

SUBCHAPTER K—REGULATIONS UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

PART 290—COLLECTION OF COST OF SERVICE INFORMATION UNDER SECTION 133 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

Subpart A—Coverage, Compliance and Definitions

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APPENDIX A TO PART 290—NONEXEMPT ELECTRIC UTILITIES

AUTHORITY: 16 U.S.C. 791a-828c, 2601-2645; 42 U.S.C. 7101-7352.

SOURCE: Order 48, 44 FR 58697, Oct. 11, 1979, unless otherwise noted.

Subpart A—Coverage, Compliance and Definitions

§ 290.101 Applicability and exemptions.

(a) Except as provided in paragraph (b), this part shall apply to each electric utility, in any calendar year, if the total sales of electric energy by such utility for purposes other than resale exceed 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year.

(b) The Commission exempts from compliance with this part any utility:

- (1) Listed by name in Appendix A to this part; or
- (2) That has total sales of electric energy for purposes other than resale of less than 2 billion kilowatt-hours per year.

[Order 353, 48 FR 55449, Dec. 13, 1983, as amended at 49 FR 4939, Feb. 9, 1984]

§ 290.102 Information gathering and filing.

All nonexempt electric utilities must file the data required by section 133(a) of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. §2643, with their state regulatory authorities. All nonexempt, nonregulated electric utilities shall, to the extent the data are

collected and compiled, make these data publicly available. All nonexempt electric utilities shall file an affidavit with the Commission certifying that the requisite state filing was made. All nonexempt, nonregulated electric utilities shall file an affidavit with the Commission certifying that the data were made publicly available.

[Order 545, 57 FR 53991, Nov. 16, 1992]

§ 290.103 Time of filing and reporting period.

All nonexempt electric utilities must file with any state regulatory authority having ratemaking authority for such utilities the information gathered pursuant to §290.102, and all nonexempt, nonregulated electric utilities must make such information available to the public as follows:

(a) *Biennial filing.* Information required to be filed under §290.102 must be filed biennially in even-numbered years on or before June 30 of that year.

(b) *Reporting period.* The reporting period is the calendar year immediately preceding the filing year. Information for previous years and projected information for future years must be reported on a calendar year basis.

(c) *Alternate reporting period.* Use of an alternate reporting period is permitted as follows:

(1) Except as provided in paragraph (c)(2) of this section, if a nonexempt electric utility has gathered all of the information specified in §290.102 and has filed such information, based on a recent 12-month reporting period, either with its state regulatory authority or governing authority in connection with a retail rate proceeding, the nonexempt electric utility may substitute such information for the equivalent information required by this part in fulfillment of the biennial filing requirements.

(2) If a nonexempt electric utility not subject to the jurisdiction of a state regulatory authority maintains accounting records other than on a calendar year basis, such utility may use such other basis as the reporting period