

that may have a significant adverse effect on the human environment.⁸ The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Among these are proposals for rules that are procedural.⁹ The final rule falls under this exception; consequently, no environmental consideration is necessary.

VI. Information Collection Statement

The Office of Management and Budget's (OMB's) regulations require that OMB approve certain information collection requirements imposed by agency rules.¹⁰ The information collection requirements for section 205 rate filings are approved under OMB Control No. 1902-0096. This final rule does not add or modify the information collection requirements in OMB Control No. 1902-0096. A copy of this final rule will be sent to OMB for informational purposes only.

VII. Effective Date and Congressional Review

The provisions of 5 U.S.C. 801 regarding Congressional review of rulemaking, do not apply to this final rule because the rule concerns agency procedure and practice. The final rule will not substantially affect the rights and obligations of non-agency parties.¹¹ Therefore, this final rule is effective January 27, 2000.

List of Subjects in 18 CFR Part 35

Electric power rates, Electric utilities, and Reporting and recordkeeping requirements.

By the Commission.

David P. Boergers,
Secretary.

In consideration of the foregoing, the Commission amends Part 35, Chapter I, Title 18, of the *Code of Federal Regulations* as follows:

PART 35—FILING OF RATE SCHEDULES

1. The authority citation for Part 35 continues to read as follows:

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

2. Section 35.8 is revised to read as follows:

§ 35.8 Protests and interventions by interested parties and form for Federal Register notice.

(a) *Protests or interventions.* Unless the notice issued by the Commission provides otherwise, any protest or intervention to a rate filing made pursuant to this part must be filed in accordance with §§ 385.211 and 385.214 of this chapter, on or before 21 days after the subject rate filing. A protest must state the basis for the objection. A protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestant a party to the proceeding. A person wishing to become a party to the proceeding must file a motion to intervene.

(b) *Form of notice for Federal Register.* The public utility must file a form of notice suitable for publication in the **Federal Register**, as well as a copy of the same notice in electronic format (in ASCII text or WordPerfect 8.0 format) on a 3½" diskette marked with the name of the applicant and the words "Notice of Filing," which must be in the following form:

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

(Name of Utility) Docket No.

NOTICE OF FILING

Take notice that (name of public utility), on (date), tendered for filing proposed changes in its FERC Electric Service Tariff, (Volume Nos.). [The following language in the first paragraph applies only to increased rate filings.] The proposed changes would increase revenues from jurisdictional sales and service by (amount) based on the 12-month period ending (date). [If changes other than increased rates and charges are proposed, the public utility must concisely state the nature of these changes.]

[The public utility must briefly describe the reasons for the proposed changes in the second paragraph.]

Copies of the filing were served upon the public utility's jurisdictional customers, (other parties the public utility served, *inter alia*, state public service commissions, other government agencies, etc.).

Any person desiring to be heard or to protest the filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed in accordance with § 35.9 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are

available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

[FR Doc. 99-33593 Filed 12-27-99; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM00-3-000; Order No. 611]

Updates to Instructions for FERC Form No. 1 Filings

Issued December 21, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is updating and correcting its regulations for filings by major electric utilities, licensees, and others. More specifically, this Final Rule updates and corrects the Commission's FERC Form No. 1 filing instructions to: Provide for submission of data over the Internet rather than by diskette; revise certain routing symbols, office numbers, and a title; add a sentence to note that penalty for failure to file only applies if there is a valid control number; and correct typographical errors.

EFFECTIVE DATE: This final rule is effective on January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Hadas Z. Kozlowski (Legal Information), Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, Telephone: (202) 208-1029
Brian A. Holmes (Technical Information), Office of Finance, Accounting, and Operations, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, Telephone: (202) 219-2618

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.fed.us>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street, N.E., Room 2A, Washington, DC 20426.

From FERC's Home Page on the Internet, this information is available in both the Commission Issuance Posting

⁸ 18 CFR Part 380.

⁹ 18 CFR 380.4(a)(2)(ii).

¹⁰ 5 CFR Part 1320.

¹¹ 5 U.S.C. 804(3)(C).

System (CIPS) and the Records and Information Management System (RIMS).

—CIPS provides access to the texts of formal documents issued by the Commission since November 14, 1994.

