

October 24, 2007

OMB Desk Officer for DOE
Office of Information and Regulatory Affairs
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sent via e-mail to [Nathan J. Frey@omb.eop.gov](mailto:Nathan.J.Frey@omb.eop.gov)

Dear Sir or Madam:

NERC Comments on Form EIA-411

In response to the Energy Information Administration's (EIA's) Federal Register notice on September 28, 2007, page no. 55193, the North American Electric Reliability Corporation (NERC) submits these comments to the Office of Management and Budget (OMB) regarding Form EIA-411, "Coordinated Bulk Power Supply Program Report," as proposed by EIA for a three-year extension.

NERC was certified as the Electric Reliability Organization by the Federal Energy Regulatory Commission (FERC or Commission) on July 20, 2006. NERC's mission is to improve the reliability and security of the bulk power system in North America. To achieve that, NERC develops and enforces reliability standards; monitors the bulk power system; assesses future adequacy; audits owners, operators, and users for preparedness; and educates and trains industry personnel. NERC is a self-regulatory organization that relies on the diverse and collective expertise of industry participants. As the Electric Reliability Organization, NERC is subject to audit by FERC and governmental authorities in Canada. Within the U.S., NERC has specific statutory authority to request information from owners, users, and operators of the bulk power system. FERC's regulations, at 18 C.F.R. Section 39.2(d) (2007), states:

"Each user, owner or operator of the Bulk-Power System within the United States (other than Alaska and Hawaii) shall provide the Commission, the Electric Reliability Organization and the applicable Regional Entity such information as is necessary to implement section 215 of the Federal Power Act as determined by the Commission and set out in the Rules of the Electric Reliability Organization and each applicable Regional Entity."

With the exception of Schedule 7 as proposed in EIA-411, NERC does not oppose the EIA's proposed *new* mandatory reporting requirements.

However, NERC strenuously objects to EIA's proposal to make Schedule 7 a mandatory requirement going forward. Schedule 7 asks for the same historic transmission outage data that was voluntarily requested in current Form EIA-411 Schedule 7. The provision of such information should either be eliminated or remain voluntary as it has been in the past for the following reasons:

1. The transmission outage data requested on Schedule 7 is inadequate, and, therefore, of no value to the industry.¹ For this reason, NERC undertook the development of its own transmission outage data collection effort. **On October 23, 2007, NERC's Board of Trustees authorized the mandatory collection of transmission outage data from all North American transmission owners (approximately 300), starting with automatic outage data in 2008.** This new data collection initiative, referred to as Phase I Transmission Availability Data System (TADS), took a year to develop, during which time NERC kept EIA staff closely informed. For automatic outages, Phase I TADS will collect more detailed, and, therefore, more useful data for NERC, its members, and government users such as EIA who may access TADS data under NERC's policies. The scope of TADS is described in the *Transmission Availability Data System Revised Final Report* dated September 26, 2007. A second document, *TADS Data Reporting Instruction Manual* dated October 17, 2007, contains instructions for reporting TADS data to NERC. The manual contains instructions for twelve TADS data input forms, and several forms are due in December 2007. The report, manual, and data input forms may be downloaded at <http://www.nerc.com/~filez/tadstf.html>.
2. Making Schedule 7 mandatory will require U.S. transmission owners to report 2007 calendar year data. This will impose a burden on many owners since they were not notified of the mandatory collection requirement *before* 2007. As a result, they will have to manually construct the requested data from historic outage records. Because the Schedule 7 data itself is inadequate for industry use, OMB approval of mandatory Schedule 7 data collection is tantamount to approving a "make work" data collection effort. That effort will also divert resources needed to implement Phase I TADS.
3. As described in the Section 2.3 of the September 26, 2007 report, NERC has kept EIA apprised of its efforts to develop TADS. NERC is implementing TADS in two phases:
 - a. Phase I will require transmission owners to report automatic outage data beginning in calendar year 2008.
 - b. Phase II will add planned outage and manual unscheduled outage data in calendar year 2009. Phase II design is underway, and its implementation will be subject to normal NERC approvals.
4. NERC has the expertise and the authority to collect the transmission outage data needed by the U.S. electric industry and is willing to make such information available to the Federal government. The TADS data collection effort will exceed, in both quality and quantity, the information requested in Schedule 7 of the Form EIA-411. Once the TADS data base is populated with the data NERC is requiring to be reported, the data reported under Schedule 7 will be totally unnecessary.

¹ In its *Supporting Statement for Electric Power Surveys*, OMB Number 1905-0129, EIA states (on p. 6) that the data in Schedule 7 is used by EIA "to monitor reliability planning, track changes in outage rates, and determine issues affecting transmission outages." Despite this claim, the limited Schedule 7 data cannot meet the uses described by EIA. As an example, EIA data cannot determine "outage rates" because the number of transmission facilities is not requested on Schedule 7.

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Therefore, NERC requests that OMB direct EIA either to eliminate Schedule 7 from Form EIA-411 *or* make Schedule 7 voluntary. By either action, OMB will avoid a duplicative, unnecessary, and burdensome data collection effort.

Respectively submitted,

A handwritten signature in black ink, appearing to read "D.R. Nevius". The signature is stylized with a large initial "D" and a long horizontal stroke at the end.

David R. Nevius

cc: Ms. Grace Sutherland, EIA's Statistics and Methods Group, by e-mail to grace.sutherland@eia.doe.gov