

142 FERC ¶ 61,105
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Philip D. Moeller, John R. Norris,
Cheryl A. LaFleur, and Tony T. Clark.

Electricity Market Transparency
Provisions of Section 220 of the
Federal Power Act

Docket No. RM10-12-000

ORDER PARTIALLY EXTENDING COMPLIANCE EFFECTIVE DATE

(Issued February 8, 2013)

1. On September 21, 2012, the Federal Energy Regulatory Commission (Commission) issued Order No. 768,¹ which, among other things, revised the existing Electric Quarterly Reports (EQR) filing requirements by adding a requirement to report electronic tag (e-Tag) ID data in EQRs. The actions taken in Order No. 768 were intended to facilitate price transparency in markets for the sale and transmission of electric energy in interstate commerce. Requests for rehearing and/or clarification of Order No. 768 were filed, along with requests for an immediate stay of the e-Tag ID reporting requirement. Rehearing for purposes of further consideration was granted on November 19, 2012.
2. Among other things, certain petitioners request that the Commission stay the e-Tag ID reporting requirement and encourage the Commission to reconsider the e-Tag ID data requirement.² They argue that much of the cost of providing the information will be incurred up front and a stay will avoid irreparable harm in the form of sunk costs to EQR filers.³ They argue, for example, that e-Tag information is not currently collected in the trade capture systems where most

¹ *Electricity Market Transparency Provisions of Section 220 of the Federal Power Act*, Order No. 768, 140 FERC ¶ 61,232 (2012).

² Edison Electric Institute and Electric Power Supply Association at 2.

³ *Id.* at 6.

EQR data are captured; therefore, e-Tag information may not link transactions in the manner contemplated by Order No. 768.⁴

3. Upon consideration of these concerns, the Commission partially grants an extension of time such that EQR filers need not include e-Tag ID data in EQRs beginning in the third quarter of 2013. This extension will allow the Commission more time to fully assess the benefits and burdens associated with market participants linking e-Tag ID information and transactions in the EQR considering other recent data collection efforts.⁵

4. The Commission directs staff to prepare a status report to be issued within one year from the date of issuance of this order, unless the Commission has already taken action on this matter.

5. This order does not address any issues raised on rehearing other than the request to delay implementation of the EQR e-Tag ID data requirement, and does not affect the compliance date for any other aspects of Order No. 768.

The Commission orders:

The implementation of the requirement to submit e-Tag ID data as part of the EQR is hereby extended, as discussed in the body of this order, pending a status report on this proceeding, to be issued within one year from the date of issuance of this order, unless the Commission has already taken action on this matter.

By the Commission.

(S E A L)

Kimberly D. Bose
Secretary.

⁴ See, e.g., EEI/EPISA at 13.

⁵ For example, Order No. 771 requires Commission access to complete e-Tag information and Order No. 760 requires Commission access to certain RTO/ISO interchange transaction price information, which may include e-Tag information. See *Availability of E-Tag Information to Commission Staff*, Order No. 771, 77 Fed. Reg. 76367 (Dec. 28, 2012), FERC Stats. & Regs. ¶ 31,339 (2012); *Enhancement of Electricity Market Surveillance and Analysis Through Ongoing Electronic Delivery of Data from Regional Transmission Organizations and Independent System Operators*, Order No. 760, 77 Fed. Reg. 26674 (May 7, 2012), FERC Stats. & Regs. ¶ 31,330 (2012).