

**REQUEST FOR NAME CHANGE OR TRANSFER OF AN APPROVAL**

The undersigned, a duly authorized agent or officer of the current owner or operator (for name change) or new owner or operator (for change of ownership or control) identified in the table below, hereby requests that the Delaware River Basin Commission:

- For the listed approvals, record the **name change** set forth below.
- Transfer the listed approval(s) from the original owner or operator to the new owner or operator, pursuant to a **change in ownership or control** as that term is defined at 18 CFR 420.31(e)(2) through (e)(5) (see attached).

A. DRBC Approval No(s). Affected by Name Change or Transfer	

**B. Effective Date of Name Change or Change of Ownership:** \_\_\_\_\_

**C. Original Project Sponsor (Owner or Operator) Information**

Facility or Project Name: \_\_\_\_\_

Docket/Permit Holder Name: \_\_\_\_\_

Operational Compliance Contact Name and Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**D. New Project Sponsor (Owner or Operator) Information**

Facility or Project Name: \_\_\_\_\_

Docket/Permit Holder Name: \_\_\_\_\_

Operational Compliance Contact Name and Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Business Office Contact Name and Title:

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**E. Fees.** All requests must be accompanied by the appropriate fee in effect through June 30, 2018, as specified in the Commission's Regulatory Program Fees rule, 18 CFR 401.43 **\$1,569** per docket or permit for a transfer; and **\$1,046** per docket or permit for a name change, *plus* any outstanding fees owed to the Commission.

Payment in the amount of \_\_\_\_\_ accompanies this submission, consisting of \_\_\_\_\_ for name change(s)/transfer(s) and \_\_\_\_\_ for outstanding fees owed.

Additional documentation may be required when fees are outstanding.]

**F. Modification of an Approval.** New owner/operators are advised that a separate application to the Commission is required for the modification of any terms and conditions of an existing approval.

**G. Certification.** The undersigned hereby certifies as follows:

For a **name change**: that the approval holder, operating under a new name, recognizes and will continue to comply with all terms and conditions set forth in the approval(s) listed above.

For a **change of ownership or control**:

that the transfer of ownership has occurred, effective \_\_\_\_\_, or is expected to occur, effective \_\_\_\_\_.

that the new approval holder will comply with all terms and conditions set forth in the approval(s) listed above and assume all associated obligations.

that the project purpose and service area (or "area served") approved by the Commission in the affected instruments will not be materially altered because of the change in project ownership.

that in accordance with the accompanying letter signed by a responsible agent of the transferor and on its official letterhead, the transferor has relinquished all privileges conferred by the approvals listed above. [Documentation providing proof of the change of ownership may be substituted for such letter.  See attached documentation.]

And further, that I am a legal representative of the project sponsor submitting this request, with the authority to certify to the above. I understand that failure to comply with all applicable requirements of the affected approvals may subject the project sponsor to enforcement action pursuant to section 14.17 of the Delaware River Basin Compact and 18 CFR part 401, subpart G.

\_\_\_\_\_  
Name of Certifying Official (type or print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature of Certifying Official

\_\_\_\_\_  
Date

*Submit completed, form, payment and any attachments to:  
Delaware River Basin Commission, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360*

18 CFR 420.31(e)

\* \* \* \*

(2) A change in ownership or control of the facility includes, but is not limited to, any transaction, acquisition, merger or event (collectively "transaction") resulting in at least one of the following:

(i) A transfer of title to the facility,

(ii) A person or entity or the shareholders or other owners of an entity becoming the beneficial owner, directly or indirectly, or acquiring alone or in concert the power or right to vote at least 20 percent of any class of ownership interest in [the approval] holder or any of its parent entities, regardless of the tier in the corporate or entity structure at which the transaction occurs,

(iii) A change in ownership or control for purposes of any of the [approval] holder's or any of its parent corporations' employee agreements, or

(iv) A change of the *de facto* controlling interest in [the approval] holder or any of its parent entities, regardless of the tier in the corporate or entity structure at which the change occurs.

(3) A change of the *de facto* controlling interest in an entity includes, but is not limited to, a change of the persons or entities with the ability or authority, expressed or reserved, to direct the management or policies of an entity and/or to take at least one of the following actions:

(i) Amend or change the entity's identity (e.g. joint venture agreement, unincorporated business status);

(ii) Appoint or remove at least 50% of the members of the Board of Directors or Trustees of a corporation, general partner of a partnership, or a similar member of the governing body of an entity;

(iii) Amend or change the by-laws, constitution, or other operating or management direction of the entity;

(iv) Control the sale of, use of or access to any or all of the entity's assets;

(v) Encumber the entity's assets by way of mortgage or other indebtedness;

(vi) Control any or all of the assets or other property of the entity upon the sale or dissolution of the entity;

(vii) Dissolve the entity;

(viii) Arrange for the sale or transfer of the entity to a new ownership or control;

(ix) Select or change the management of the entity or determine management compensation; or

(x) Set operating policies, financial policies or budgets.

(4) For purposes of applying § 420.31(e)(3), consideration may be given to circumstances particular to the person or entity and [approval] holder involved, including without limitation the ability of that person or entity to take actions in light of the number of shares in the [approval] holder or its parent entities that are actively voted, the practice of any majority shareholder in exercising or refraining from exercising majority rights, and any agreements giving the person or entity the right to control votes of others.

(5) A series of transactions undertaken pursuant to a plan or that are otherwise related shall be considered a single transaction for purposes of this section. For purposes of calculating the twenty percent threshold in § 420.31(e)(2)(ii), the securities, shares or other interests held immediately prior to the transaction shall be added to the securities, shares or other interests acquired in the transaction.