

## § 101-33.002

amended, hereinafter sometimes referred to as the "Property Act," shall have the meanings given to them in such Act.

### § 101-33.002 Applicability.

The provisions of this part 101-33 apply to all Federal agencies to the extent specified in the Property Act, or other law, except in those instances where specific exemptions are approved by GSA, and except as hereinafter provided:

(a) The "Statement of Areas of Understanding between the Department of Defense and the General Services Administration in the Matter of Procurement of Utility Services," as amended (15 FR 8227 and 22 FR 871), shall govern the applicability of this part 101-33 to the Department of Defense.

(b) The provisions of this part 101-33 do not apply to the production, distribution, or sale of utility services by a Federal Agency.

(c) GSA will, upon request, furnish the services provided for in this part 101-33 to any other Federal agency, mixed-ownership corporation, the District of Columbia, the Senate, the House of Representatives, and the Architect of the Capitol and any activity under his direction.

(d) The provisions of this part 101-33 do not apply to the procurement of natural gas from source suppliers; i.e., suppliers other than a local public utility. Procurement of natural gas from source suppliers is covered in §101-26.602-5.

[29 FR 13258, Sept. 24, 1964. Redesignated at 43 FR 27191, June 23, 1978, and amended at 57 FR 21895, May 26, 1992]

### § 101-33.003 Submission of information.

All information required under this part 101-33, except where otherwise specified, shall be addressed to the General Services Administration, Public Buildings Service, Public Utilities Division (PPU), Washington, DC 20405.

[57 FR 21896, May 26, 1992]

## 41 CFR Ch. 101 (7-1-02 Edition)

### Subpart 101-33.1—Utilization and Conservation of Utility Services

#### § 101-33.101 Surveys and recommendations.

GSA, in coordination with the agency involved, will from time to time survey executive agency requirements for, and utilization and conservation of, utility services and facilities and, with due regard to the program activities of the agency involved, will make such recommendations for improvements as may be deemed advantageous to the Government in terms of economy, efficiency, or service. Executive agencies shall carry out such recommendations.

#### § 101-33.102 Advice and assistance.

GSA, upon request of the agency involved, will provide advice and assistance to executive agencies regarding utilization and conservation of utility services and facilities.

### Subpart 101-33.2—Negotiation and Representation Involving Utility Services

#### § 101-33.201 Negotiations with utility suppliers.

GSA, in behalf of executive agencies as utility consumers, will conduct negotiations with utility suppliers; and, where prior negotiation has failed or is not feasible and where circumstances warrant, will institute such formal or informal action, as may be deemed advisable, before Federal and State regulatory bodies to contest the level, structure, or applicability of rates or service terms of utility suppliers.

#### § 101-33.202 Proceedings before regulatory bodies.

Pursuant to the provisions of section 201(a)(4) of the Property Act, executive agencies shall refer to GSA for consideration, all complaints and petitions involving public utility rates or services proposed to be brought before Federal and State regulatory bodies. Executive agencies seeking intervention authority shall submit their requests to GSA in writing. GSA will determine

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whether it will handle the proceedings, in cooperation with other interested agencies, or delegate the handling of the proceeding to the referring agencies, depending on which course of action is deemed to be in the best interest of the Government. Agencies delegated intervention authority shall be responsible for representing the interests of all Federal executive agencies in the utility's service jurisdiction, and shall give a diligent effort to identify those interests. To the extent that there is a divergence of interest between the agency receiving the delegation and other agencies served by the utility, the delegated agency shall promptly notify GSA of the situation. After completion of a case, the delegated agency shall provide a report that describes the results of the intervention effort; the report will include a copy of the Public Utility Commission's decision, a summary of the rates requested and approved by the Commission, an estimate of the impact on Federal executive agencies, and a discussion of the central issues of the case. The final report shall be provided to GSA within 90 days of the issuance of the Commission's decision.

[56 FR 21311, May 8, 1991]

### Subpart 101-33.3—Capital Credits

SOURCE: 36 FR 13687, July 23, 1971, unless otherwise noted. Redesignated at 43 FR 27191, June 23, 1978.

#### § 101-33.301 General.

Some Federal agencies procure public utility services from Rural Electrification Administration (REA)-financed cooperatives. Since REA-financed cooperatives are nonprofit organizations, any amount paid by participating agencies (also referred to as patrons) in excess of cost of services (usually referred to as operating margins) is treated as capital furnished by such patrons. Operating margins are determined annually on a patronage basis and credited to a capital account for each patron. The cooperative returns the share of the net income credited to agencies on a revolving basis by cash payments or deductions in current service bills when the cooperative's

board of directors determines that such a retirement will not impair the cooperative's financial condition.

#### § 101-33.302 Definitions.

As used in this subpart 101-33.3, the following terms shall have the meanings stated below.

##### § 101-33.302-1 Capital credits.

Capital credits are patronage dividends derived from amounts paid by patrons in excess of cost of services. Agencies are informed of their share of the capital credit, if any, by written notices of allocation issued by REA-financed cooperatives.

##### § 101-33.302-2 REA-financed cooperative.

An REA-financed cooperative is a nonprofit organization that furnishes electric or telephone services to customers, including Federal agencies.

#### § 101-33.303 Responsibility for handling capital credit notifications.

Contracting and procurement officers and other employees of Federal agencies shall forward promptly any capital credit notifications to their finance officer or other accountable official. The accountable official shall retain the notification in the official files of the agency.

#### § 101-33.304 Disposition of capital credit retirements.

When capital credits are (a) settled by payment to the Government or (b) offset on billings to the Government, the amount received shall be deposited in the Department of the Treasury as miscellaneous receipts, or treated as a cost reduction, as appropriate.

#### § 101-33.305 Cost-reimbursement type contracts.

Federal agencies having cost-reimbursement type contracts with contractors who purchase electric or telephone service from cooperatives shall include in their contracts arrangements for handling capital credits. The applicable portion of any capital credit retirement relating to any allowable cost received by or accruing to a cost-reimbursement type contractor shall be credited to the Government either