

Data collection	Number of respondents	Number of responses	Hours per response	Total annual hours
LGIPs & LGIAs to be developed	81	1	6	486
Recordkeeping	81	1	25	2,205
	176	1	6	1,056
Totals	3,947

Total Annual Hours for Collection: (reporting (2,891) + recordkeeping (1,056) = 3,947 hours.

Information Collection Costs: The Commission sought comments about the time to comply with these requirements. No comments were received. Staffing requirements to review and modify existing LGIPs & LGIAs = \$19,000 (95 respondents × \$200 (4 hours @ \$50 hourly rate)). To be added to this cost are the costs for review and preparation of new LGIPs and LGIAs or \$125,550 (81 respondents × \$1,550 (31 hours @ \$50 hourly rate)) = \$144,550. There are also the annualized costs for processing (operations) and maintenance (recordkeeping) of these documents = \$70,752 (176 respondents × \$402 ((6 hours @ \$50 hourly rate) (for processing these documents) (operations) + (6 hours @ \$17 hourly rate) (recordkeeping/maintenance)). The Commission believes there will be a one-time start up costs to comply with these requirements for the procedures and agreements and then an additional \$70,752 to maintain them. Total annualized costs = \$215,302.

Titles: FERC-516 "Electric Rate Schedule Filings."

Action: Revision of Currently Approved Collection of Information.

OMB Control Nos.: 1902-0096.

Respondents: Business or other for profit.

Frequency of Responses: One-time implementation.

Necessity of Information: The final rule revises the reporting requirements contained in 18 CFR part 35. The Commission promulgates a standard LGIP and standard LGIA that public utilities must adopt. As noted in the Final Rule, the adoption of these procedures and agreement will (1) reduce interconnection costs and time for generators and Transmission Providers alike; (2) limit opportunities for Transmission Providers to favor their own generation; (3) facilitate market entry for generation competitors; and (4) encourage needed investment in generator and transmission infrastructure.

919. Interconnection plays a growing crucial role in bringing much needed generation into the market to meet the needs of electricity customers. However,

requests for interconnection frequently result in complex technical disputes about interconnection feasibility, cost and cost responsibility. The Commission expects that a standard LGIP and standard LGIA will reduce interconnection costs and time for Interconnection Customers and Transmission Providers, resolve most interconnection disputes, minimize opportunities for undue discrimination, foster increased development of economic generation, and improve system reliability.

920. For information on the requirements, submitting comments on the collection of information and the associated burden estimates including suggestions for reducing this burden, please send your comments to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 (Attention: Michael Miller, Office of the Executive Director, 202-502-8415) or send comments to the Office of Management and Budget (Attention: Desk Officer for the Federal Energy Regulatory Commission, fax: 202-395-7285, e-mail pamelabevery@oirasubmission@omb.eop.gov).

IV. Environmental Impact Statement

921. Commission Regulations require that an environmental assessment or an environmental impact statement be prepared for any Commission action that may have a significant adverse effect on the human environment.¹⁸⁰ No environmental consideration is necessary for the promulgation of a rule that is clarifying, corrective, or procedural or does not substantially change the effect of legislation or regulations being amended,¹⁸¹ and also for information gathering, analysis, and dissemination.¹⁸² The Final Rule updates part 35 of the Commission's Regulations and does not substantially change the effect of the underlying legislation or the regulations being revised or eliminated. In addition, the Final Rule involves information gathering, analysis and dissemination.

¹⁸⁰ Regulations Implementing National Environmental Policy Act, Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987).

¹⁸¹ 18 CFR 380.4(a)(2)(ii) (2003).

¹⁸² 18 CFR 380.4(a)(5) (2003).

Therefore, this Final Rule falls within categorical exemptions provided in the Commission's Regulations. Consequently, neither an environmental impact statement nor an environmental assessment is required.

V. Regulatory Flexibility Act

922. The Regulatory Flexibility Act (RFA)¹⁸³ requires that a rulemaking contain either a description and analysis of the effect that the proposed rule will have on small entities or a certification that the rule will not have a significant economic impact on a substantial number of small entities. In the NOPR, the Commission stated that the proposed regulations would impose requirements only on interstate transmission providers, which are not small businesses. The Commission certified that the proposed regulations would not have a significant adverse impact on a substantial number of small entities.

Comments

923. NRECA-APPA argues that the Commission failed to adequately account for the limited resources of small service providers when drafting the NOPR's RFA compliance statement. According to NRECA-APPA, the NOPR inconsistently suggests that it would apply to wholesale sales through Distribution Systems, but the RFA compliance language states that the regulations impose requirements only on interstate Transmission Providers.

Commission Conclusion

924. As explained above, only facilities owned by public utilities that own, control, or operate interstate transmission facilities (Transmission Providers) are subject to the Final Rule. Thus the Final Rule applies to the same class of entities subject to Order No. 888. In Order No. 888, the Commission concluded that the number of affected small entities did not constitute a "substantial number" under the RFA and noted that small entities would be eligible for a waiver.¹⁸⁴ The Commission adopts the same reasoning here. The waiver available for

¹⁸³ 5 U.S.C. 601-612 (2000).

¹⁸⁴ Order No. 888, FERC Stats. & Regs. ¶ 31,036 at 31,897.