and simplified version of past surveys and can be electronically filed. A paper version of the survey will be available for those who are unable to file electronically.

The Commission is proposing to collect the demand response and advanced metering information via a voluntary survey from the nation's

entities that serve wholesale and retail customers. The information will be used to draft and file the report that is required by Congress. Industry cooperation is important for us to obtain as accurate and up-to-date information as possible to respond to Congress, as well as to provide information to states and other market participants. We, therefore, strongly encourage all potential survey respondents to complete the survey.

In summary, the Commission seeks public comment on the proposed survey (FERC-731, "Demand Response/Time-Based Rate Programs and Advanced Metering") and the related estimated burden. FERC also requests OMB approval to administer the survey and to collect the information on demand response and advanced metering.

Action: The Commission is requesting comments on the proposed survey and related burden estimate. The Commission is also requesting OMB approval for the collection of information on demand response and advanced metering.

Burden Statement: The proposed survey targets respondents who directly serve wholesale and retail customers. The Commission estimates the public reporting burden for this information collection will be 13,600 hours and will affect 3,400 respondents. The burden for the collection is:

	Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1) × (2) × (3)
FERC-731 Demand Response/Time-Based Rate Programs and Advanced Metering Survey	3,400	1	4	13,600

The estimated total cost to respondents is \$838,865.00 [13,600 hours divided by 2,080 hours⁴ per year, times \$128,297⁵ equals \$838,865.00]. The cost per respondent is \$246.73.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a

collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The respondent's cost estimate is based on salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Problems in measuring data elements

collected; (2) regulatory or other barriers to gathering the information; (3) terms and definitions in the survey and glossary; (4) other sources of information on advanced metering and demand response programs; (5) the accuracy of the agency's burden estimate of the proposed collection of information, including the validity of the methodology and assumptions used; (6) ways to enhance the quality, utility and clarity of the information to be collected; and, (7) ways to minimize respondent information collection burden.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Note: The Attachments (survey, instructions, and glossary) will not be printed in the **Federal Register**. The Attachments are

⁴ Number of hours an employee works each year.
⁵ Average annual salary per employee.

available on the FERC's eLibrary (<http://www.ferc.gov/docs-filing/elibrary.asp>) by searching Docket No. IC09-731-000, and through the FERC Public Reference Room.

[FR Doc. E9-18914 Filed 8-6-09; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. P-516-459]

South Carolina Electric & Gas Company; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

July 31, 2009.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* P-516-459.

c. *Date filed:* August 28, 2008.

d. *Applicant:* South Carolina Electric & Gas Company.

e. *Name of Project:* Saluda Hydroelectric Project.

f. *Location:* On the Saluda River in Richland, Lexington, Saluda, and Newberry counties, South Carolina. The project does not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. James M. Landreth, Vice President, Fossil/Hydro Operations South Carolina Electric & Gas Company, 111 Research Drive, Columbia, South Carolina 29203; or Mr. William R. Argentieri, Manager-Civil Engineering, South Carolina Electric & Gas Company, 111 Research Drive, Columbia, South Carolina 29203, (803) 217-9162.

i. *FERC Contact:* Lee Emery at (202) 502-8379, or e-mail at lee.emery@ferc.gov.

j. The deadline for filing comments, recommendations, terms and conditions, and prescriptions is 60 days from the issuance of this notice and reply comments are due 105 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the

official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Comments, recommendations, terms and conditions, and prescriptions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov/docs-filing/ferconline.asp>) under the "e-filing" link. For a simpler method of submitting text only comments, click on "Quick Comment."

k. This application has been accepted and is ready for environmental analysis at this time.

1. *Project description:* The existing 207.3-megawatt (MW) Saluda Project consists of a single development with the following features: (1) A 7,800-foot-long, 213-foot-high earth-fill dam (Saluda dam), with South Carolina State Highway 6 (Highway 6) running along the top of the dam; (2) a dike that extends 2,550 feet from the north end of the dam, running parallel with Highway 6; (3) a 2,900-foot-long emergency spillway, with six steel Tainter gates, that is located 500 feet from the south end of Saluda dam, and a spillway channel that reconnects with the Saluda River about 0.75 miles downstream from the Saluda powerhouse; (4) a 2,300-foot-long, 213-foot-high roller compacted concrete backup dam located along the downstream toe of the Saluda dam, with (i) a crest elevation of 372.0 feet North American Vertical Datum of 1988 (NAVD88),¹ and (ii) rock fill embankment sections on the north and south ends of the backup dam, having a combined length of 5,700 feet; (5) a 41-mile-long, 50,900-acre reservoir (Lake Murray) at a full pool elevation of 358.5 feet NAVD88, with a total usable storage of approximately 635,000 acre-feet; (6) five 223-foot-high intake towers and associated penstocks; (7) a concrete and brick powerhouse containing four vertical Francis turbine generating units (three at 32.5 MW and one at 42.3 MW), and a fifth vertical Francis turbine generating unit (67.5 MW), which is enclosed in a weather-tight housing located on a concrete deck attached to the south end of the main powerhouse; (8) a 150-foot-long tailrace; and (9)

appurtenant facilities. There is no transmission line or bypassed reach associated with the project.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary link." Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

All filings must: (1) Bear in all capital letters the title "COMMENTS", "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions, or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

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¹The license application contains documents that provide elevations based on NAVD88 datum or based on Plant Datum. To convert from Plant Datum to NAVD88 datum, subtract 1.5 feet.