

Federal Property Management Regulations

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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

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as a cost reduction or by cash refund, as appropriate. (See §1-15.201-5.)

§ 101-33.306 Other provisions.

(a) Capital credits shall not be waived by contract or in any other way.

(b) The right to any capital credit is not lost by reason of subsequent discontinuance of service.

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**Subparts 101-33.4—101-33.48
[Reserved]**

**Subpart 101-33.49—Forms and
Reports [Reserved]**

PART 101-34 [RESERVED]

**APPENDIX TO SUBCHAPTER E—
TEMPORARY REGULATIONS [RESERVED]**