

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

Sec.

- 290.101 Applicability and exemptions.
- 290.102 Information gathering and filing.
- 290.103 Time of filing and reporting period.

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

Federal Energy Regulatory Commission

§ 292.101

for purposes of compliance with this part, provided such reporting period is a 12-month period.

(Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601-2645; Energy Supply and Environmental Coordination Act, 15 U.S.C. 791-798; Federal Power Act, as amended, 16 U.S.C. 792-828C; Department of Energy Organization Act, 42 U.S.C. 7101-7352, E.O. 12009, 42 FR 46267)

[Order 48, 44 FR 58697, Oct. 11, 1979, as amended by Order 353, 48 FR 55449, Dec. 13, 1983; Order 545, 57 FR 53991, Nov. 16, 1992]

APPENDIX A TO PART 290—NONEXEMPT ELECTRIC UTILITIES

Electric utilities that are not exempt from part 290, as of the date of publication of the Commission's Order No. 545 are as follows:

Department of Water and Power of the City of Los Angeles, California.
Pacific Gas & Electric Co.
San Diego Gas and Electric Co.
Southern California Edison Co.
Western Area Power Administration.

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

PART 292—REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION

Subpart A—General Provisions

Sec.

292.101 Definitions.

Subpart B—Qualifying Cogeneration and Small Power Production Facilities

292.201 Scope.

292.202 Definitions.

292.203 General requirements for qualification.

292.204 Criteria for qualifying small power production facilities.

292.205 Criteria for qualifying cogeneration facilities.

292.206 Ownership criteria.

292.207 Procedures for obtaining qualifying status.

292.208 Special requirements for hydroelectric small power production facilities located at a new dam or diversion.

292.209 Exceptions from requirements for hydroelectric small power production facilities located at a new dam or diversion.

292.210 Petition alleging commitment of substantial monetary resources before October 16, 1986.

292.211 Petition for initial determination on whether a project has a substantial adverse effect on the environment (AEE petition).

Subpart C—Arrangements Between Electric Utilities and Qualifying Cogeneration and Small Power Production Facilities Under Section 210 of the Public Utility Regulatory Policies Act of 1978

292.301 Scope.

292.302 Availability of electric utility system cost data.

292.303 Electric utility obligations under this subpart.

292.304 Rates for purchases.

292.305 Rates for sales.

292.306 Interconnection costs.

292.307 System emergencies.

292.308 Standards for operating reliability.

Subpart D—Implementation

292.401 Implementation of certain reporting requirements.

292.402 Waivers.

Subpart E [Reserved]

Subpart F—Exemption of Qualifying Small Power Production Facilities and Cogeneration Facilities from Certain Federal and State Laws and Regulations

292.601 Exemption to qualifying facilities from the Federal Power Act.

292.602 Exemption to qualifying facilities from the Public Utility Holding Company Act and certain State law and regulation.

AUTHORITY: 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

Subpart A—General Provisions

§ 292.101 Definitions.

(a) *General rule.* Terms defined in the Public Utility Regulatory Policies Act of 1978 (PURPA) shall have the same meaning for purposes of this part as they have under PURPA, unless further defined in this part.

(b) *Definitions.* The following definitions apply for purposes of this part.

(1) *Qualifying facility* means a cogeneration facility or a small power production facility that is a qualifying facility under Subpart B of this part.