—CIPS can be accessed using the CIPS link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII and WordPerfect 8.0 format for viewing, printing, and/or downloading.

—RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed from FERC's Home Page using the RIMS link or the Energy Information Online icon. Descriptions of documents back to November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the Website during normal business hours from our Help line at (202) 208-2222 (E-Mail to WebMaster@ferc.fed.us) or the Public Reference at (202) 208-1371 (E-Mail to public.reference@ferc.fed.us).

During normal business hours, documents can also be viewed and/or printed in FERC's Public Reference Room, where RIMS, CIPS, and the FERC Website are available. User assistance is also available.

Before Commissioners: James J. Hoecker, Chairman; Vicky A. Bailey, William L. Massey, Linda Breathitt, and Curt Hebert, Jr.

I. Introduction

The Federal Energy Regulatory Commission is updating and correcting the filing instructions for FERC Form No. 1: Annual Report of Major Electric Utilities, Licensees, and Others (Form No. 1), which is prescribed by Part 141 of the Commission's regulations,¹ to make them consistent with current practice. The Final Rule provides for submitting data electronically over the Internet rather than by diskette, revises certain routing symbols, office numbers, and a title, adds a new sentence noting that penalty for failure to file only applies if there is a valid control number, and corrects various typographical errors.

II. Background

The Commission, in the exercise of its authority under the Federal Power Act, collects data pertaining to the electric utility industry in the United States.²

One of the principal forms used for collection of this information is Form No. 1, which is submitted annually by some 209 electric utilities and licensees. Form No. 1 consists of cover pages, four pages of general information and instructions, and 117 pages of schedules incorporating financial and operational information pertaining to the respondent companies. Form No. 1 also requires that certain financial information be certified by an independent certified public accountant³ as conforming to the Commission's Uniform System of Accounts.⁴

Prior to last year, the Commission's Form No. 1 software provided for submitting data files on diskette. Last year, however, the Commission developed a Windows 95 version of the Form No. 1 software, which was used by respondents to submit data files over the Internet. Upgraded software, a Windows 95/98/NT version which replaces the DOS version previously used, is now available; the submission format was changed to facilitate data entry and data base loading, improve data integrity, and to provide Y2K compliance.

This Final Rule conforms the instructions to Form No. 1 at pages i, ii, and iii to reflect editorial changes and existing practice.

III. Discussion

As currently written, the instructions sections of the Form No. 1 provide for the filing of data by diskette. Because the Commission's Form No. 1 software now provides for the electronic submission of data over the Internet, Instruction III, What and Where to Submit, on Page i will be revised to state that entities shall "Submit this form electronically through the Form 1 Submission Software" instead of the phrase "on electronic media consisting of two (2) duplicate data diskettes." Similarly, the words "contained on the electronic media" will be revised to read "the electronic filing," the words "electronic media filing" will be revised to read "electronic filing," and the words "on the electronic media" will be revised to read "electronic filing." In addition, the Office of the Secretary's room number will be revised to read "Room 1A" and the Chief Accountant's room number will be deleted.

On Page ii, the words "(c) Continued Reference" will be revised to read "(c) Continued," the words "Use the following form" will be revised to read "Use the following format." In addition, the Public Reference and Files

Maintenance Branch room and route symbol will be revised to read "Room 2A, CI-1."

The Final Rule also corrects, on Page ii, Instruction V, Where to Send Comments on Public Reporting Burden. The routing symbol for Mr. Michael Miller will now read "CI-1," and his correct title is "Clearance Officer" not "Desk Officer."

In addition, the public is protected against a collection of information that does not meet the requirements of the Paperwork Reduction Act (P.L. 104-13) (1995). Specifically, if a collection of information does not display a currently valid Office of Management and Budget (OMB) control number, fails to inform the respondent that a response is not required unless the collection of information displays a valid OMB control number, or has been disapproved by the OMB, then the public is not obligated to respond. Accordingly, the Final Rule adds, after the words "Clearance Officer for the Federal Energy Regulatory Commission" the words "No person shall be subject to any penalty if this collection of information does not display a valid control number. (44 U.S.C. 3512(a). 5 CFR 1320.6a.)"

