

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

**Data Collection for Analytics
And Surveillance and
Market-Based Rate Purposes**

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Docket No. RM16-17-000

**COMMENTS OF THE ELECTRIC POWER SUPPLY ASSOCIATION
IN SUPPORT OF MOTION FOR EXTENSION OF TIME**

In response to the *Motion for Extension of Time and Request for Shortened Answer Period of the Edison Electric Institute* submitted to the Federal Energy Regulatory Commission (“FERC” or “the Commission”) pursuant to Rule 212 of the Commission’s Rules of Practice and Procedure,¹ the Electric Power Supply Association (“EPSA”)² respectfully submits these comments in support of the May 6, 2020 motion requesting an extension of implementation of FERC Order 860.³

The instant order revised the Commission’s regulations in order to streamline and consolidate information collected in its market-based rate program to make that information more usable and accessible for the Commission by establishing a relational database (“MBR database”). Use of the database is intended to reduce and

¹ 18 C.F.R. § 385.212 (2019).

² EPSA is the national trade association representing competitive power suppliers in the U.S. EPSA members provide reliable and competitively priced electricity from environmentally responsible facilities using a diverse mix of fuels and technologies. EPSA seeks to bring the benefits of competition to all power customers. This pleading represents the position of EPSA as an organization, but not necessarily the views of any particular member with respect to any issue.

³ *Data Collection for Analytics and Surveillance and Market-Based Rate Purposes*, Order No. 860, 168 FERC ¶ 61,039 (July 18, 2019) (“Order No. 860”), *order on reh’g and clarification*, 170 FERC ¶ 61,129 (Feb. 20, 2020) (“Order No. 860-A”).

clarify the scope of ownership information provided to the Commission by market-based rate sellers (“MBR sellers”). Once the database is in place, regulated entities are required to file initial baseline submissions and will then update the relational database on a monthly basis to reflect any changes that have occurred while Change in Status filings are to be submitted quarterly. While these changes are intended to streamline reporting requirements, development, testing, and implementation of the new platform and baseline submissions requires extensive time and resources. Pursuant to the Order, the rule becomes effective October 1, 2020, and initial baseline submissions are due by February 1, 2021.

I. COMMENTS IN SUPPORT OF EXTENSION OF TIME

EPSA is the national trade association representing competitive power suppliers representing over 150,000 MWs of power sold in FERC-jurisdictional wholesale markets by a multitude of MBR Seller entities subject to Order 860. For this reason, EPSA has a direct interest in the implementation of this Final Rule and participated before the Commission in each iteration of the proceedings which led to the issuance of the order.⁴

⁴ Comments of the Electric Power Supply Association, *Notice of Proposed Rulemaking on Data Collection for Analytics and Surveillance and Market-Based Rate Purposes*, Docket No. RM16-17-000 (filed September 19, 2016);

Comments of the Electric Power Supply Association, *Notice of Proposed Rulemaking on Ownership Information in Market-Based Rate Filings*, Docket No. RM16-3-000 (filed February 2, 2016);

Comments of the Electric Power Supply Association, Independent Power Producers of New York, Inc., and the PJM Power Providers Group, *Notice of Proposed Rulemaking on Collection of Connected Entity Data From Regional Transmission Organizations and Independent System Operators*, Docket No. RM15-23-000 (filed January 26, 2016);

Expedited Motion of Industry Groups for the Commission to Withdraw the Proposed Rule and Issue A New/Revised/Supplemental Notice of Proposed Rulemaking (EPSA, *et al.*), *Notice of Proposed Rulemaking on Collection of Connected Entity Data From Regional Transmission Organizations and Independent System Operators*, Docket No. RM15-23-000 (filed January 13, 2016);

Collection of Connected Entity Data from Reg'l Transmission Organizations & Indep. Sys. Operators, 153 FERC ¶ 61,162 (2015), Participation and Testimony at December 8, 2015 Technical Conference (Matthew Picardi, Vice President, Shell Energy North America (U.S.), L.P., representing Electric Power Supply Association).

As expected, while the revisions set out in the order will reduce the burden on MBR Sellers going forward, implementation of this new system is complex and burdensome requiring the development and testing of new software platforms, revised information collection processes across numerous corporate MBR entities, and internal compliance procedures to address the new requirements. In many cases this work is assisted or largely done by outside vendors and software developers.

Competitive power suppliers stand ready to comply with the Commission's new platform and requirements based on the initial timeline set out in Order 860, which EPSA had supported in that proceeding. However, we do now share the concern raised in EEI's motion that unexpected and extensive disruptions caused by the novel coronavirus (COVID-19) global pandemic can interfere with the resources needed for Order 860 compliance. The software and IT professionals who are needed to develop the new systems for Order 860 compliance are currently helping to ensure the lights stay on in this uncertain time while much of the power industry workforce teleworks and new emergencies arise unexpectedly.

The Commission noted in Order 860-A that, while upholding the timeline detailed in Order 860, MBR Sellers may seek an extension of time to submit initial baseline filing if unexpected delays should occur.⁵ Certainly, COVID-19 has presented an unforeseeable and unprecedented disruption to American business and its citizenry. As detailed in the EEI Motion, the Commission should extend the timeline associated with implementation of Order 860 in order to allow for the successful and efficient development and testing of the required new platforms set out in that rule. Therefore, EPSA supports EEI's motion to extend the timeline for Order 860 implementation.

⁵ Order No. 860-A at P 64.

II. **CONCLUSION**

WHEREFORE, EPSA respectfully requests that the Commission grant EEI's motion and extend the implementation date for the MBR Database required in Order 860 until February 1, 2020, and extend the due date for initial baseline submissions until June 1, 2021.

Respectfully submitted,

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Dated: May 13, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of these comments upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., May 13, 2020.

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Jeffrey Jordan, EPSA