

Resolution On Collection and Confidentiality Treatment of EIA Electric Power Data

WHEREAS, The U.S. DOE Energy Information Administration (EIA) is soliciting public comments concerning the confidentiality treatment that will be given to electric power data collected in surveys conducted by the EIA; *and*

WHEREAS, The electric utility industry has by far the greatest air emissions of any industry, which justifies particular treatment of the industry, and many important environmental laws and regulations were designed using publicly available EIA data; *and*

WHEREAS, Most state utility commissions, lacking parallel systems for data collection, rely on the filings and information required by EIA to track the detailed fuel mix, ownership, productivity, reliability and costs of the utilities operating within their jurisdictions regardless of whether a state is pursuing retail electric competition; *and*

WHEREAS, With many states restructuring their electricity industries, EIA data takes on an even greater importance at least during this transition to competitive markets to address issues of market power, concentration of ownership, environmental impacts of competition, sustained reliability, and informed customer choice; *and*

WHEREAS, Several states are not currently proceeding to implement competitive retail markets and will continue to need plant-specific EIA data for traditional regulatory purposes; *and*

WHEREAS, The expected regional nature of competitive markets adds further importance to the EIA's role in supplying states with needed information on out-of-state jurisdiction competitors in their markets; *and*

WHEREAS, Utility and non-utility plant data is now accorded different confidentiality treatment; *and*

WHEREAS, NARUC has supported and at least 12 states are implementing or considering systems of customer disclosure of fuel mix and emissions (to facilitate customer choice and market efficiency) which depend upon the use of plant-specific EIA data on the generation, emissions, fuel quantity and fuel quality of individual plants; *and*

WHEREAS, Aggregate data is not adequate for customer disclosure and for many other state and Federal regulatory purposes; *and*

WHEREAS, It may be possible to establish categories of data which will be required and given limited confidentiality in ways which prevent public disclosure of the underlying raw data; *now, therefore, be it*

RESOLVED, That the Executive Committee of the National Association of Regulatory Utility Commissioners ("NARUC"), convened at its 1998 Winter Meetings in Washington, D.C., urges the EIA to remedy the disparate treatment of utility and non-

utility generators by requiring all generators to submit basic unit- and plant-specific generation information required for state regulatory purposes, national environmental efforts, and customer disclosure of air emissions and fuel mix; *and be it further*

RESOLVED, That all such electric data collected by EIA should be presumed to be publicly available except where EIA has made a determination that the public interest is better served by holding confidential as a specific category of data. Such public interest determination should be published for notice and comment by EIA before adoption.

*Sponsored by the Committees on Energy Resources and Electricity
Adopted March 4, 1998*