

## FERC-60A (OMB Control No. TBD) for NOPR in RM19-12

Background related to FERC-60 (part of OMB Control No. 1902-0215)

### 42 U.S. Code

### § 16451 - Definitions

Current through Pub. L. [114-38](#)

#### § 16451.

##### Definitions

For purposes of this part:

##### (1) Affiliate

The term “affiliate” of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

##### (2) Associate company

The term “associate company” of a company means any company in the same holding company system with such company.

##### (3) Commission

The term “Commission” means the Federal Energy Regulatory Commission.

##### (4) Company

The term “company” means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

##### (5) Electric utility company

The term “electric utility company” means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

##### (6) Exempt wholesale generator and foreign utility company

The terms “exempt wholesale generator” and “foreign utility company” have the same meanings as in sections 79z–5a and 79z–5b of title 15, as those sections existed on the day before the effective date of this part.

##### (7) Gas utility company

The term “gas utility company” means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

##### (8) Holding company

**(A) In general** The term “holding company” means—

##### (i)

any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public-utility company or of a holding company of any public-utility company; and

##### (ii)

any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public-utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this part upon holding companies.

**(B) Exclusions** The term “holding company” shall not include—

**(i)** a bank, savings association, or trust company, or their operating subsidiaries that own, control, or hold, with the power to vote, public utility or public utility holding company securities so long as the securities are—

##### **(I)**

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held as collateral for a loan;

### **(II)**

held in the ordinary course of business as a fiduciary; or

### **(III)**

acquired solely for purposes of liquidation and in connection with a loan previously contracted for and owned beneficially for a period of not more than two years; or

**(ii)** a broker or dealer that owns, controls, or holds with the power to vote public utility or public utility holding company securities so long as the securities are—

#### **(I)**

not beneficially owned by the broker or dealer and are subject to any voting instructions which may be given by customers or their assigns; or

#### **(II)**

acquired within 12 months in the ordinary course of business as a broker, dealer, or underwriter with the bona fide intention of effecting distribution of the specific securities so acquired.

### **(9) Holding company system**

The term “holding company system” means a holding company, together with its subsidiary companies.

### **(10) Jurisdictional rates**

The term “jurisdictional rates” means rates accepted or established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

### **(11) Natural gas company**

The term “natural gas company” means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

### **(12) Person**

The term “person” means an individual or company.

### **(13) Public utility**

The term “public utility” means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

### **(14) Public-utility company**

The term “public-utility company” means an electric utility company or a gas utility company.

### **(15) State commission**

The term “State commission” means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

**(16) Subsidiary company** The term “subsidiary company” of a holding company means—

#### **(A)**

any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

#### **(B)**

any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this part upon subsidiary companies of holding companies.

### **(17) Voting security**

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The term “voting security” means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

(Pub. L. 109–58, title XII, § 1262, Aug. 8, 2005, 119 Stat. 972.)

42 U.S. Code § 16452 - Federal access to books and records

Current through Pub. L. 114-38. (See Public Laws for the current Congress.)

US Code

Authorities (CFR)

### (a) In general

Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

### (b) Affiliate companies

Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

### (c) Holding company systems

The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission determines are relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

### (d) Confidentiality

No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

(Pub. L. 109–58, title XII, § 1264, Aug. 8, 2005, 119 Stat. 974.)