

INSTRUCTIONS FOR COMPLETING AND SUBMITTING THE INFORMATION  
REQUEST CHECKLIST FOR RIGHT-OF-WAY RENT EXEMPTION DETERMINATION  
FOR ELECTRIC OR TELEPHONE FACILITIES PURSUANT TO THE RURAL  
ELECTRIFICATION ACT OF 1936, AS AMENDED

Purpose: Section 504(g) of the Federal Land Policy and Management Act (FLPMA) provides that certain electric and telephone facilities serving rural areas may be exempt from rental payment to the Bureau of Land Management (BLM) if the facilities are financed or eligible for financing or extensions of such facilities, under the Rural Electrification Act of 1936, (RE Act), as amended. Regulations at 43 CFR 2806.14 state that the BLM may require an applicant or grant holder of a right-of-way (ROW) to document the facility's eligibility for a rent exemption. The applicant or grant holder of the ROW, upon request for a rent exemption, will provide the BLM with the Checklist and the requested documentation, including documents from the Rural Utilities Service (RUS) loan approval package. If the supplemental documentation verifies the facilities covered by the ROW application or grant are financed, or eligible for financing, under the RE Act, or are extensions from such facilities, the BLM authorized officer will exempt the facility from rent. The BLM may forward the completed Checklist to the RUS for assistance with determining whether the facility is eligible for financing pursuant to the RE Act. Based upon the advice of the RUS, the BLM will make a determination to approve or deny the rent exemption.

Responsibilities: Field offices will provide the Information Request Checklist to ROW applicants at the pre-application meeting or upon receipt of an application. It is the responsibility of the applicant or grant holder to notify the BLM of its intent to seek a rent exemption under this provision. The applicant or grant holder must provide the information as noted below. It is the responsibility of the BLM Washington Office (WO-350) to forward the completed Checklist to the RUS, if necessary.

A. Part I of the Checklist:

All ROW applicants or grant holders seeking a rent exemption should fill out question #1.

The applicant or holder is responsible for filling out questions # 1, # 3, and # 4 if the facility has been financed, or is an extension of such a facility, where financing has already been received from the RUS under the RE Act. If a ROW applicant or grant holder has received financing for the facility from the RUS under another loan program, the facility does not qualify for a rent exemption under Part I, but may still qualify for a rent exemption under Part II or III. ROW applicants or grant holders will provide the BLM documentation requested, including the RUS commitment letter and RUS description of the proposed action on form 532, 490 or 740c from the RUS loan package. Please see Attachments 4 (Telephone Offer Letter and Telephone applications) and 5 (Electric Offer Letter and Electric applications) for examples of RUS documents to include.

If the facility is an extension of an RE Act-financed facility, the applicants or grant holders must provide information including the RUS commitment letter, self-certification statement, and the completed form 219 upon completion of construction.

The Field offices will review the financing documentation from the RE Act loan, for specific information on the type of loan, loan number, and the facilities financed by this loan. Field offices will file the form in the official case file, update the case recordation system (LR2000), and notify the applicant or grant holder by decision letter of the rent exemption determination decision.

The RUS telephone program loan designation number starts with the two digit of the state with a starting number of 500 - 600 and for broadband program the loan designation number starts with the two digit of the state with a starting number of 1100, and the electric infrastructure program loan designation number starts with the two digit of the state with a starting number of 1-499 representing a loan granted under the RE Act authority.

If the loan documentation requested is not available, the ROW applicant or grant holder must fill out Part II for electric facilities or Part III for telephone facilities to determine eligibility for financing under the RE Act.

**B. Part II of the Checklist (Electric Facilities Eligible for Financing Pursuant to the RE Act):**

***Do not complete Part II if you answered “yes” to question 3(a) or 3(b) and are able to provide the documentation requested in question 3(c).***

The ROW applicant or grant holder is responsible for completing questions #4 through #9. Question #9 will require the ROW applicant or grant holder to include a map showing the planned facility and provide a detailed narrative description of how the facility would be eligible for RUS financing under RE Act.

If a ROW applicant or grant holder does not provide the requested information, the Field office will return the Checklist to the applicant or grant holder for completion. The applicant or holder will be charged rent per 43 CFR 2806.20 if the BLM does not receive the completed Checklist before the ROW grant has been offered.

**C. Part III of the Checklist (Telephone Facilities Eligible for Financing Pursuant to the RE Act):**

***Do not complete Part III if you answered “yes” to question 3(a) or 3(b) and are able to provide the documentation requested in question 3(c).***

The ROW applicant or grant holder is responsible for completing questions #11 through #20. Question #20 will require the ROW applicant or grant holder to include a map showing the planned facility and provide a detailed narrative description of how the facility would be eligible for RUS financing under RE Act.

If a ROW applicant or grant holder does not provide the requested information the FO will return the Checklist to the applicant or grant holder for completion. The applicant or holder will be charged rent per 43 CFR 2806.20 if the BLM does not receive the completed Checklist before the ROW grant is offered.

D. Field office submittal of the Checklist to WO-350 RUS SharePoint site:

Field offices should answer Part I question #2. Then submit the checklist and any supplemental information (in PDF format only) to the SharePoint site:

<http://teamspace/sites/ruscert/default.aspx>

Follow the directions below to upload a PDF document to the SharePoint site. Do not upload these instructions to the SharePoint site:

- Click on shared documents
- Click on the appropriate state folder
- Click on the request folder
- Click on upload tab
- Click on the browse tab - find your document(s) and click okay

The WO-350 will not accept submissions of the Checklist and/or any supplemental information by mail, fax or email unless the SharePoint site is not functional. If you do not have access to this SharePoint site, please email WO-350 point of contacts to request access:

Christina Price  
National Program Lead  
(202) 912- 7503  
cjprice@blm.gov

Brenda Wilhight  
National Program Lead  
(202) 912-7346  
BWilhigh@blm.gov

Upon receipt of the Checklist and any supplemental information, WO-350 will review and forward the Checklist (and any supplemental information) via email to the RUS. Upon receipt of the certified Checklist from the RUS, the BLM WO-350 will upload the determination to the SharePoint site and notify the field office by email.

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**Important Note:** Field office personnel and/or the applicant or grant holder should not contact the RUS Washington Office directly unless instructed to do so by the WO-350 office personnel.

The applicant or grant holder will be required to continue paying rent (which is not refundable) until a certification is received from RUS and the field office issues a rent exemption decision.

E. Rural Utilities Service Review:

The RUS will complete items #10 or #21 as appropriate and return the signed Checklist to WO-350. WO-350 will return the signed Checklist to the appropriate field office. The field office will file all documentation in the official case file, update the case recordation system (LR2000), and notify the applicant or grant holder by decision letter of the determination.