

as s i o n f e d e r a l r e g u l a t o r y c o m m i s s i o n

Tuesday
June 17, 1980

Part II

Department of Energy

Federal Energy Regulatory Commission

Draft Consumer Program

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D C 20426

JUN 10 1980

OFFICE OF THE CHAIRMAN

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

As you know, the Federal Energy Regulatory Commission (FERC), is committed to implementing a consumer affairs program consistent with Executive Order 12160. Although, as an independent regulatory agency the FERC is not required to comply with Executive Order 12160, this Commission strongly supports your efforts to achieve increased consumer participation.

My letter to you of November 29, 1979, indicated that we were reviewing various options and plans for our consumer affairs plan. The FERC has now completed that review and we are now transmitting for publication in the Federal Register the enclosed Draft Consumer Program.

I hope that we can work together to help you fulfill your commitment to consumer participation throughout the federal government.

Sincerely,



Charles B. Curtis
Chairman

Enclosure

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission
Draft Consumer Program**

AGENCY: Federal Energy Regulatory Commission.

ACTION: Publication for Comment of Draft Consumer Program.

SUMMARY: As part of its voluntary compliance with Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs," the Federal Energy Regulatory Commission is publishing for public comment its Draft Consumer Program.

DATE: To be most useful, comments should be submitted by August 20, 1980.

ADDRESS: Comments should be addressed to: Kenneth S. Levine, Director, Office of Congressional, Consumer and Public Affairs, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth S. Levine, Director, Office of Congressional, Consumer and Public Affairs, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8370.

INTRODUCTION

The agency's Draft Consumer Program has been developed in the context of three major directives:

1. *Executive Order 12160*, designed to "ensure that agencies review and revise their operating procedures so that consumer needs and interests are adequately considered and addressed." The Order requires specific agency efforts in the areas of consumer affairs perspective, consumer participation, informational materials, education and training, and complaint handling.

2. *Public Utility Regulatory Policies Act (PURPA) Section 319*, requiring the agency to set up an Office of Public Participation to "coordinate assistance to the public (and) to persons intervening or participating . . . in proceedings before the Commission." Section 319 also authorizes the agency to "provide compensation for reasonable attorney's fees, expert witness fees, and other costs to participants whose participation makes a substantial contribution to a proceeding and who, without compensation, would not be able to participate.

3. *The Commission's perception of the need for increased, effective representation of consumer interests.* Beyond the requirements of the Executive Order and of PURPA, the agency is committed to encouraging more effective representation of consumer interests in its proceedings. It believes that a variety of intermediaries—including citizens groups, state utility commissions, state utility consumer advocates, and other public and private organizations—can help serve this function.

The agency is particularly concerned about increasing the participation of consumer-oriented groups in rulemakings. Because of its responsibilities under the Natural Gas Policy Act and PURPA, as well as its approach to regulatory decision-making, the agency is increasingly relying on rulemakings to make

many of its most important decisions. For the agency to make fully-informed decisions, and for consumers to have the greatest impact on agency decisions, increased participation in rulemakings by consumer-oriented participants is needed.

The agency's Draft Consumer Program is designed to encourage more consumer-oriented organizations to participate in more agency proceedings and to help participants do so more effectively. To achieve these goals, the implementation of the Consumer Program is split between two offices:

—the Division of Consumer Affairs (which is part of the Office of Congressional, Consumer and Public Affairs);

—the Office of Public Participation (which is mandated by PURPA section 319 and reports directly to the Commission);

In general, the Division of Consumer Affairs is responsible for *outreach* to consumer organizations and *analysis* of the impact of proceedings on consumers. The Office of Public Participation, in contrast, is responsible for *technical assistance*, helping consumer-oriented participants in specific proceedings.

1. CONSUMER AFFAIRS PERSPECTIVE

The primary responsibility for this function rests with the Division of Consumer Affairs (DCA). The Director of the DCA reports to the Commission Chairman through the Director of the Office of Congressional Consumer and Public Affairs, of which the DCA is a part. The DCA has an authorized staff of six, including consumer specialists with expertise in regulatory analysis, communications, and management.

Among other tasks, the Division is responsible for:

—analyzing the potential impact on consumers of agency proceedings;

—identifying agency proceedings of potential consumer interest;

—advising the Commissioners and agency staff of consumer views and potential consumer impact of agency proceedings, budget decisions, and legislative proposals.

2. CONSUMER PARTICIPATION

While the agency puts priority in increasing effective consumer participation in rulemaking through the comment process, both the DCA and Office of Public Participation (OPP) are responsible for aiding potential consumer participants in all agency proceedings (including rate cases, licensing and other proceedings).

In addition to the informational efforts discussed below (see No. 3), the DCA is responsible for:

—*Staffing the Consumer Advisory Committee.* Meeting four times a year, the committee provides an organized vehicle from which to solicit consumer-oriented comment on proposed rules and encourages a reasonable number of consumer leaders from around the country to pay attention on a continuing basis to the FERC activity. The committee is presented at each meeting with specific questions that the Commission would like its view on. Background material is provided to the committee members before the

meetings and, when appropriate, committee members and FERC staff make prepared presentations on aspects of issues under consideration. The committee's membership includes officers of national, state and local consumer groups; state people's counsels; leaders of national, state and local constituency groups such as small business, labor, and community based organizations; and experts such as academics, lawyers, and consultants aligned with consumer interests.

