

ability and willingness to curtail demand, and (2) confidence that system operators can rely on demand response resources to respond quickly and predictably when called. This means that state and federal regulators as well as market operators need to engage more to understand and resolve friction that might arise when demand-side resources are integrated into market structures. Such frictions may involve end users' metering requirements, parameters around billing periods, or frequency of calls on customers to curtail their load.

5. I am heartened by the development of new retail demand response proposals and programs across various states,<sup>6</sup> including in states that have placed limitations on the wholesale market participation of third-party aggregators.<sup>7</sup> I look forward to seeing them integrated into the wholesale markets to maximize their value for the whole system. Further, I will continue to look for opportunities—whether in proceedings before the Commission or other forums—to better realize the potential contributions from demand-side resources, while working collaboratively with our state colleagues to support their deployment.

For these reasons, I respectfully concur.

Judy W. Chang,  
Commissioner.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RM22-5-000; RM21-15-000]

#### Rate Recovery, Reporting, and Accounting Treatment of Industry Association Dues and Certain Civic, Political, and Related Expenses Center for Biological Diversity

AGENCY: Federal Energy Regulatory Commission.

<sup>6</sup> For example, several states have announced virtual power plants, including a program in Virginia targeting a capacity of 450 MW. See Utility Dive, *Virginia utility-scale VPP pilot mandate is first amid national push* (May 12, 2025), <https://www.utilitydive.com/news/virginia-leads-with-utility-scale-vpp-pilot-amid-national-push/747770/>.

<sup>7</sup> For example, Google has committed to utility-run demand response programs in Indiana, Arkansas and Minnesota, which place restrictions on the ability of third party aggregators to participate in wholesale markets. Google, *A new milestone for smart, affordable electricity growth* (Mar. 19, 2026), <https://blog.google/innovation-and-ai/infrastructure-and-cloud/global-network/demand-response-data-center-milestone/>.

**ACTION:** Withdrawal of notice of inquiry and termination of proceeding; denial of petition for rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission is withdrawing a notice of inquiry that sought comments on the rate recovery, reporting, and accounting treatment of industry association dues and certain civic, political, and related expenses. Additionally, the Commission denies a petition for rulemaking.

**DATES:** The notice of inquiry published on December 23, 2021 (86 FR 72958) is withdrawn as of April 16, 2026.

**FOR FURTHER INFORMATION CONTACT:**

Bianca Hill, (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-6032, [Bianca.Hill@ferc.gov](mailto:Bianca.Hill@ferc.gov).

Deborah Brentani, (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-8501, [Deborah.Brentani@ferc.gov](mailto:Deborah.Brentani@ferc.gov).

Daniel Birkam, (Technical Information), Office of Enforcement and Regulatory Accounting, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-8035, [Daniel.Birkam@ferc.gov](mailto:Daniel.Birkam@ferc.gov).

**SUPPLEMENTARY INFORMATION:** 1. On December 16, 2021, the Commission issued a Notice of Inquiry<sup>1</sup> in Docket No. RM22-5-000, seeking comments on the rate recovery, reporting, and accounting treatment of industry association dues and certain civic, political, and related expenses. Prior to the Notice of Inquiry, on March 17, 2021, in Docket No. RM21-15-000, the Center for Biological Diversity filed a petition for rulemaking pursuant to Rule 207 of the Commission's Rules of Practice and Procedure<sup>2</sup> and section 553 of the Administrative Procedure Act,<sup>3</sup> requesting that the Commission amend the Uniform System of Accounts (USofA) requirements for payments to industry associations engaged in lobbying or other influence-related activities (Petition).

2. As discussed below, we are exercising our discretion to withdraw the Notice of Inquiry and to terminate the proceeding in Docket No. RM22-5-000. We also deny the Petition.

<sup>1</sup> *Rate Recovery, Reporting, & Acct. Treatment of Indus. Ass'n Dues & Certain Civic, Pol., & Related Expenses*, 86 FR 72958 (Dec. 23, 2021) 177 FERC ¶ 61,180 (2021) (Notice of Inquiry).

