

OATTs within 60 days after the publication of the Final Rule in the **Federal Register**. RTOs and ISOs are required to make a compliance filing by this same deadline, but their compliance filings will be assessed using the independent entity variation standard as described in Part II.C.5 of this preamble.

2. Grandfathering of Existing Interconnection Agreements (ISOs and Non-ISOs)

911. The Commission is not requiring retroactive changes to individual interconnection agreements filed with the Commission prior to the effective date of this Final Rule.¹⁷⁰ Non-generic agreements submitted for approval by the Commission before the effective date of the Final Rule are grandfathered and will not be rejected outright for failing to conform to the Final Rule LGIA. Generic interconnection procedures submitted for approval or approved by the Commission before the effective date of the Final Rule must be resubmitted after being revised to conform to this Final Rule. For previously accepted individual interconnection agreements, the Commission's interconnection case law and policies govern.

912. As for requests for interconnection pending when the Final Rule takes effect, Final Rule LGIP Section 5.1 ensures that an Interconnection Customer that has been assigned a Queue Position before the issuance of the Final Rule retains that Queue Position. If an Interconnection Customer has signed any Interconnection Study agreement as of the effective date of the Final Rule, it has the option to either continue with the remaining Interconnection Studies under the Transmission Provider's existing study process or complete the remaining studies for which it does not have a signed Interconnection Study agreement under the provisions of the Final Rule LGIP.

3. Order No. 2001 and the Filing of Interconnection Agreements

913. Order No. 2001¹⁷¹ revised the format through which traditional public

utilities and power marketers must satisfy their obligation, pursuant to Section 205 of the Federal Power Act and part 35 of the Commission's Regulations, to file agreements with the Commission.¹⁷² Public utilities that have standard forms of agreement in their transmission tariffs, cost-based power sales tariffs, or tariffs for other generally applicable services no longer need to file conforming service agreements with the Commission. The filing requirement for conforming agreements is now satisfied by filing the standard form of agreement and an Electronic Quarterly Report.¹⁷³ Order No. 2001 also lifts the requirement that parties to an expiring conforming agreement file a notice of cancellation or a cancellation tariff sheet with the Commission. The public utility may simply remove the agreement from its Electric Quarterly Report in the quarter after it terminates.¹⁷⁴

914. Non-conforming agreements, which are agreements for transmission, cost-based power sales and other generally applicable services that do not conform to an applicable standard form of agreement in a public utility's tariff, must continue to be filed with the Commission for approval before going into effect.¹⁷⁵ This category includes unexecuted agreements and agreements that do not precisely match the applicable standard form of service agreement.¹⁷⁶

915. With respect to interconnection agreements, Order No. 2001 found that part 35 of the Commission's Regulations does not make a distinction between an interconnection agreement and other agreements for service that must be filed in conformance with this part of the Commission's Regulations.¹⁷⁷ Order No. 2001 therefore found that if an interconnection agreement conforms with a Commission-approved standard form of interconnection agreement, the utility does not have to file it but must report it in the Electric Quarterly Reports. Order No. 2001 also states that the requirement to file contract data and transaction data begins with the first Electric Quarterly Report filed after

service commences under an agreement, and continues until the Electric Quarterly Report filed after it expires or by order of the Commission. However, an Interconnection Agreement that does not precisely match the Transmission Provider's approved standard LGIA or that is unexecuted must be filed in its entirety. The Transmission Provider should clearly indicate where the agreement does not conform to its standard Interconnection Agreement, preferably through red-lining and strike-out.

III. Information Collection Statement

916. The Office of Management and Budget (OMB) regulations require that OMB approve certain reporting and record keeping (collections of information) imposed by an agency.¹⁷⁸ The information collection requirements in this Final Rule are identified under the Commission data collection, FERC-516 "Electric Rate Schedule Filings." In accordance with Section 3507(d) of the Paperwork Reduction Act of 1995,¹⁷⁹ the proposed reporting requirements in the subject rulemaking will be submitted to OMB for review. Interested persons may obtain information on the reporting requirements by contacting the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 (Attention: Michael Miller, Office of the Executive Director, 202-502-8415) or from the Office of Management and Budget (Attention: Desk Officer for the Federal Energy Regulatory Commission, fax: 202-395-7285, e-mail pamelabevery@omb.eop.gov).

917. The regulated entities shall not be penalized for failure to respond to this collection of information unless the collection of information displays a valid OMB control number.

918. *Public Reporting Burden:* The Commission did not receive specific comments concerning its burden estimates and uses the same estimates here in the Final Rule. Comments on the substantive issues raised in the NOPR are addressed elsewhere in the Final Rule.

Data collection	Number of respondents	Number of responses	Hours per response	Total annual hours
FERC-516: LGIPs & LGIAs	95	1	4	380

¹⁷⁰ Section 5 of the Final Rule LGIP governs the treatment of Queue Positions established prior to the effective date of the Final Rule. It also provides a transition process for Transmission Providers with Interconnection Requests outstanding when the Final Rule takes effect.

¹⁷¹ Revised Public Utility Filing Requirements, Order No. 2001, 67 FR 31043 (May 8, 2002), FERC

Stats. & Regs. ¶ 31,127 (2002); *reh'g denied*, Order 2001-A, 100 FERC ¶ 61,074 (2002); *reconsideration and clarification denied*, Order No. 2001-B, 100 FERC ¶ 61,342 (2002); *further order*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002).

¹⁷² See Order No. 2001 at P 12.

¹⁷³ See *id.* at P 18.

¹⁷⁴ See *id.* at P 249.

¹⁷⁵ See *id.* at P 19.

¹⁷⁶ See *id.* at P 196.

¹⁷⁷ See *id.* at P 200.

¹⁷⁸ 5 CFR 1320.11 (2003).

¹⁷⁹ 44 U.S.C. 3507(d) (2000).