

**GUIDELINES FOR FILING APPLICATIONS UNDER TITLE 56, CHAPTER 5 OF THE
CODE OF VIRGINIA (UTILITY TRANSFERS ACT).**

These guidelines should be followed when filing applications with the State Corporation Commission (“Commission”) under the Utility Transfers Act (§ 56-88 et seq. of the Code of Virginia), <http://www.scc.virginia.gov/comm/auth.aspx> Pursuant to § 56-90 of the Code of Virginia, applications filed must contain the verified signatures of the president or any vice president and the secretary or any assistant secretary of the petitioners. **Failure to provide the required verified signatures will result in an incomplete application.** Incomplete applications will not be processed, and the staff will notify the utility regarding specific deficiencies, pursuant to 5 VAC 5-20-160, found at <http://www.scc.virginia.gov/case/rules.aspx> In the event an applicant believes that an item requested in the guidelines or Transaction Summary does not apply, the applicant should reference that item and explain why such item does not apply.

Applicants are encouraged to provide additional information believed to demonstrate that the proposed transaction will neither impair nor jeopardize the provision of adequate service to the public at just and reasonable rates. Such information should be provided with the application and explained in sufficient detail to support the applicant's position.

1. Applications requiring approval under the Utility Transfers Act include the acquisition or disposition of utility assets situated within the Commonwealth of Virginia; the acquisition or disposition of any utility securities of any other company; or the acquisition or disposition of direct or indirect control of a public utility or a telephone company, or all the assets of a telephone company. In determining whether an application needs to be filed under

the Utility Transfers Act, definitions provided in Chapter 5 (§ 56-88 et seq.) of Title 56 of the Code of Virginia should be consulted. All public utilities as defined in Chapter 5 are subject to the filing and other requirements of Chapter 5.

2. Applications must be filed with the Document Control Center with an original and fifteen copies, in accordance with the Commission's Rules of Practice and Procedure effective June, 1, 2001 (5 VAC 5-20-150). Additional copies shall be provided if requested.

The mailing address for the Document Control Center is as follows:

Document Control Center
Tyler Building-B1
P. O. Box 2118
Richmond, VA 23218

3. No filing fees are required for applications filed under the Utility Transfers Act.

4. The application should summarize clearly the object(s) concerned, the proposed procedure, and the terms and conditions thereof.

5. It is the responsibility of each utility company to file for authority for such transactions subject to Chapter 5 regardless of the amount involved. Chapter 5 requires that authority be obtained from the Commission prior to the transaction taking place. However, if authority is sought after the transaction takes place, a detailed explanation as to why this occurred should be included in the application. The explanation should include the date the transaction(s) took place and the dollar amount of the transaction(s). Pursuant to § 56-88.1 of the Code of Virginia, any such acquisition or disposition of control without Commission approval is voidable by the Commission. Furthermore, the Commission may revoke certificates of public convenience and necessity it has issued for any violations of the Utility Transfers Act, to include the acquisition of utility assets, utility securities, or control. Any company that

violates the provisions of § 56-89 of the Code of Virginia is subject to fines, pursuant to § 56-91 of the Code of Virginia.

6. It is the responsibility of each utility to conform to the appropriate Uniform System of Accounts and adhere to established accounting principles.