

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT AND PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

PART 131—FORMS

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AUTHORITY: 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

§ 131.20 Application for approval of transfer of license.

(See §§ 9.1 through 9.10 of this chapter.)

(This application and all accompanying documents shall be submitted in quadruplicate, together with one additional copy for each interested State commission)

BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

APPLICATION FOR APPROVAL OF TRANSFER OF LICENSE

(1) _____, licensee under the license for Project No. _____, issued by the Commission on _____ (Month, day, year) and

(2) _____, (hereinafter referred to as the Transferee).

(3) Hereby jointly and severally apply for the written approval by the Federal Energy Regulatory Commission of the transfer of the aforesaid license from the transferor to the transferee and request that the instrument of such approval by the Commission be made effective as of the date of conveyance of the project properties; and in support thereof show the Commission as follows:

(4) The said transferee is:

(a)⁴ A citizen of the United States, whereof proof is submitted herewith as Exhibit A,

which is hereby incorporated herein and made a part hereof;

(b)⁴ An association of citizens under articles of association, a certified copy of which as now in effect is attached hereto as exhibit A and hereby incorporated herein and made a part hereof;

(c)⁴ A municipality organized under the following statutes: _____, proof of such organization being submitted herewith as Exhibits A-1, A-2, etc., which is [are] hereby incorporated herein and made a part hereof;

(d)⁵ A _____ (e.g., private, nonprofit, etc.) corporation, organized under the laws of the State of _____, and domesticated in the States of _____; certified copies of its charter or certificate of incorporation, articles of incorporation, corporate by-laws, and certificates of authority to do business, with all amendments of each to date, being submitted herewith as exhibits A-1, A-2, etc., said exhibits being hereby incorporated herein and made a part hereof;

(5) The transferee submits as [partial] evidence of its compliance with all applicable State laws as required by section 9(b) of the Federal Power Act _____ submitted herewith as exhibits B-1, B-2, etc., and proposes to complete its showing of such compliance by submitting _____

⁵This form for application contemplates the filing of the application and Commission action thereon prior to any conveyance of the project properties. If the Commission acts favorably upon the application, it will issue to the applicants an order approving the transfer of the license. Applicants may then consummate the conveyance of the project properties and transferee shall submit to the Commission certified copies of the instruments of such conveyance (see par. 6 of this form). The transferor shall at the same time make payment of annual charges to the date of the conveyance (see par. 6 of this form). The transferor shall at the same time make payment of annual charges to the date of the conveyance (see par. 8 of this form). The transferee shall at the same time submit to the Commission final proofs showing its compliance with state laws. See par. 5 of this form. The transferor shall at the same time turn over to the transferee all license instruments and all maps, plans, specifications, contracts, reports of engineers, accounts, books, records, and all other papers and documents, relating to the original project and to all additions thereto and betterments thereof.

⁴In par. 4 include only the subparagraph which is applicable.

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to be submitted as exhibits B-3, B-4, etc., at the time it submits proof of the conveyance to it of the project properties as hereinafter provided for;⁵

(6) The transferee will submit certified copies of all instruments of conveyance whereby title to the project properties is conveyed to it, upon the completion of such conveyance, if and when the Commission shall have given its approval to the proposed transfer;

(7) If and when the Commission shall have given its approval to the proposed transfer, and upon completion of conveyance of the project properties to the transferee, the transferor will deliver to the transferee and the transferee will accept and permanently retain all license instruments and all maps, plans, specifications, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating to the original project and to all additions thereto and betterments thereof;

(8) The transferor certifies that it has fully complied with the terms and conditions of its license, as amended, and that it has fully satisfied and discharged all of its liabilities and obligations thereunder to the date hereof, and obligates itself to pay all annual charges accrued under the license to the date of transfer;

(9) Contingent upon the final written approval by the Commission of the transfer of the license, the transferee accepts all the terms and conditions of the said license [as amended] and the act, and agrees to be bound thereby to the same extent as though it were the original licensee thereunder;

(10) The name, title, and post-office address of the person or persons to whom correspondence in regard to this application shall be addressed are as follows:

