

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, non-profit, etc.) corporation, organized under the laws of the State of _____, and domesticated in the States of _____; certified copies of its charter or certificate or 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 _____ to be

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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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 of seal),

⁵See footnote 5 on preceding page.

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

By _____ (Exact name of transferor) _____ (Name)

By _____ (Exact name of transferee) _____ (Name) _____ (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.)