—*Staffing the State Government Advisory Committee.* This committee plays the same role for relevant state officials that the Consumer Advisory Committee does for consumer representatives. It will meet four times a year to consider agendas similar to those of the Consumer Advisory Committee. This advisory committee provides the Commission with a vehicle to solicit comments from public service commissions, oil and gas commissions, energy agencies, and other state officials.

—*Organizing "consumer exchange meetings".* Unlike the Consumer Advisory Committee whose purpose is, in large part, to interest locally-based consumer representatives in FERC activity, the "consumer exchange" meetings are designed to communicate *regularly* with relatively well-informed, Washington based consumer leaders. Held several times a year, these meetings are to allow top agency officials and consumer leaders to discuss agenda and non-agenda items of concern.

—The OPP is responsible for:

—*Identifying barriers to participation,* including access to information, transcript costs, hearing locations, and procedural requirements.

—*Informing and coordinating efforts of regular consumer participants.* Regular non-regulated industry intervenors include some state commissions, public distribution systems, gas distributors federal agencies, and a number of citizen groups. The OPP staff develops whatever publications, briefings, or other vehicles needed to increase these intervenors' awareness of particular proceedings. To minimize duplication of effort by those with limited resources and to maximize the breadth of participation, the OPP coordinates the participation of intervenors in major proceedings. This effort includes encouraging potential intervenors with parallel interests to pool their resources and calling the attention of regular intervenors to significant proceedings in which their interests are not represented.

—*Administering an intervenor reimbursement funding program.* The Public Utility Regulatory Policies Act of 1978 section 319 authorizes the agency to set up a program to reimburse the intervention costs of intervenors who could make substantial contributions to agency proceedings. Since the passage of PURPA, the agency has sought Office of Management and Budget and congressional appropriation for this program and has been repeatedly turned down. The agency will continue to seek funds to pay the intervention costs of these intervenors.

3. INFORMATIONAL MATERIALS

—The DCA is responsible for regularly updating the agency's list of consumer-oriented organizations that are interested in agency proceedings and for alerting them, through special mailings, meetings, and other methods, to specific proceedings.

The OPP is responsible for:

—*Developing and updating a list of past intervenors* to identify the primary client group for OPP's services.

—*Developing a "how to" handbook for potential intervenors,* explaining to first-time or occasional intervenors how to participate effectively in agency proceedings.

—*Serving as ombudsman for intervenors.* The OPP helps intervenors answer questions about the FERC's procedures and the current status of cases, identify the correct staff people for them to talk with, and acquire information in the FERC's public file that is relevant to the proceedings.

4. EDUCATION AND TRAINING

The OPP is responsible for training of agency staff to encourage and effectively use increased consumer participation and for providing technical assistance to intervenors.

The initial training of agency staff concentrates on explaining the requirements of the Consumer Program, the role of the DCA and the OPP, and the ways in which other agency offices should use the DCA and OPP in specific proceedings.

The primary function of the OPP is to provide technical assistance to intervenors. It is provided in specific proceedings by OPP staff and, as appropriate, by technical office or other staff, based on:

—the needs of the intervenors for procedural, substantive, or other help;

—the needs of the agency for input on particular issues or from particular interests.

5. COMPLAINT HANDLING

Each agency's office is responsible for logging, investigating and responding to consumer complaints in its area. The DCA is responsible for *periodically* evaluating the effectiveness of each office's complaint-handling system and for analyzing patterns of complaints for use in policy development.

OVERSIGHT

The Director of the Division of Consumer Affairs has oversight responsibility for the agency's consumer program. This responsibility includes supervising the work of the DCA and advising other agency officials on matters relating to the consumer program. The DCA is part of the Office of Congressional, Consumer and Public Affairs and reports to the Commission Chairman through the Director of that office. To the extent that the DCA's responsibilities complement those of the OPP, the Director of the DCA coordinates its work with the OPP Director.

Charles B. Curtis,

Chairman, Federal Energy Regulatory Commission.

June 10, 1980.

[FR Doc. 80-17994 Filed 6-16-80; 8:45 am]

BILLING CODE 6450-01-M

Reader Aids

Federal Register

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Tuesday, June 17, 1980

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of

the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today
TRANSPORTATION DEPARTMENT

Coast Guard-

- 73048** 12-17-79 / Visual distress signals for boats; addition to specifications

List of Public Laws

Last Listing June 11, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

- S. 1786 / Pub. L. 96-268** To amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act. (June 13, 1980; 94 Stat. 485) Price \$1.00.
- S. 2517 / Pub. L. 96-269** To rename certain buildings of the Library of Congress. (June 13, 1980; 94 Stat. 486) Price \$1.00.