<sup>2</sup> 18 CFR 385.207.

<sup>3</sup> 5 U.S.C. 553.

## I. Background

3. In March 2021, the Center for Biological Diversity filed a petition for rulemaking, requesting that the Commission amend the USofA requirements relating to utility payments to industry associations engaged in lobbying or other influence-related expenses. Specifically, the Center for Biological Diversity requested that the Commission amend the USofA to require the use of Account 426.4 (Expenditures For Certain Civic, Political and Related Activities) for all industry association dues paid by utilities.<sup>4</sup> In response to the Petition, the Commission received 35 comments.<sup>5</sup> Some commenters recommended that the Commission remove all industry association dues from rates, whereas others suggested that such a move is unnecessary because industry association dues are properly allocated between recoverable and non-recoverable accounts and changing this approach would be contrary to the fundamental principles of accounting.

4. In the Notice of Inquiry, the Commission stated that it has authority pursuant to the Federal Power Act (FPA) and the Natural Gas Act (NGA) to determine whether a rate is unjust, unreasonable, unduly discriminatory or preferential, and if the Commission determines that the rate is unlawful, to establish a just and reasonable replacement rate.<sup>6</sup> The Commission also stated that it has authority to prescribe and maintain systems of accounts, *i.e.*, the USofA, for public utilities and licensees subject to the FPA, and natural gas companies under the NGA, and the rules and regulations contained therein.<sup>7</sup>

5. In the Notice of Inquiry, the Commission sought comments on a number of questions to examine the Commission's current policies and regulations governing the rate recovery, reporting, and accounting treatment of industry association dues and certain civic political and related expenses. The Commission also sought comments on any potential changes that may be necessary to ensure that such expenditures are appropriately accounted for under the USofA and that recovery of these expenditures through Commission jurisdictional rates is just and reasonable.

<sup>4</sup> Petition at 8, 16.

<sup>5</sup> A list of the commenters is provided in the Appendix.

<sup>6</sup> Notice of Inquiry, 177 FERC ¶ 61,180 at P 3 (citing 16 U.S.C. 824e(a); 15 U.S.C. 717d(a)).

<sup>7</sup> *Id.* (citing 16 U.S.C. 825; 15 U.S.C. 717g; 18 CFR pts. 101, 201).

6. In response to the Notice of Inquiry, the Commission received 93 initial and reply comments.<sup>8</sup> Several commenters asserted that further rulemaking would be redundant because there is enough transparency into industry association dues. Some commenters asserted that utilities rely on itemized invoices to determine what amounts are recoverable or nonrecoverable in rates. Other commenters argued that there is a lack of transparency. One commenter proposed that the Commission provide guidance on a case-by-case basis, rather than through general guidance.

## II. Discussion

7. We appreciate the feedback commenters provided in response to the Notice of Inquiry. Based on consideration of the record, we find that the concerns raised in the Notice of Inquiry are better considered on a case-by-case basis, consistent with longstanding Commission practice.

8. Accordingly, we exercise our discretion to withdraw the Notice of Inquiry and terminate the proceeding in Docket No. RM22–5–000. For the same reasons, we also deny the Center for Biological Diversity’s Petition. Although we decline to pursue the Notice of Inquiry, we encourage regulated entities to adopt tariff revisions that enhance transparency into the industry association costs included in an entity’s rates.

