

§ 34.4

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transaction or any part thereof is required to be filed with any State regulatory body.

(h) A detailed statement of the facts relied upon by the applicant to show that the issuance:

(1) Is for some lawful object, within the corporate purposes of the applicant and compatible with the public interest, is necessary or appropriate for or consistent with the proper performances by the applicant of service as a public utility and will not impair its ability to perform that service, and

(2) Is reasonably necessary or appropriate for such purposes.

(i) A detailed statement of the bond indenture(s) or other limitations on interest and dividend coverage, and the effects of such limitations on the issuance of additional debt or equity securities.

(j) A brief summary of any rate changes which were made effective during the period for which financial statements are submitted or which became or will become effective after the period for which statements are submitted.

[Order 182, 46 FR 50514, Oct. 14, 1981, as amended by Order 390, 49 FR 32505, Aug. 14, 1984; Order 575, 60 FR 4853, Jan. 25, 1995; Order 593, 62 FR 1283, Jan. 9, 1997; Order 647, 69 FR 32438, June 10, 2004; Order 737, 75 FR 43403, July 26, 2010]

§ 34.4 Required exhibits.

(a) *Exhibit A.* The applicant must file the statement of corporate purposes from its articles of incorporation.

(b) *Exhibit B.* A copy of all resolutions of the applicant's directors authorizing the issuance of securities for which the application is made; and copies of the resolution of the stockholders approving such issuance if approval of the stockholders has been obtained.

(c) *Exhibit C.* The Balance Sheet and attached notes for the most recent 12-month period for which financial statements have been published, provided that the 12-month period ended no more than 4 months prior to the date of the filing of the application, on both an actual basis and a pro forma basis in the form prescribed for the "Comparative Balance Sheet" of FERC Form No. 1, "Annual Report for major electric

utilities, licensees and others." Each adjustment made in determining the pro forma basis must be clearly identified.

(d) *Exhibit D.* The Income Statement and attached notes for the most recent 12-month period for which financial statements have been published, provided that the 12-month period ended no more than 4 months prior to the date of the filing of the application, on both an actual basis and a pro forma basis in the form prescribed for the "Statement of Income for the Year" of FERC Form No. 1, "Annual Report for major electric utilities, licensees and others." Each adjustment made in determining the pro forma basis must be clearly identified.

(e) *Exhibit E.* A Statement of Cash Flows and Computation of Interest Coverage on an actual basis and a pro forma basis for the most recent 12-month period for which financial statements have been published, provided that the 12-month period ended no more than 4 months prior to the date of the filing of the application. The Statement of Cash Flows must be in the form prescribed for the "Statement of Cash Flows" of the FERC Form No. 1, Annual Report for major electric utilities, licensees and others," followed by a computation of interest coverage, in the form of the following worksheet:

| Federal Energy Regulatory Commission worksheet for computation of interest coverage | Actual for the year ended mmm-dd-yy | OMB control No. 1902-0043, pro forma for the year ended mm-dd-yy |
|---|-------------------------------------|--|
| Net income Add: Interest on Long-Term Debt, Interest on Short-Term Debt, Other Interest Expense, Total Interest Expense Federal and State Income Taxes Income Before Interest and Income Taxes Computation of Interest Coverage Income Before Interest and Income Taxes + Total Interest Expense = Interest Coverage | | |

(f) *Exhibit F.* A copy of registration statement and exhibits which are filed

with the Securities and Exchange Commission for the proposed security issuance.

[Order 182, 46 FR 50514, Oct. 14, 1981, as amended by Order 390, 49 FR 32505, Aug. 14, 1984; Order 575, 60 FR 4853, Jan. 25, 1995; 60 FR 27382, May 26, 1995]

§ 34.5 Additional information.

The Commission may, in its discretion, require the filing of additional information which appears necessary to reach a determination on any particular application.

§ 34.6 Form and style.

Each application pursuant to this part 34 shall conform to the requirements of subpart T of part 385 of this chapter.

[Order 182, 46 FR 50514, Oct. 14, 1981, as amended by Order 225, 47 FR 19056, May 3, 1982]

§ 34.7 Filing requirements.

Applications must be filed with the Secretary of the Commission in accordance with filing procedures posted on the Commission's Web site at <http://www.ferc.gov>.

[Order 737, 75 FR 43403, July 26, 2010]

§ 34.8 Verification.

The original application shall be signed by an authorized representative of the applicant, who has knowledge of the matters set forth therein, and it shall be verified under oath.

EFFECTIVE DATE NOTE: At 70 FR 35375, June 20, 2005, § 34.8 was revised, effective at the time of the next e-filing release during the Commission's next fiscal year. For the convenience of the user, the revised text follows:

§ 34.8 Verification.

An application verification shall be signed under oath by an authorized representative of the applicant, who has knowledge of the matters set forth therein and as provided in § 385.2005 of this chapter, and retained at the applicant's business location until the relevant proceeding has been concluded.

§ 34.9 Reports.

The applicant must file reports under § 131.43 and § 131.50 of this chapter 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 pursuant to authority granted under this part.

[Order 575, 60 FR 4853, Jan. 25, 1995. Redesignated by Order 737, 75 FR 43403, July 26, 2010]

PART 35—FILING OF RATE SCHEDULES AND TARIFFS

Subpart A—Application

Sec.

- 35.1 Application; obligation to file rate schedules, tariffs and certain service agreements.
- 35.2 Definitions.
- 35.3 Notice requirements.
- 35.4 Permission to become effective is not approval.
- 35.5 Rejection of material submitted for filing.
- 35.6 Submission for staff suggestions.
- 35.7 Electronic filing requirements.
- 35.8 Protests and interventions by interested parties.
- 35.9 Requirements for filing rate schedules, tariffs or service agreements.
- 35.10 Form and style of rate schedules, tariffs and service agreements.
- 35.10a Forms of service agreements.
- 35.10b Electric Quarterly Reports.
- 35.11 Waiver of notice requirement.

Subpart B—Documents To Be Submitted With a Filing

- 35.12 Filing of initial rate schedules and tariffs.
- 35.13 Filing of changes in rate schedules, tariffs or service agreements.

Subpart C—Other Filing Requirements

- 35.14 Fuel cost and purchased economic power adjustment clauses.
- 35.15 Notices of cancellation or termination.
- 35.16 Notice of succession.
- 35.17 Withdrawals and amendments of rate schedule, tariff or service agreement filings.
- 35.18 Asset retirement obligations.
- 35.19 Submission of information by reference.
- 35.19a Refund requirements under suspension orders.
- 35.21 Applicability to licensees and others subject to section 19 or 20 of the Federal Power Act.
- 35.22 Limits for percentage adders in rates for transmission services; revision of rate schedules, tariffs or service agreements.
- 35.23 General provisions.
- 35.24 Tax normalization for public utilities.
- 35.25 Construction work in progress.
- 35.26 Recovery of stranded costs by public utilities and transmitting utilities.