



# APPLICATION FOR SELF-BONDING (THIRD PARTY GUARANTOR)

PUBLIC SERVICE COMMISSION

RECLAMATION DIVISION

SFN 17922 (Rev. 08-2001)

Permittee	
Permit Number	Self-Bond Number

## PART I

The Permittee must provide the following information:

1. Identification of Applicant:

(a) For Corporations ONLY:

Name		Telephone Number	
Address	City	State	Zip Code
State of Incorporation	Principal Place of Business		
Name, Title and Authority of Person Signing This Application			
If Corporation Is A Wholly Owned Subsidiary Or If More Than 10% Of Stock Is Owned By One Enterprise, Detail Ownership			

(b) For ALL OTHER Forms of Business Enterprises:

Name		Telephone Number	
Address	City	State	Zip Code
Statement of Enterprise Organization			
Law of State Under Which Enterprise Formed			
Principal Place Of Business			
Relationship And Authority Of Person Signing This Application			

2. Attach as Appendix I-a a copy of the corporate resolution authorizing the execution of the Indemnity Agreement.
3. Attach as Appendix I-b an affidavit certifying that the Self-Bond and Indemnity Agreement executed by the Permittee is valid under all applicable federal and state laws.
4. Attach as Appendix I-c a brief description and chronological history of those operations of the Permittee conducted within the last five (5) years that would demonstrate a continuous operation.
5. Attach as Appendix I-d audited financial statements using standard accounting practices, in detail, to include:
  - (a) The Permittee's Balance Sheet for the most recently completed fiscal year;
  - (b) The Permittee's Income Statement for the most recently completed fiscal year;
  - (c) A report for the most recently completed fiscal year containing a Certified Public Accountant's audit opinion of the balance sheet and income statement with no adverse opinion;
  - (d) Unaudited financial statements for completed quarters in the current fiscal year; and
  - (e) Any additional pertinent information that the Commission may request.

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6. Registered office for service on the Permittee of notices, processes, or demands:

Name		Telephone Number	
Address	City	State	Zip Code

(Any change in the registered office must be filed immediately with the Public Service Commission)

7. Registered Agent for service on the Permittee of notices, process, or demands:

Name		Telephone Number	
Address	City	State	Zip Code

(Any change in the registered office must be filed immediately with the Public Service Commission)

**PART II**

The Guarantor must provide the following information:

1. Identification of Guarantor:

(a) For Corporations ONLY:

Name		Telephone Number	
Address	City	State	Zip Code
State of Incorporation	Principal Place of Business		
Name, Title and Authority of Person Signing This Application			
If Corporation Is A Wholly Owned Subsidiary Or If More Than 10% Of Stock Is Owned By One Enterprise, Detail Ownership			

(b) For ALL OTHER Forms of Business Enterprises:

Name		Telephone Number	
Address	City	State	Zip Code
Statement of Enterprise Organization			
Law of State Under Which Enterprise Formed			
Principal Place Of Business			
Relationship And Authority Of Person Signing This Application			

2. Attach as Appendix II-a a copy of the corporate resolution authorizing the guarantee of the Self-Bond and execution of the Indemnity Agreement.
3. Attach as Appendix II-b an affidavit certifying that the Indemnity Agreement executed by the Guarantor is valid under all applicable federal and state laws.
4. Attach as Appendix II-c a brief description and chronological history of those operations of the guarantor conducted within the last five (5) years that would demonstrate a continuous operation.
5. Attach as Appendix II-d audited financial statements using standard accounting practices, in detail, to include:
  - (a) The Guarantor's Balance Sheet for the most recently completed fiscal year;
  - (b) The Guarantor's Income Statement for the most recently completed fiscal year;
  - (c) A report for the most recently completed fiscal year containing a Certified Public Accountant's audit opinion of the balance sheet and income statement with no adverse opinion;

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- (d) Unaudited financial statements for completed quarters in the current fiscal year; and
- (e) Any additional information the Commission may request.

6. Attach as Appendix II-e financial information in sufficient detail to show that the Guarantor meets one or more of the following criteria:
  - (a) The Guarantor has a current rating for its most recent bond issuance of "A" or higher as issued by either Moody's Investor Service or Standard and Poor's Corporation (identify the rating service together with any further breakdown of specific ratings);
  - (b) The Guarantor has a tangible net worth of at least \$10 million, a ratio of total liabilities to net worth of 2.5 times or less, and a ratio of current assets to current liabilities of 1.2 times or greater;
  - (c) The Guarantor's fixed assets in the United States total at least \$20 million, and the guarantor has a ratio of total liabilities to net worth of 2.5 times or less, and a ratio of current assets to current liabilities of 1.2 times or greater.
7. List the dollar value of this proposed self bond plus all other outstanding and proposed self bonds for any mining and reclamation operation in the U.S. provided by the guarantor \$ \_\_\_\_\_.
8. Tangible net worth of the guarantor in the United States \$ \_\_\_\_\_.
9. Registered office for service on the Guarantor of notices, processes, or demands:

Name		Telephone Number	
Address	City	State	Zip Code

(Any change in the registered office must be filed immediately with the Public Service Commission)

10. Registered Agent for service on the Guarantor of notices, process, or demands:

Name		Telephone Number	
Address	City	State	Zip Code

(Any change in the registered office must be filed immediately with the Public Service Commission)

**PART III**

1. (a) Total amount of Bond required for the above listed Permit determined by the Commission in accordance with NDAC 69-05.2-12-07(1): \_\_\_\_\_
- (b) Amount which is proposed to be under a self-bond: \_\_\_\_\_  
(This plus all other outstanding and proposed self bonds may not exceed 25% of a guarantor's tangible net worth in the United States.)
2. Attach as Appendix III-a the Self-Bond executed by the Permittee.
3. Attach as Appendix III-b the Indeminty Agreement executed by the Permittee and Guarantor.
4. Attach as Appendix III-c the third party guarantee.

\_\_\_\_\_

I am an official authorized to represent the Permittee for the foregoing application to self-bond and have read the application and fully know the contents thereof. All statements contained in the application to self-bond are true and correct to my best knowledge and belief.

By (Signature of President or Authorized Officer)	
Name	Title
Date	

Self-Bond Number

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, before me personally appeared \_\_\_\_\_  
\_\_\_\_\_, known to me to be the \_\_\_\_\_  
of \_\_\_\_\_, the Permittee described in this instrument and severally  
acknowledged to me that he/she has executed on its behalf.

\_\_\_\_\_  
Notary Public

( S E A L )

My Commission Expires \_\_\_\_\_

County of \_\_\_\_\_

State of \_\_\_\_\_

I am an official authorized to represent the Guarantor for the foregoing application to self-bond and have read the application and fully know the contents thereof. All statements contained in the application to self-bond are true and correct to my best knowledge and belief.

By (Signature of President or Authorized Officer)	
Name	Title
Date	

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, before me personally appeared \_\_\_\_\_  
\_\_\_\_\_, known to me to be the \_\_\_\_\_  
of \_\_\_\_\_, the Guarantor described in this instrument and severally  
acknowledged to me that he/she has executed on its behalf.

\_\_\_\_\_  
Notary Public

( S E A L )

My Commission Expires \_\_\_\_\_

County of \_\_\_\_\_

State of \_\_\_\_\_