9. We note that in individual cases, evaluating whether industry association costs were appropriately included in rates will continue to be governed by Commission regulations,<sup>9</sup> not other regulatory agency regulations.<sup>10</sup> Specifically, expenditures for certain civic, political and related activities are typically not includable in rates and properly recorded in USofA nonoperating Account 426.4. Further, costs recorded in Account 426.4 should include “expenditures for the purpose of influencing public opinion . . . or for the purpose of influencing the decisions

of public officials.”<sup>11</sup> Conversely, costs for public relations activities, under certain parameters, are recordable in operating expense accounts and are recoverable in rates.<sup>12</sup>

10. While there is no brightline test differentiating (1) activities to influence public opinion and policymakers, which must be recorded in nonoperating Account 426.4; versus (2) recoverable public relations activities, which are recorded in operating accounts, the Commission has found that expenditures incurred to influence the opinion of the public that have “little or no benefit to the ratepayers . . . must be borne by stockholders.”<sup>13</sup> In addition, the U.S. Court of Appeals for the District of Columbia Circuit found that Account 426.4 should include utility “expenditures for the purpose of indirectly as well as directly influencing the decisions of public officials.”<sup>14</sup> Specifically, the Court, in vacating an earlier Commission order, found that costs including those of hired public relations contractors to organize coalitions that would (1) conduct public opinion polls; and (2) run promotional advertisements to persuade state officials that were “persuasive rather than merely informative” should be in Account 426.4.<sup>15</sup> In addressing whether certain industry association costs are includable in rates in any future individual proceeding, the Commission will continue to rely on its regulations and the precedent interpreting those regulations.

The Commission orders:

(A) The Notice of Inquiry is hereby withdrawn, and Docket No. RM22–5–000 is hereby terminated, as discussed in the body of this order.

(B) The Petition in Docket No. RM21–15–000 is hereby denied, as discussed in the body of this order.

By the Commission. Commissioner LaCerte is not participating.

Issued April 16, 2026.

**Carlos D. Clay,**  
*Deputy Secretary.*

**Note:** The following appendix will not appear in the Code of Federal Regulations.

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<sup>11</sup> 18 CFR pts. 101, 201, Instructions to Account 426.4.

<sup>12</sup> 18 CFR pts. 101, 201, Instructions to Accounts 923 and 930.1; see also *Alaskan Nw. Nat. Gas Transp. Co.*, 19 FERC ¶ 61,218 (1982).

<sup>13</sup> *N. Border Pipeline Co.*, 23 FERC ¶ 61,213, at 61,439 (1983).

<sup>14</sup> *Newman v. FERC*, 27 F.4th 690, 697 (D.C. Cir. 2022).

<sup>15</sup> *Id.* at 694, 697.

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2008–0719; FRL–13325–01–OW]

### Proposed Information Collection Request Supporting Statement for the National Pollutant Discharge Elimination System Program (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit the “Information Collection Request (ICR) Supporting Statement for the National Pollutant Discharge Elimination System Program (Renewal)” (EPA ICR No. 0229.25, OMB Control No. 2040–0004) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through July 31, 2026. This notice allows for 60 days for public comments.

**DATES:** Comments must be submitted on or before June 22, 2026.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OW–2008–0719, to EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

#### FOR FURTHER INFORMATION CONTACT:

Doris Ihejirika, National Program Branch, Water Permits Division, Office of Wastewater Management, Mail Code: 4203M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2110; email address: [Ihejirika.Doris@epa.gov](mailto:Ihejirika.Doris@epa.gov).

**SUPPLEMENTARY INFORMATION:** This is a proposed extension of the ICR, which is currently approved through July 31, 2026. An agency may not conduct or sponsor and a person is not required to respond to a collection of information

<sup>8</sup> A list of the commenters is provided in the Appendix.

<sup>9</sup> Regarding regulated electric utilities, section 141.1 of the Code of Federal Regulations states “[e]ach Major and each Nonoperating (formerly designated as Major) electric utility . . . must prepare and file electronically with the Commission the FERC Form 1 pursuant to the General Instructions as provided in that form.” 18 CFR 141.1(b)(1)(i). The general instructions to the FERC Form No. 1 require utilities to “[p]repare this report in conformity with the Uniform System of Accounts (18 CFR part 101) (USofA)” and to “[i]nterpret all accounting words and phrases in accordance with the USofA.” Similar regulations and instructions apply to natural gas and oil pipeline companies.

<sup>10</sup> *Cf.* EEI Initial Comments at 6 (citing the Internal Revenue Code employed by the Internal Revenue Service).