

development and evaluation and in making investment decisions. In particular, as recognized by EEI and the Electric Utility Companies, FERC Form Nos. 1 and 1-F are critical inputs in the development and updating of formula rates. Regarding FERC Form No. 3-Q, in addition to using the information provided on this form for oversight analysis and the timely evaluation of current financial information, FERC Form No. 3-Q is used to validate the debt and equity information included in filings under Part 34 of the Commission's regulations when the most recent 12-month filing occurred more than 4 months prior to the application. The Commission receives approximately 130 such Part 34 filings in each two-year cycle.

Regarding relying on reports filed with the SEC or other federal and state agencies, as mentioned above, the information included in these reports is not structured in a manner that would meet the Commission's needs under the FPA and NGA. For example, the financial statements filed with the SEC are provided on a consolidated, or parent company, basis and therefore do not provide information at the level of granularity required by the Commission to develop and monitor cost-based rates, conduct market analysis, and perform financial audits. However, the Commission recognizes that there may be opportunities to limit the information required by FERC Form No. 3-Q, reducing the burden on filing parties, while still providing the Commission with the information required to fulfill its responsibilities. While the Commission is not considering modifications to the collection or frequency of collection of FERC Form Nos. 1, 1-F, and 3-Q in this renewal, it may consider doing so in the future, at which time EEI, the Electric Utility Companies, BEA, and other interested parties will be able to submit comments.

With respect to EPI and Evergy's interest in modifying the forms, the Commission recognizes that certain instructions may benefit from updated or clarified language. However, as noted above, the Commission is not considering in this renewal modifications to FERC Form Nos. 1, 1-F, and 3-Q, but may consider doing so in the future, at which time EPI, Evergy, and other interested parties will be able to submit comments on this issue.

Comments Regarding the Commission's Burden Estimate

AEP, Duke Energy, Evergy, Entergy, FirstEnergy, PGE, PPL, and SCE state that, while the time for each respondent to complete FERC Form No. 3-Q varies

significantly, as each respondent has different systems and processes, they generally support FERC's estimate of approximately 168 hours of annual effort to prepare FERC Form No. 3-Q. They note that, in addition to the cost of preparing FERC Form No. 3-Q, companies incur additional costs to maintain a software package to support the filing requirements including XBRL tagging and/or to utilize a third-party vendor's software to prepare FERC Form No. 3-Q filings in XBRL. FirstEnergy states that, with the implementation of XBRL requirements, both the software costs and labor burden have increased, and it estimates that each report takes nearly 70 hours per respondent each quarter to complete, or 210 hours annually. Entergy comments that because each of its reports are individually prepared by Entergy Services' accounting employees, there are no economies of scale or efficiencies to be had in their preparation. Entergy Services estimates that the yearly hourly expenditure to prepare and file FERC Form No. 3-Qs is 1,050 hours at a total cost of about \$84,000, in addition to the cost of software licenses and other related costs incurred. SCE estimates that it takes their staff approximately 900 hours annually for three quarterly filings. SCE asserts that the required XBRL format has added additional burden without a clear linkage to any benefit by users.

FERC Response: The Commission appreciates the comments providing each company's individual estimate of the total burden, time, and/or costs associated with the quarterly filings. The Commission acknowledges that the burden presented is meant to represent an industry average and that the time for each respondent to complete the forms varies as each respondent has different employee compensation, systems, and processes.

30-Day Notice Comments

Comments: Comments are invited on: (1) whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: June 16, 2025.

Debbie-Anne A. Reese,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4679-050]

New York Power Authority; Notice of Intent To Prepare an Environmental Assessment

On May 25, 2022, the New York Power Authority (NYPA) filed a relicense application for a new major license to continue operating the 11.8-megawatt Vischer Ferry Hydroelectric Project No. 4679 (Vischer Ferry Project). The project is located on the Mohawk River in Saratoga and Schenectady Counties, New York.

In accordance with the Commission's regulations, on March 12, 2025, Commission staff issued a notice that the Vischer Ferry Project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the Vischer Ferry Project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to relicense the Vischer Ferry Project.¹

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

The application will be processed according to the following schedule. The EA will be issued for a 30-day

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1750060302.

comment period. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA	May 25, 2026.

Any questions regarding this notice may be directed to Jody Callihan at Jody.Callihan@ferc.gov or call at 202–502–8278.

Dated: June 16, 2025.

Debbie-Anne A. Reese,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD25–12–000]

Referrals for Potential Criminal Enforcement; Guidance

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice.