In witness whereof the transferor has caused its name to be hereunto signed by _____ (Name), its _____ (Title—chief executive officer), and its corporate seal to be hereunto affixed by _____ (Name), its _____ (Title—custodian of seal), thereunto duly authorized, this _____ day of _____, 19____; and the transferee has caused its name to be hereunto signed by _____ (Name), its _____ (Title—chief executive officer), and its corporate seal to be hereunto affixed by _____ (Name), its _____ (Title—custodian

⁵See footnote 5 on preceding page.

of seal), thereunto duly authorized this _____ day of _____, 19____.⁶

By _____
(Exact name of transferor)

By _____
(Name)

By _____
(Title)

By _____
(Exact name of transferee)

By _____
(Name)

By _____
(Title)

Attest: _____
(Secretary)

VERIFICATION⁷

State of _____

County of _____, ss:

_____ being duly sworn deposes and says: That he is the _____

(Title of person signing the application) of the _____ (Name of one of applicants), one of the applicants for approval of transfer of license; that he has read the foregoing application and knows the contents thereof; and that the same are true to the best of his knowledge and belief.

(Signature)

Subscribed and sworn to before me, a notary public of the State of _____ this _____ day of _____, 19____.

EXHIBIT A

PROOF OF CITIZENSHIP⁸

State of _____

County of _____, ss:

_____, _____ and _____, being duly sworn, each for himself, deposes and says that he is a citizen of the United States of America.

Subscribed and sworn to before me, a notary public of the State of _____ this _____ day of _____, 19____.

⁶If applicant is a natural citizen modify final paragraph.

⁷To be separately executed by each of the persons signing the foregoing application.

⁸If the applicant is a natural person or an association of citizens, proof of citizenship is required. Such proof may be made by affidavit in the form indicated.

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[Order 141, 12 FR 8588, Dec. 19, 1947, as amended by Order 175, 19 FR 5218, Aug. 18, 1954; Order 541, 57 FR 21734, May 22, 1992]

§ 131.31 FERC Form No. 561, Annual report of interlocking positions.

(See section 46.4 of this chapter.)

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INSTRUCTIONS FOR COMPLETING ANNUAL REPORT OF INTERLOCKING POSITIONS

SPECIFIC INSTRUCTIONS

GENERAL INFORMATION:

Purpose of Report

The data collected by this report will be used by the Federal Energy Regulatory Commission's staff for the review and oversight of interlocking positions between public utilities and certain other entities as described below.

Who Must Submit

This report must be completed by all persons holding interlocking positions between public utilities and certain other entities (described in the specific instructions) during any portion of the calendar year.

When to Submit

Submit this report on or before April 30 of each year for the preceding calendar year. (For example, the report for the year 1999 would be filed on or before April 30, 2000.)

What and Where to Submit

Submit an original and one (1) copy of this report to: Federal Energy Regulatory Commission, Office of the Secretary, Attention FERC 561, 888 First Street NE, Washington, DC 20426

Sanctions

This report is mandatory and is prescribed by Section 305(c)(1) of the Federal Power Act and 18 CFR 46.4. Failure to report may result in certain penalties and other sanctions as provided by law.

Where to Send Comments on Public Reporting Burden

The public reporting burden for this collection of information is estimated to average 0.25 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information to: Federal Energy Regulatory Commission, Attn: Federal Energy Regulatory Commission Information Clearance Officer, 888 First Street NE., Washington, DC 20426.

You shall not be penalized for failure to respond to this collection of information unless the collection of information displays a valid OMB control number.

GENERAL INSTRUCTIONS

1. Prepare this report in conformity with the requirements prescribed in 18 CFR 46.4.
2. Leave blank any columns that are not applicable.

Item and Instruction

Respondent Information

- 1 and 2 Enter your full name and your business address.
- 3 Enter the calendar year for which this report is filed.
- 4 and 5 If you are authorized by this Commission to hold the position of officer or director in accordance with Part 45 of the Commission's regulations: enter in space 4 the complete FERC docket number of such authorization; enter in space 5 the latest date of such authorization. Otherwise, leave these spaces blank.
- 6 Enter the public utility or public utility holding company to which you want next year's Form 561 sent.

