

November 13, 2003

Stephen E. Calopedis
Energy Information Administration, EI-81
Forrestal Building
U.S. Department of Energy
Washington, D.C. 20585

Re: Agency Information Collection Activities: Proposed Collection; Comment Request – Proposed One-year Extension of the Form EIA-1605, “Voluntary Reporting of Greenhouse Gases (long version), and the Form EIA-1605EZ, “Voluntary Reporting of Greenhouse Gases (short version), 68 *Fed. Reg.* 56626, October 1, 2003

Dear Mr. Calopedis:

An October 1, 2003, *Federal Register* notice requests public comments by December 1, 2003, on an Energy Information Administration (EIA) proposal to request an Office of Management and Budget (OMB) extension of one year under the Paperwork Reduction Act of 1995 for EIA-1605 and EIA-1605EZ forms used for the voluntary reporting of greenhouse gas (GHG) information pursuant to section 1605(b) of the Energy Policy Act of 1992. The current OMB expiration date for both forms is October 31, 2003. The notice explains that there will be no changes in the forms in connection with the request and that one year instead of three years is being requested because “EIA anticipates significant changes to the data collection forms and data elements” when the section 1605(b) revision of the guidelines occurs.

The Edison Electric Institute (EEI) takes this opportunity to submit comments in response to the notice.

Background

EEI is the association of the U.S. investor-owned electric utilities and industry affiliates and associates worldwide. Our U.S. members serve 90 percent of all customers served by the investor-owned segment of the industry. They generate more than 70 percent of all of the electricity generated by the electric utilities in the country and serve nearly 70 percent of all ultimate customers in the nation.

The electric utility industry has embarked upon an extensive array of voluntary actions to reduce, avoid, sequester or limit (hereinafter referred to as “reduce”) GHGs through the Climate VISION, Climate Leaders and Climate Challenge programs and the voluntary reporting program of section 1605(b) of the Energy Policy Act of 1992. Section 1605(b) permits corporations, government agencies, organizations and households to report to EIA on actions taken that have reduced GHGs.

In 1994, the electric utility industry and the U.S. Department of Energy (DOE) developed the Climate Challenge Program, a joint, voluntary effort to reduce GHGs. In this program, individual utility companies made a commitment to undertake specified activities, which may be company-specific and may include participation in joint programs with others. Since EIA extended the Forms EIA-1605 and EIA-1605EZ two years ago, the Climate Challenge’s success has been reconfirmed. For 2001, these

activities reduced more than 275 million metric tons of carbon dioxide-equivalent (MMTCO₂E) GHGs out of total reported reductions of 352 MMTCO₂E, or 78 percent of all reported reductions. The reporting of such efforts would not have been possible without the current forms.

Earlier this year EEI, together with five other electric power sector trade associations of the United States and the Tennessee Valley Authority, made commitments to undertake voluntary actions to reduce the intensity of greenhouse gas emissions – including GHG reductions – as well as voluntary actions related to long term research, development and deployment of GHG-friendly technologies. As the power sector has emphasized repeatedly in written comments to DOE on proposed revisions of section 1605(b), reporting such information to the EIA generally and under an improved 1605(b) database/registry is a very material element to the collective achievement of our commitments. As the President said, an improved database/registry provides an effective “tool for companies to publicly record their progress” in improving GHG emissions intensity and that this “tool goes hand-in-hand with voluntary business” sector initiatives established under the Climate VISION program in which the power sector commitments were made. Clearly, the early proposal and finalization of the revised guidelines, which is DOE’s goal, is in the interest of all.

However, pending that event, it is critical that OMB approval of the current forms, which, as we have noted, technically expired on October 31, 2003, be extended in order for EEI

members to continue to have a means of documenting their GHG intensity reduction efforts.

Comments on Forms EIA-1605 and EIA 1605EZ

EEI submits the following comments on Forms EIA 1605 and EIA 1605EZ.

- The notice indicates that the Department of Energy (DOE) “plans” to issue a proposed revision of the 1605(b) “general guidelines” and proposed “technical guidelines” sometime in the “fall 2003” for public comment. It is unclear whether both guidelines will be made available at the same time or at different times. The notice also states that DOE “plans” to finalize “all necessary guidelines during 2004.” Although in a July 8, 2002, letter to the President the Secretary of Energy and others proposed a process that they hoped would lead to the finalization in January 2004, we can understand that as the process continues that goal could slip to later in 2004.
- The notice adds that once the guidelines are finalized “EIA plans to develop and issue new reporting forms and instructions” for reporting in accordance with the revised guidelines. The notice does not give a timetable for the new forms, which, we assume, will also have to undergo public comment and upon which we request the opportunity to comment.
- We observe that we are already well into the fall of 2003 and both sets of guidelines have not yet been proposed by DOE for public comment purposes. Given their substantive and procedural significance to the Climate VISION program, **it is our hope and expectation that the public comment period will be at least 90 days.** Even if that publication date occurs before comments are due under this notice, it will mean that the 90-day period will include the December holidays and extend into early 2004. As your notice indicates, EIA expects that the current forms will be significantly changed after the guidelines are finalized. It is unlikely that EIA could complete that effort, which presumably will also encompass a similar public comment period, prior to the proposed one-year extension beyond October 31, 2003.
- All of this suggests to us that EIA’s proposal for a one-year extension beyond October 31, 2003, may not be sufficient due to recent delays. Accordingly, we urge that the EIA consider requesting a two-year extension from OMB.

- We have not taken the time and effort to respond to the list of issues and questions set forth in section III of the notice because the notice makes it very clear that EIA does not plan any changes in the current forms. When the new forms are developed by EIA and proposed by EIA or OMB for public comment, these issues will be quite relevant and we would likely want to respond to them.
- EEI believes that the proposed collection of information is necessary for the proper performance of the functions of the EIA and that the information does have practical utility.
- EEI is not aware of any other federal, state or local agency that collects similar data, *i.e.*, reporting via Form EIA-1605 and EIA-1605EZ is the sole source of most or all of this information.

We appreciate the opportunity to provide these comments. If you have any questions, please contact me at (202) 508-5617 or Eric Holdsworth, EEI Director, Climate Programs at (202) 508-5103.

Sincerely,

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Climate Issue Director

cc: Nancy J. Kirkendall
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