SUMMARY: This notice describes the Commission's plans to address criminally liable regulatory offenses under recent Executive Order 14294, Fighting Overcriminalization in Federal Regulations, consistent with the Commission's existing policy.

DATES: This notice is effective June 20, 2025.

FOR FURTHER INFORMATION CONTACT: Jennifer Gordon, Office of Enforcement, Federal Energy Regulatory Commission, (202) 502–8908, Jennifer.Gordon@ferc.gov.

SUPPLEMENTARY INFORMATION:

1. On May 9, 2025, President Trump issued Executive Order 14294, titled Fighting Overcriminalization in Federal Regulations (E.O. 14294). Among other things, and as discussed below, the E.O. requires agencies to undertake certain actions, including issuing guidance to be published in the **Federal Register**. In this Notice of Guidance (Notice), we provide guidance to the public on our existing policies consistent with E.O. 14294.

I. Background

2. Under the Federal Power Act, 16 U.S.C. 825m, 825o, Natural Gas Act, 15 U.S.C. 717s, 717t, and Natural Gas Policy Act, 15 U.S.C. 3414, the Commission is authorized to refer potential criminal conduct to the Department of Justice (DOJ). Those provisions indicate that criminal

penalties may be assessed on a person who knowingly and willfully violates a Commission statute, rule, regulation, or order. The Commission may transmit such evidence as may be available concerning such acts or practices to DOJ, which, in its discretion, may institute criminal proceedings.¹

3. In its 2005 Policy Statement on Enforcement, the Commission noted its authority to make criminal referrals to DOJ and the factors the Commission will consider in making those referrals. The Commission stated:

If the misconduct is serious enough, we may refer the matter for criminal prosecution to provide adequate punishment and deterrence. We will take all factors into account in deciding what cases should be referred for criminal prosecution, including the seriousness of the violation, the extent of the harm done, the evidence of willful behavior, and the strength of the evidence of wrongdoing.²

II. Notice Providing Guidance

4. Consistent with the requirements of E.O. 14294, the Commission advises the public that by May 9, 2026, the Commission, in consultation with the Attorney General, will provide to the Director of the Office of Management and Budget a report containing: (1) a list of all criminal regulatory offenses³ enforceable by the Commission or DOJ; and (2) for each such criminal regulatory offense, the range of potential criminal penalties and the applicable mens rea standard for a violation.⁴

5. This Notice also announces a general policy, subject to appropriate exceptions and to the extent consistent with law, that when the Commission is deciding whether to refer alleged violations of criminal regulatory offenses to DOJ, the Commission and its staff should consider, among other factors: (1) the harm or risk of harm, pecuniary or otherwise, caused by the alleged offense; (2) the potential gain to the putative defendant that could result from the offense; (3) whether the putative defendant held specialized knowledge, expertise, or was licensed in an industry related to the rule or regulation at issue; and (4) evidence, if any is available, of the putative defendant's general awareness of the

¹ Such referrals by the Commission are rare, with only two instances over the past 15 years.

² *Enft of Statutes, Orders, Rules & Reguls.*, 113 FERC ¶ 61,068, at P 15 (2005) (Policy Statement on Enforcement); *see also Enft of Statutes, Reguls., & Orders*, 123 FERC ¶ 61,156, at P 49 (2008) (Revised Policy Statement on Enforcement).

³ "Criminal regulatory offense" means a Federal regulation that is enforceable by a criminal penalty. E.O. 14294, § 3(b).

⁴ "Mens rea" means the state of mind that by law must be proven to convict a particular defendant of a particular crime. E.O. 14294, § 3(c).

unlawfulness of his conduct as well as his knowledge or lack thereof of the regulation at issue.

6. The Commission will continue to follow its longstanding policy regarding criminal referrals to DOJ as set forth in the Policy Statement on Enforcement. Consistent with this Notice, the Commission will consider the factors set forth in E.O. 14294 that are discussed above. We note that the factors listed in section 7 of E.O. 14294 largely overlap with the factors the Commission already considers under the Policy Statement on Enforcement. As noted above, in considering whether to make a criminal referral to DOJ, the Commission's policy has been to consider factors including: the seriousness of the violation; evidence of willful behavior; and the strength of the evidence of wrongdoing.⁵ The factors listed in the E.O. are consistent with the above factors that the Commission considers under its existing policy.

III. Document Availability

7. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>).

8. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

9. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Issued: June 16, 2025.

Debbie-Anne A. Reese,
Secretary.

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⁵ See P 3 *supra*.