Public Utility Data

Col (1) and Col (2) Enter in column (1) the name of each public utility in which you hold an executive position. In column (2) enter the appropriate code for each such position, according to the list below:

Code and Name

- Dir Director
- CEO Chief Executive Officer
- PRES President
- VP Vice President
- SEC Secretary
- TREA Treasurer
- GM General Manager
- COMP Comptroller
- PURA Chief Purchasing Agent
- OEP Other Executive Position

Interlocking Entity Data

Col (3) and Col (4) Enter in Column (3) the name of each entity in which you hold an interlocking position. Enter the appropriate code for each executive position you hold in the entity named in Column (3), using the list below:

Code and Name

- DIR Director
- CEO Chief Executive Officer
- PRES President
- VP Vice President
- SEC Secretary
- TREA Treasurer
- GM General Manager
- COMP Comptroller
- PURA Chief Purchasing Agent
- PART Partner
- APPT Appointee
- REP Representative
- OEP Other Executive Position

Col (5) Enter in Column (5) the appropriate code type for each entity listed in Column (3), using the list below:

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Code and Name

FIN Investment bank; bank holding company; foreign bank or subsidiary thereof doing business in the United States; other organization primarily engaged in the business of providing financial services or credit; mutual savings bank; or savings and loan association
 FINI Insurance company
 SECU Entity authorized by law to underwrite or participate in the marketing of securities of a public utility
 ELEQ Entity which produces/supplies electric equipment for the use of any public utility
 FUEL Entity which produces/supplies coal, natural gas, nuclear fuel, or other fuel for the use of any public utility
 20CL Entity specified in 18 CFR 46.3 (one of the 20 largest purchasers of electric energy from a utility)
 CNEN Entity which is controlled by any one of the above named entities
 305B Entity referred to in Section 305(b) of the Federal Power Act (not otherwise identified above)
 Col (6) For each entity that supplies electric equipment (ELEQ) named in Column (3) enter the aggregate amount of revenues from producing or supplying electrical equipment to any public utility named in column (1) in the subject calendar year, rounded to the nearest \$100,000. Otherwise, leave this column blank.
 Signature The original of this report must be dated and signed. The copy must bear the date that appeared on the original. The signature on the copy may be stamped or typed on the copy.

[Order 601, 63 FR 72169, Dec. 31, 1998]

§ 131.43 Report of securities issued.

(See § 34.10 of this chapter.)
 (Submit an original and four copies.)

[NAME OF RESPONDENT]

REPORT OF SECURITIES ISSUED
 Description of security.....

| Description | Amount |
|--|--------|
| 1. Face value or principal amount | |
| 2. Plus premium or less discount | |
| 3. Gross proceeds | |
| 4. Underwriter's spread or commission | |
| 5. Securities and Exchange Commission registration fee | |
| 6. State mortgage registration tax | |
| 7. State commission fee | |
| 8. Fee for recording indenture | |
| 9. United States document tax | |
| 10. Printing and engraving expenses | |
| 11. Trustee's charges | |
| 12. Counsel fees | |

REPORT OF SECURITIES ISSUED—Continued

Description of security.....

| Description | Amount |
|---|--------|
| 13. Accountant's fees | |
| 14. Cost of listing | |
| 15. Miscellaneous expenses of issue | |
| (Describe large items) | |
| 16. Total deductions | |
| 17. Net amount realized | |

[Order 141, 12 FR 8591, Dec. 19, 1947, as amended by Order 182, 46 FR 50517, Oct. 14, 1981]

§ 131.50 Reports of proposals received.

No later than 30 days after the sale or placement of long-term debt or equity securities or the entry into guarantees or assumptions of liabilities (collectively referred to as "placement") pursuant to authority granted under Part 34 of this chapter, the applicant must file a summary of each proposal or proposals received for the placement. The proposal or proposals accepted must be indicated. The information to be filed must include:

- (a) Par or stated value of securities;
- (b) Number of units (shares of stock, number of bonds) issued;
- (c) Total dollar value of the issue;
- (d) Life of the securities, including maximum life and average life of sinking fund issue;
- (e) Dividend or interest rate;
- (f) Call provisions;
- (g) Sinking fund provisions;
- (h) Offering price;
- (i) Discount or premium;
- (j) Commission or underwriter's spread;
- (k) Net proceeds to company for each unit of security and for the total issue;
- (l) Net cost to the company for securities with a stated interest or dividend rate.

[Order 575, 60 FR 4855, Jan. 25, 1995]

§ 131.51 Notice of succession in ownership or operation.

(See §§ 35.1 through 35.21 of this chapter.)

(An original and one conformed copy to be submitted)

The _____