



August 20, 2001

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Mary J. Hutzler
Acting Administrator
Energy Information Administration
EI-80, FORS 2F-081
1000 Independence Ave., S.W.
Washington, DC 20585

Dear Ms. Hutzler:

As Chair of the Ozone Transport Commission (OTC), I would like to thank you for meeting with our representatives regarding the proposed Energy Information Administration (EIA) confidentiality policy for collecting and disclosing electricity data (66 FR 14562-14566).

OTC was created by Congress under the Clean Air Act Amendments of 1990 to coordinate ground-level ozone air pollution planning in the Northeast and Mid-Atlantic region of the U.S. Environmental Commissioners and Secretaries and Air Pollution Control Officials from Connecticut, Delaware, the District of Columbia, Maine, Maryland, New Hampshire, New Jersey, New York, Massachusetts, Pennsylvania, Rhode Island, Virginia, and Vermont comprise OTC.

While we generally support EIA's proposals concerning form changes and the collection of specific data elements, we remain extremely troubled by proposed changes in the confidentiality treatment accorded these data. As we have emphasized in written comments and in direct communication with your staff, the public interest value of continued access to electric generator data collected by EIA is difficult to overstate. States, other Federal agencies, academics, utility regulators, non-governmental organizations and the public rely on EIA data for a variety of analytical and regulatory purposes. Lack of access to data, or access only to highly aggregated data, will severely impair future State and Federal efforts to design and implement policies that are based on sound science and economics and are aimed at protecting vital consumer and environmental interests and ensuring truly competitive markets.

EIA's recently circulated "alternate" proposal fails to allay these concerns and continues to fall significantly short of our needs for detailed and timely data, especially with respect to useful thermal output, monthly and seasonal emissions and generation, and plant-level operation. Absent any compelling or specific demonstration of competitive harm arising from current EIA confidentiality policies - which we believe has not been demonstrated - we strongly urge you to refrain from changing those policies in ways that not only undermine the broad public interest in access to information, but are fundamentally inconsistent with EIA's own mission and purpose. The following points elucidate OTC's position:

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Executive Director

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