

## Client Alert

### New MBR Reporting Requirements Take Effect on April 1, 2021

March 1, 2021

The Federal Energy Regulatory Commission's (FERC) new rules under [Order No. 860](#) take effect on April 1, 2021, and will change the way market-based rate (MBR) filings are made. FERC's aim is to create a relational database to contain MBR seller information that ultimately will allow, among other things, for the automatic generation of an appendix of relevant affiliated assets and indicative market power screens. The first focus will be for each MBR seller to make a baseline submission to FERC's [MBR Portal](#) between April 1 and August 2, 2021.

#### What Is Expected of MBR Sellers in the Baseline Submission?

- Each MBR seller must register at least one agent with FERC to make its baseline submission.
- Each MBR seller must collect the following data:
  - MBR data, including date of initial MBR authorization the effective dates of its seller category status in each of the six regions, markets where MBR seller is mitigated, limited, or authorized to sell operating reserves.
  - Information on each of its owners that is an "Ultimate Upstream Affiliate" (the furthest upstream affiliate(s) in an MBR seller's ownership chain), including unique company identifier and relationship start date.
  - Most recent [EIA-860](#) data by generation unit.
  - Physical and Telemetered balancing authority areas.
  - Capacity ratings and de-ratings of generation the MBR seller owns and/or controls, and the amount of generation capacity attributable to MBR seller.
  - Information on the MBR seller's long-term power purchase agreements (PPA) for applicable wholesale power sales and/or purchases, including counterparty identification, supply type, EIA-860 information if generator-specific, and start and termination dates.
  - Vertical assets owned or controlled by the MBR Seller or its affiliates, including intrastate natural gas pipelines, storage, and distribution facilities; certain electric transmission facilities; and certain other relevant vertical assets.
- Convert collected data into the appropriate XML format for submission to the relational database through the [MBR Portal](#).

#### What Are Some Challenges a MBR Seller Might Face in Preparing the Baseline Submission?

- Each entity or individual that is included in a baseline submission, such as an Ultimate Upstream Affiliate, a PPA counterparty, or the owner of a vertical asset must be associated with a unique

identifier. If an identifier does not already exist for a reportable entity or individual in FERC's identifier database, an MBR seller will need to create that unique identifier in FERC's [MBR Portal](#).

- Although MBR sellers are required to provide FERC with certain information about their firm sales under PPAs in their Electric Quarterly Reports, they were not previously required to provide specific information about such sales in their MBR-related filings. Under Order No. 860, MBR sellers will now need to obtain various data points about their PPAs, such as specific start and end dates, quantities, generation source, and counterparties.
- MBR sellers were not previously required to utilize certain EIA-860 information in their MBR filings, but now MBR sellers will need to gather and report EIA information.
- All information in the relational database will be publicly available.

On March 9, 2021, Crowell & Moring will be holding a 30-minute webinar to discuss Order No. 860 baseline submissions in more detail. [Register here](#).

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

**Deborah A. Carpentier**

Senior Counsel – Washington, D.C.

Phone: +1.202.624.2857

Email: [dcarpentier@crowell.com](mailto:dcarpentier@crowell.com)

**Laura Szabo**

Counsel – New York

Phone: +1.212.895.4271

Email: [lszabo@crowell.com](mailto:lszabo@crowell.com)

**Patricia M. Alexander**

Senior Policy Advisor – Washington, D.C.

Phone: +1.202.624.2788

Email: [palexander@crowell.com](mailto:palexander@crowell.com)