

## Rural Utilities Service, USDA

## § 1786.26

### Subpart D [Reserved]

### Subpart E—Discounted Prepayments on RUS Notes in the Event of a Merger of Certain RUS Electric Borrowers

- 1786.95 Purpose.
- 1786.96 Definitions.
- 1786.97 Prepayment.
- 1786.98 Discounted present value.
- 1786.99 Eligibility criteria.
- 1786.100 Application procedure.
- 1786.101 Approval of application.
- 1786.102 Prepayment agreement.
- 1786.103 Security.
- 1786.104 Loan fund audit.
- 1786.105 Closing.
- 1786.106 Other prepayments.

APPENDIX A TO SUBPART E—LISTING OF ELIGIBLE BORROWERS

APPENDIX B TO SUBPART E—FEDERAL RESERVE STATISTICAL RELEASE

### Subpart F—Discounted Prepayments on RUS Electric Loans

- 1786.150 Purpose.
- 1786.151 Definitions and rules of construction.
- 1786.152 Prepayments of RUS loans.
- 1786.153 Discounted present value.
- 1786.154 Qualified Notes.
- 1786.155 Eligible borrower.
- 1786.156 Application procedure.
- 1786.157 Approval of applications.
- 1786.158 Terms and conditions of prepayment agreement.
- 1786.159 Initial closing.
- 1786.160 Subsequent closings.
- 1786.161 Return of Qualified Notes and release of lien.
- 1786.162 Outstanding loan documents.
- 1786.163 Existing wholesale power contracts.
- 1786.164 Loan fund audit.
- 1786.165 Reporting.
- 1786.166 Approvals.
- 1786.167 Restrictions to additional RUS financing.
- 1786.168 Borrowers who prepaid under this part prior to October 21, 1992.
- 1786.169 Liability.
- 1786.170 Prepayment of loans approved after December 20, 1993. [Reserved]
- 1786.171–1786.199 [Reserved]

### Subpart G—Refinancing and Prepayment of RUS Guaranteed FFB Loans Pursuant to Section 306(C) of the RE Act

- 1786.200 Purpose.
- 1786.201 Definitions and rules of construction.
- 1786.202 Prepayment and refinancing of RUS guaranteed FFB loans.
- 1786.203 Special considerations.
- 1786.204 Limitations.
- 1786.205 Application procedure.

- 1786.206 Refinancing note.
- 1786.207 Prepayment premium.
- 1786.208 Increased principal.
- 1786.209 Outstanding loan documents.
- 1786.210 Approvals.

AUTHORITY: 7 U.S.C. 901–950b; Title I, subtitle B, Pub. L. 99–509; Pub. L. 101–624, 104 Stat. 4051; Pub. L. 103–354, 108 Stat. 3178, (7 U.S.C. 6941 *et seq.*), unless otherwise noted.

SOURCE: 55 FR 1145, Jan. 11, 1990, unless otherwise noted.

### Subpart A—General [Reserved]

### §§ 1786.1–1786.24 [Reserved]

### Subpart B—Prepayment of RUS Guaranteed Federal Financing Bank Loans Pursuant to Section 306(A) of the RE Act

AUTHORITY: 7 U.S.C. 901–950b; Title I, Subtitle B, Pub. L. 99–509; Title I, Pub. L. 100–202; Pub. L. 100–203; Title VI, Pub. L. 100–460; Pub. L. 103–354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

SOURCE: 55 FR 1145, Jan. 11, 1990, unless otherwise noted. Redesignated at 55 FR 49250, Nov. 27, 1990.

#### § 1786.25 Purpose.

This subpart contains the general regulations of the Rural Utilities Service (RUS) for implementing the provisions of (a) section 306(A) of the Rural Electrification Act of 1936, as amended (RE Act); (b) section 633 of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1988 (Pub. L. 100–202) (the continuing resolution); and (c) section 637 of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1989 (Pub. L. 100–460) (the 1989 Appropriations Act) which permit, in certain circumstances, loans made by the Federal Financing Bank (FFB) and guaranteed by the Administrator of RUS to be prepaid by RUS electric and telephone borrowers by paying the outstanding principal balance due on the FFB loan, using a private loan with the existing RUS guarantees or using internally generated funds.

#### § 1786.26 Policy.

It is the policy of RUS to facilitate the prepayment of FFB loans in accordance with the provisions of section

306(A) of the RE Act and section 633 of the continuing resolution as modified by section 637 of the 1989 Appropriations Act. Furthermore, consistent with the RE Act, the continuing resolution and the 1989 Appropriations Act, it is the policy of RUS to implement the objectives of the prepayment program in a manner which does not result in an increase in loan guarantee risk or an inappropriate increase in the administrative burden on RUS.

**§ 1786.27 Definitions and rules of construction.**

(a) *Definitions.* For the purposes of this subpart, the following terms shall have the following meanings:

*Administrator* means the Administrator of RUS.

*Application Category* shall have the meaning set forth in § 1786.29(c).

*Application period* means a period during which RUS is accepting applications to make prepayments pursuant to this subpart, and initially means:

(1) In the case of telephone borrowers, the period commencing on February 12, 1990 and ending on March 12, 1990;

(2) In the case of financially distressed borrowers, the period commencing October 1, 1990 and ending on July 30, 1993; or

(3) In the case of other borrowers, the period to be announced by RUS.

*Borrower* means any organization which has an outstanding FFB loan guaranteed by RUS under the RE Act.

*Business Day* means any day other than a Saturday, a Sunday, a legal public holiday under 5 U.S.C. section 6103 for the purposes of statutes relating to pay and leave of employees, or any other day declared to be legal holiday for the purposes of statutes relating to pay and leave of employees by Federal statute or Federal Executive Order.

*Continuing Resolution* means section 633 of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1988 (Pub. L. 100-202).

*Date Received* means the date inscribed on the Notice of Intent to Prepay the Federal Financing Bank, by an authorized official of RUS, as the date the application was received.

*Documentation* means all or part of the agreements relating to a prepayment under this part, irrespective of whether RUS is a party to each agreement, including all exhibits to such agreements.

*Electric Program Applications* shall have the meaning specified in § 1786.29(c)(1).

*Existing Loan Guarantee* means a guarantee of payment issued by RUS to FFB pursuant to the RE Act for an FFB loan made on or before July 2, 1986.

*Fees* means any fees, costs or charges, incurred in connection with obtaining the private loan used to make the prepayment including without limitation, accounting fees, filing fees, legal fees (including fees and disbursements charged by counsel representing the borrower), printing costs, recording fees, trustee fees, underwriting fees, capital stock purchases or other equity investment requirements of the lender, and other related transaction expenses.

*Financially Distressed Borrower* means an RUS-financed electric system determined by the Administrator to be either (1) in default or near default on interest or principal payments due on loans made or guaranteed under the RE Act, and is making a good faith effort to increase rates and reduce costs to avoid or mitigate default; or (2) participating in a work out or debt restructuring plan with RUS, either as the borrower being restructured or as a borrower providing assistance as part of the work out or restructuring.

*Financially Viable Lender* means:

(1) A lender (i) which has a capital and surplus of at least \$50 million; (ii) is a beneficiary of an irrevocable letter of credit, in form and substance satisfactory to the Administrator, payable to it in the amount of \$50 million; (iii) is the beneficiary of a guarantee, in form and substance satisfactory to the Administrator, in the amount of \$50 million from a lending institution with a capital and surplus of at least \$50 million; or (iv) has other credit support, in form and substance satisfactory to the Administrator, in the amount of \$50 million; or

(2) In the event of a prepayment totalling less than \$100 million, a lender (i) which has a capital and surplus of at