Finally, Instruction VII, of Page iii, provides guidance on what and where to make Form No. 1 resubmissions, and the Final Rule provides that this also be done electronically, by revising it to provide:

For any resubmissions, submit the electronic filing using the Form 1 Submission Software and an original and six (6) conformed paper copies of the entire Form, as well as the appropriate number of copies of the subscription statement indicated at instruction III(a). Resubmissions must be numbered sequentially on the cover page of the paper copies of the Form. In addition, the cover page of each paper copy must indicate that the filing is a resubmission. Send the resubmissions to the address indicated at instruction III(a).

IV. Information Collection Statement

The OMB regulations require OMB to approve certain reporting and recordkeeping (collections of information) imposed by agency rule.⁵ The information collection requirements in this Final Rule are contained in Form No. 1, "Annual Report of Major electric utilities, licensees, and others" (OMB Control No. 1902-0021). Because this Final Rule does not involve new information requirements, will have a minimal effect on current information collections, and codifies existing practice, there is no need to obtain OMB approval. However, the Commission is

¹ 18 CFR Part 141.

² 16 U.S.C. 825, 825c.

³ 18 CFR 41.11.

⁴ 18 CFR Part 101.

⁵ 5 CFR 1320.12.

sending a copy to OMB for informational purposes only.

Title: FERC Form No. 1 Annual Report of Major Electric Utilities, Licensees, and Others.

Action: Proposed Data Collection
OMB Control No. 1902-0021

Respondents subject to the filing requirements of this Final Rule will not be penalized for failing to respond to this collection of information, unless the collection of information displays a valid OMB control number.

Respondents: Major electric utilities, licensees, and certain defined others.

Frequency of Responses: Annually.

Reporting Burden: While the reporting burden for Form No. 1 is 254,353 hours for all respondents, this Final Rule merely conforms the filing instructions to existing practice.

Necessity of Information: The Final Rule revises the filing instructions for Form No. 1, which is required by 18 CFR Part 141, and which is necessary for fulfilling the requirements of the Federal Power Act, including that the Commission may collect data pertaining to the electric utility industry in the United States.

Interested persons may obtain information on the reporting requirements by contacting the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426 (Attention: Michael Miller, Office of the Chief Information Officer, (202) 208-1415), or send comments to the Office of Management and Budget, Room 10202 NEOB, Washington, DC 20503 (Attention: Desk Officer for the Federal Energy Regulatory Commission, (202) 395-3087, fax: (202) 395-7285).

V. National Environmental Policy Act Analysis

The Commission concludes that promulgating this Final Rule does not represent a major Federal action having a significant adverse effect on the human environment under the Commission's regulations implementing the National Environmental Policy Act.⁶ This Final Rule is procedural in nature and does not substantially change the effect of the regulation being amended. In addition, the Final Rule involves information gathering, analysis, and dissemination. Therefore, this Final Rule falls within the categorical exemptions provided in the Commission's regulations.⁷ Consequently, neither an environmental impact statement nor an environmental assessment is required.

⁶ 42 U.S.C. 4332.

⁷ 18 CFR 380.4(a)(2)(ii), (a)(5).

VI. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act (RFA)⁸ generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. Most respondents do not fall within the definition of "small entity," as defined by the RFA.⁹ Therefore, the Commission certifies that promulgating this Final Rule does not represent a major Federal action having a significant economic impact on a substantial number of small entities.

VII. Administrative Findings and Effective Date

Because this rule does not itself alter the substantive rights or interests of any interested persons, but rather is merely procedural and ministerial in nature, the Commission finds that prior notice and comment are unnecessary under the Administrative Procedure Act.¹⁰

Because this rule does not alter the substantive rights or interests of any interested persons but rather modifies the submission process and otherwise corrects and updates errors, the Commission finds good cause to allow this rule to become effective upon less than 30 days' notice.¹¹ This Final Rule therefore will be made effective January 1, 2000.¹²

VIII. Congressional Notification

The Small Business Regulatory Enforcement Fairness Act of 1996 requires agencies to report to Congress on the promulgation of certain final rules prior to their effective dates.¹³ That reporting requirement does not apply to this Final Rule, however. The Commission finds that this Final Rule does not substantially affect the rights or obligations of non-agency parties, and therefore falls within a statutory exception for rules relating to agency procedures or practices that do not substantially affect the rights or obligations of non-agency parties.¹⁴

List of Subjects in 18 CFR Part 141

Electric power, reporting and recordkeeping requirements.

