§ 290.101 Applicability and exemptions.

(a) Except as provided in paragraph (b), this part shall apply to each electric utility, in any calendar year, if the total sales of electric energy by such utility for purposes other than resale exceed 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year.

(b) The Commission exempts from compliance with this part any utility:

(1) Listed by name in Appendix A to this part; or

(2) That has total sales of electric energy for purposes other than resale of less than 2 billion kilowatt-hours per year.


§ 290.102 Information gathering and filing.

All nonexempt electric utilities must file the data required by section 133(a) of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. §2643, with their state regulatory authorities. All nonexempt, nonregulated electric utilities shall, to the extent the data are collected and compiled, make these data publicly available. All nonexempt electric utilities shall file an affidavit with the Commission certifying that the requisite state filing was made. All nonexempt, nonregulated electric utilities shall file an affidavit with the Commission certifying that the data were made publicly available.

[Order 545, 57 FR 53991, Nov. 16, 1992]

§ 290.103 Time of filing and reporting period.

All nonexempt electric utilities must file with any state regulatory authority having ratemaking authority for such utilities the information gathered pursuant to §290.102, and all nonexempt, nonregulated electric utilities must make such information available to the public as follows:

(a) Biennial filing. Information required to be filed under §290.102 must be filed biennially in even-numbered years on or before June 30 of that year.

(b) Reporting period. The reporting period is the calendar year immediately preceding the filing year. Information for previous years and projected information for future years must be reported on a calendar year basis.

(c) Alternate reporting period. Use of an alternate reporting period is permitted as follows:

(1) Except as provided in paragraph (c)(2) of this section, if a nonexempt electric utility has gathered all of the information specified in §290.102 and has filed such information, based on a recent 12-month reporting period, either with its state regulatory authority or governing authority in connection with a retail rate proceeding, the nonexempt electric utility may substitute such information for the equivalent information required by this part in fulfillment of the biennial filing requirements.

(2) If a nonexempt electric utility not subject to the jurisdiction of a state regulatory authority maintains accounting records other than on a calendar year basis, such utility may use such other basis as the reporting period

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for purposes of compliance with this part, provided such reporting period is a 12-month period.


APPENDIX A TO PART 290—NONEXEMPT ELECTRIC UTILITIES

Electric utilities that are not exempt from part 290, as of the date of publication of the Commission’s Order No. 545 are as follows:

Department of Water and Power of the City of Los Angeles, California.

Pacific Gas & Electric Co.

San Diego Gas and Electric Co.

Southern California Edison Co.

Western Area Power Administration.

[Order 545, 57 FR 53991, Nov. 16, 1992]

PART 292—REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION

Subpart A—General Provisions

Sec. 292.101 Definitions.

Subpart B—Qualifying Cogeneration and Small Power Production Facilities

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292.206 Procedures for obtaining qualifying status.

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Subpart C—Arrangements Between Electric Utilities and Qualifying Cogeneration and Small Power Production Facilities Under Section 210 of the Public Utility Regulatory Policies Act of 1978

292.301 Scope.

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292.309 Termination of obligation to purchase from qualifying facilities.

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292.401 Implementation of certain reporting requirements.

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Subpart F—Exemption of Qualifying Small Power Production Facilities and Cogeneration Facilities from Certain Federal and State Laws and Regulations

292.601 Exemption to qualifying facilities from the Federal Power Act.

292.602 Exemption to qualifying facilities from the Public Utility Holding Company Act of 2005 and certain State laws and regulations.


Subpart A—General Provisions

§ 292.101 Definitions.

(a) General rule. Terms defined in the Public Utility Regulatory Policies Act of 1978 (PURPA) shall have the same meaning for purposes of this part as they have under PURPA, unless further defined in this part.