

Rural Utilities Service, USDA

§ 1788.2

1788.4 Disclosure of irregularities and illegal acts.

1788.5 RUS endorsement required.

1788.6 RUS right to place insurance.

1788.7-1788.10 [Reserved]

Subpart B—Insurance for Contractors, Engineers, and Architects, Electric Borrowers

1788.11 Minimum insurance requirements for contractors, engineers, and architects.

1788.12 Contractors' bonds.

Subpart C—Insurance for Contractors, Engineers, and Architects, Telecommunications Borrowers

1788.46 General.

1788.47 Policy requirements.

1788.48 Contract insurance requirements.

1788.49 Contractors' bond requirements.

1788.50 Acceptable sureties.

1788.51-1788.53 [Reserved]

1788.54 Compliance with contracts.

1788.55 Providing RUS evidence.

AUTHORITY: 7 U.S.C. 901 *et seq.*; 7 U.S.C. 1921 *et seq.*; 7 U.S.C. 6941 *et seq.*

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Subpart A—Borrower Insurance Requirements

§ 1788.1 General and definitions.

(a) The standard forms of documents covering loans made or guaranteed by the Rural Utilities Service contain provisions regarding insurance and fidelity coverage to be maintained by each borrower. This part implements those provisions by setting forth the requirements to be met by all borrowers.

(b) As used in this part:

Borrower means any entity with any outstanding loan made or guaranteed by RUS.

Irregularity has the meaning found in § 1773.2.

Loan documents means the loan agreement, notes, and mortgage evidencing or used in conjunction with an RUS loan.

Mortgage means the mortgage, deed of trust, security agreement, or other security document securing an RUS loan.

Mortgaged property means any property subject to the lien of a mortgage.

RUS means the Rural Utilities Service and includes the Rural Telephone Bank.

RUS loan means a loan made or guaranteed by RUS.

(c) RUS may revise these requirements on a case by case basis for borrowers with unusual circumstances.

§ 1788.2 General insurance requirements.

(a) Borrowers will take out, as the respective risks are incurred, and maintain the classes and amounts of insurance in conformance with generally accepted utility industry standards for such classes and amounts of coverage for utilities of the size and character of the borrower and consistent with Prudent Utility Practice. Prudent Utility Practice shall mean any of the practices, methods, and acts which, in the exercise of reasonable judgment, in light of the facts, including but not limited to, the practices, methods, and acts engaged in or approved by a significant portion of the electric utility industry in the case of an electric borrower or of the telecommunications industry in the case of a telecommunications borrower prior thereto, known at the time the decision was made, would have been expected to accomplish the desired result consistent with cost-effectiveness, reliability, safety, and expedition. It is recognized that Prudent Utility Practice is not intended to be limited to optimum practice, method, or act to the exclusion of all others, but rather is a spectrum of possible practices, methods, or act which could have been expected to accomplish the desired result at the lowest reasonable cost consistent with cost-effectiveness, reliability, safety, and expedition.

(b) The foregoing insurance coverage shall be obtained by means of bond and policy forms approved by regulatory authorities having jurisdiction, and, with respect to insurance upon any part of the mortgaged property securing an RUS loan, shall provide that the insurance shall be payable to the mortgagees as their interests may appear by means of the standard mortgagee clause without contribution. Each policy or other contract for such insurance shall contain an agreement by the