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(c) For purposes of this section, the following wholesale sales made by a non-public utility with more than a de minimis market presence are excluded from the EQR filing requirement:

(1) Sales by a non-public utility, such as a cooperative or joint action agency, to its members; and

(2) Sales by a non-public utility under a long-term, cost-based agreement required to be made to certain customers under Federal or state statute.


§ 35.11 Waiver of notice requirement.

Upon application and for good cause shown, the Commission may, by order, provide that a rate schedule, tariff, or service agreement, or part thereof, shall be effective as of a date prior to the date of filing or prior to the date the rate schedule or tariff would become effective in accordance with these rules. Application for waiver of the prior notice requirement shall show (a) how and the extent to which the filing public utility and purchaser(s) under such rate schedule or tariff, or part thereof, would be affected if the notice requirement is not waived, and (b) the effects of the waiver. If granted, upon purchasers under other rate schedules. The filing public utility requesting such waiver of notice shall serve copies of its request therefor upon all purchasers.


Subpart B—Documents To Be Submitted With a Filing

§ 35.12 Filing of initial rate schedules and tariffs.

(a) The letter of a public utility transmitting to the Commission for filing an initial rate schedule or tariff shall list the documents submitted with the filing; give the date on which the service under that rate schedule or tariff is expected to commence; state the names and addresses of those to whom the rate schedule or tariff has been mailed; contain a brief description of the kinds of services to be furnished at the rates specified therein; and summarize the circumstances which show that all requisite agreement to the rate schedule or tariff or the filing thereof, including any contract embodied therein, has in fact been obtained. In the case of coordination and interchange arrangements in the nature of power pooling transactions, all supporting data required to be submitted in support of a rate schedule or tariff filing shall also be submitted by parties filing certificates of concurrence, or a representative to file supporting data on behalf of all parties may be designated as provided in §35.1.

(b) In addition, the following material shall be submitted:

(1) Estimates of the transactions and revenues under an initial rate schedule. This shall include estimates, by months and for the year, of the quantities of services to be rendered and of the revenues to be derived therefrom during the 12 months immediately following the month in which those services will commence. Such estimates should be subdivided by classes of service, customers, and delivery points and shall show all billing determinants, e.g., kw, kwh, fuel adjustment, power factor adjustment. These estimates will not be required where they cannot be made with relative accuracy as, for example, in cases of interconnection arrangements containing schedules of rates for emergency energy, spinning reserve or economy energy or in cases of coordination and integration of hydroelectric generating resources whose output cannot be predicted quantitatively due to water conditions.

(2)(i) Basis of the rate or charge proposed in an initial rate schedule or tariff and an explanation of how the proposed rate or charge was derived. For example, is it a standard rate of the filing public utility; is it a special rate arrived at through negotiations and, if so, were unusual customer requirements or competitive factors involved; and is it designed to produce a return substantially equal to the filing public utility’s overall rate of return or is it essentially an increment cost plus a share of the savings rate? Were special
§ 35.13 Filing of changes in rate schedules, tariffs or service agreements.

(a) General rule.

(1) Filing for any rate schedule change not otherwise excepted.

(2) Abbreviated filing requirements.

(b) General information.

(c) Information relating to the effect of the rate schedule change.

(d) Cost of service information.

(1) Filing of Period I data.

(2) Filing of Period II data.

(e) Testimony and exhibits.

(1) Filing requirements.

(f) Filing by parties concurring in coordination and interchange arrangements.

(g) Commission precedents and policy.

(h) Cost of service statements.

(1) AA—Balance sheets.

(2) AB—Income statements.

(3) AC—Retained earnings statements.

(4) AD—Cost of plant.

(5) AE—Accumulated depreciation and amortization.

(6) AF—Specified deferred credits.

(7) AG—Specified plant accounts (other than plant in service) and deferred debits.

(8) AH—Operation and maintenance expenses.

(9) AI—Wages and salaries.

(10) AJ—Depreciation and amortization expenses.

(11) AK—Taxes other than income taxes.

(12) AL—Working capital.

(13) AM—Construction work in progress.

(14) AN—Notes payable.

(15) AO—Rate for allowance for funds used during construction.