⁸ 5 U.S.C. 601-612.

⁹ See 5 U.S.C. 601(3).

¹⁰ 5 U.S.C. 553(b)(B).

¹¹ 5 U.S.C. 553(d)(3).

¹² The Form No. 1 filings are not due to be submitted until on or before April 30, 2000.

¹³ 5 U.S.C. 801.

¹⁴ 5 U.S.C. 804(3)(C).

By the Commission.

David P. Boergers,
Secretary.

Instructions for Filing the FERC Form No. 1

GENERAL INFORMATION

I. Purpose

This form is a regulatory support requirement (18 CFR 141.1). It is designed to collect financial and operational information from major electric utilities, Licensees and others subject to the jurisdiction of the Federal Energy Regulatory Commission. This report is also secondarily considered to be a nonconfidential public use form supporting a statistical publication (Financial Statistics of Selected Electric Utilities), published by the Energy Information Administration.

II. Who Must Submit

Each major electric utility, licensee, or other, as classified in the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject To the Provisions of The Federal Power Act (18 CFR 101), must submit this form.

Note: Major means having, in each of the three previous calendar years, sales or transmission service that exceeds one of the following:

- (1) one million megawatt hours of total annual sales,
- (2) 100 megawatt hours of annual sales for resale,
- (3) 500 megawatt hours of annual power exchanges delivered, or
- (4) 500 megawatt hours of annual wheeling for others (deliveries plus Losses).

III. What and Where to Submit

(a) Submit this form electronically through the Form 1 Submission Software and an original and six (6) conformed paper copies, properly filed in and attested, to: Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

Retain one copy of this report for your files.

Include with the original and each conformed paper copy of this form the subscription statement required by 18 CFR 385.2011(c)(5). Paragraph (c)(5) of 18 CFR 385.2011 requires each respondent submitting data electronically to file a subscription stating that the paper copies contain the same information as the electronic filing, that the signer knows the contents of the paper copies and electronic filing, and that the contents as stated in the copies and electronic filing are true to the best knowledge and belief of the signer.

(b) Submit, immediately upon publication, four (4) copies of the Latest annual report to stockholders and any annual financial or statistical report regularly prepared and distributed to bondholders, security analysts, or industry associations. (Do not include monthly and quarterly reports. Indicate by checking the appropriate box on Page 4, List of Schedules, if the reports to stockholders will be submitted or if no annual report to stockholders is prepared.) Mail these reports to: Chief Accountant, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

(c) For the CPA certification, submit with the original submission, or within 30 days after the filing date for this form, a Letter or report (not applicable to respondents classified as Class C or Class D prior to January 1, 1984):

- (i) Attesting to the conformity, in all material aspects, of the below listed (schedules and) pages with the Commission's applicable Uniform Systems of Accounts (including applicable notes relating thereto and the Chief Accountant's published accounting releases), and
- (ii) Signed by independent certified public accountants or an independent Licensed public accountant certified or Licensed by a regulatory authority of a State or other political subdivision of the U.S. (See 18 CFR 41.10-41.12 for specific qualifications.)

Schedules	Reference pages
Comparative Balance Sheet	110-113
Statement of Income	114-117
Statement of Retained Earnings ..	118-119
Statement of Cash Flows	120-121
Notes to Financial Statements	122-123

When accompanying this form, insert the Letter or report immediately following the cover sheet. When submitting after the filing date for this form, send the letter or report to the office of the Secretary at the address indicated at III (a).

Use the following format for the Letter or report unless unusual circumstances or conditions, explained in the Letter or report, demand that it be varied. Insert parenthetical phrases only when exceptions are reported.

In connection with our regular examination of the financial statements of _____ for the year ended on which we have reported separately under date of _____ We have also reviewed schedules _____ of FERC Form No. 1 for the year filed with the Federal Energy Regulatory Commission, for conformity in all material respects with the requirements of the Federal Energy Regulatory Commission as set forth in its applicable Uniform System of Accounts and published accounting releases. Our review for this purpose included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Based on our review, in our opinion the accompanying schedules identified in the preceding paragraph (except as noted below) conform in all material respects with the accounting requirements of the Federal Energy Regulatory Commission as set forth in its applicable Uniform System of Accounts and published accounting releases.

State in the letter or report, which, if any, of the pages above do not conform to the Commission's requirements. Describe the discrepancies that exist.

(d) Federal, State and Local Governments and other authorized users may obtain additional blank copies to meet their requirements free of charge from: Public Reference and Files Maintenance Branch, Federal Energy Regulatory Commission, 888 First Street, NE, Room 2A ES-1 Washington, DC 20426, (202) 208-2474.

IV. When To Submit

Submit this report form on or before April 30th of the year following the year covered by this report.

V. Where to Send Comments on Public Reporting Burden.

The public reporting burden for this collection of information is estimated to average 1,217 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data-needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden, to the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, DC 20426 (Attention: Mr. Michael Miller, CI-1); and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: Desk Officer for the Federal Energy Regulatory Commission). No person shall be subject to any penalty if this collection of information does not display a valid control number. (44 U.S.C. 3512(a).)

I. Prepare this report in conformity with the Uniform System of Accounts (18 CFR 101) (U.S. of A.). Interpret all accounting words and phrases in accordance with the U. S. of A.

II. Enter in whole numbers (dollars or MWH) only, except where otherwise noted. (Enter cents for averages and figures per unit where cents are important. The truncating of cents is allowed except on the four basic financial statements where rounding is required.) The amounts shown on all supporting pages must agree with the amounts entered on the statements that they support. When applying thresholds to determine significance for reporting purposes, use for balance sheet accounts the balances at the end of the current reporting year, and use for statement of income accounts the current year's amounts.

III. Complete each question fully and accurately, even if it has been answered in a previous annual report. Enter the word "None" where it truly and completely states the fact.

IV. For any page(s) that is not applicable to the respondent, omit the page(s) and enter "NA," "NONE," or "Not Applicable" in column (d) on the List of Schedules, pages 2, 3, and 4.

V. Enter the month, day, and year for all dates. Use customary abbreviations. The "Date of Report" included in the header of each page is to be completed only for resubmissions (see VII. below). The date of the resubmission must be reported in the header for all form pages, whether or not they are changed from the previous filing.

VI. Generally, except for certain schedules, all numbers, whether they are expected to be debits or credits, must be reported as positive. Numbers having a sign that is different from the expected sign must be reported by enclosing the numbers in parentheses.

VII. For any resubmissions, submit the electronic filing using the Form 1 Submission Software and an original and six (6)

conformed paper copies of the entire form, as well as the appropriate number of copies of the subscription statement indicated at instruction III (a). Resubmissions must be numbered sequentially on the cover page of the paper copies of the form. In addition, the cover page of each paper copy must indicate that the filing is a resubmission. Send the resubmissions to the address indicated at instruction III (a).

VIII. Do not make references to reports of previous years or to other reports in lieu of required entries, except as specifically authorized.

IX. Wherever (schedule) pages refer to figures from a previous year, the figures reported must be based upon those shown by the annual report of the previous year, or an appropriate explanation given as to why the different figures were used.

Definitions

I. Commission Authorization (Comm. Auth.)—The authorization of the Federal Energy Regulatory Commission, or any other Commission. Name the commission whose authorization was obtained and give date of the authorization.

II. Respondent—The person, corporation, licensee, agency, authority, or other Legal entity or instrumentality in whose behalf the report is made.

[FR Doc. 99-33592 Filed 12-27-99; 8:45 am] BILLING CODE 6717-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8849]

RIN 1545-AW57

Section 663(c); Separate Share Rules Applicable to Estates

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations concerning separate share rules applicable to estates under section 663(c) of the Internal Revenue Code. These regulations provide that substantively separate and independent shares of different beneficiaries are to be treated as separate estates for purposes of computing distributable net income and applying the distribution provisions of sections 661 and 662. These regulations also provide that a surviving spouse's statutory elective share of a decedent's estate and a pecuniary formula bequest are separate shares. Further, a revocable trust that elects to be treated as part of a decedent's estate is a separate share.

DATES: Effective Date: December 28, 1999.