



STATE OF ALASKA
Department of Environmental Conservation
Division of Spill Prevention & Response
410 Willoughby Ave., Suite 303 – P.O. Box 111800
Juneau, Alaska 99811-1800



FINANCIAL RESPONSIBILITY APPLICATION & CHECKLIST

CHECK ONE: NEW APPLICATION – DATE OPERATIONS WILL BEGIN: _____
 RENEWAL APPLICATION – DATE CURRENT APPROVAL CERTIFICATE(S) EXPIRE: _____

Application is hereby made for demonstration of financial responsibility in accordance with AS 46.04.040 or AS 46.04.055 and 18 AAC 75 Article 2.

THIS APPLICATION IS MADE IN THE NAME OF: (see 18 AAC 75.205) _____

A. The VESSELS named below (attach additional sheets or schedules if necessary):

NAME	OFFICIAL NUMBER	GRT	OIL CAPACITY (IN BARRELS) CRUDE __NONCRUDE__
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The **OWNER** of each vessel is:

Primary **OPERATIONAL CONTROL** of each vessel is under:

Name, address, phone & fax numbers and e-mail of the person the Department of Environmental Conservation should contact if necessary to clarify application:

B. The FACILITIES OR TRAINS named below (attach additional sheets if necessary):

NAME	STREET ADDRESS/LOCATION	TRAIN STORAGE CAPACITY (IN BARRELS) PERSISTENT__NONPERSISTENT__	TOTAL FACILITY STORAGE CAPACITY (IN BARRELS) CRUDE __NONCRUDE__
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The **OWNER** of the facility, facilities or railroad:

Primary **OPERATIONAL CONTROL** is under:

Name, address, phone & fax numbers and e-mail of the person the Department of Environmental Conservation should contact if necessary to clarify application:

The applicant has various options in demonstrating proof of financial responsibility. These include self-insurance, insurance, surety bond, guaranty, letter of credit or other proof of financial responsibility approved by the Department. The **checklist on page two ensures that the applicant has completed their application** and has met State of Alaska requirements for any option. References to the regulations under 18 AAC 75 Article 2 containing specifications for each financial responsibility option are listed. Refer to the regulations for detailed information. Please check the appropriate spaces to indicate what evidence of financial responsibility you are submitting to complete this application, and of your acknowledgement and understanding of the various requirements.

CONTINUED ON REVERSE

THIS APPLICATION IS CONSIDERED INCOMPLETE UNTIL APPROPRIATE SPACES (BELOW) HAVE BEEN CHECKED, THE APPLICATION HAS BEEN SIGNED, DATED AND NOTARIZED, AND ASSOCIATED EVIDENCE OF FINANCIAL RESPONSIBILITY HAS BEEN RECEIVED BY THE DEPARTMENT.

A. SELF-INSURANCE

Reference-18 AAC 75.245

- 1. Annual audited financial statement certified by an independent certified public accountant is enclosed.
- 2. Quarterly affidavit attesting to net worth and working capital, or liquid assets and cash flow (as defined in this section) is enclosed.
- 3. The most recent United States Security and Exchange Commission Form 10 K is enclosed.
- 4. The most recent United States Security and Exchange Commission Form 10 Q is enclosed.
- 5. The most recent Federal Energy Regulatory Commission Form 6 is enclosed.

B. INSURANCE

Reference-18 AAC 75.250

- 1. Insurer is authorized to sell insurance in the State or is not disapproved to sell insurance by the State.
- 2. Binder or insurance certificate enclosed, to be followed in 90 days by the underlying insurance policy.
- 3. Copy of the current insurance policy is enclosed.
- 4. Deductible clause in the policy will be met by another form of proof. (These other forms of proof must be indicated on this checklist.)
- 5. Policy, binder or certificate includes the endorsement required under 18 AAC 75.250(b).
- 6. Direct action and an agent for service of process in the State of Alaska are provided.

C. SURETY BOND

Reference-18 AAC 75.255

- 1. DEC Surety Bond Form A is enclosed.
- 2. Surety Bond is in the full amount required under AS 46.04.040, AS 46.04.055 or 18 AAC 75.235.
- 3. Surety Bond is in an amount less than required under AS 46.04.040, AS 46.04.055 or 18 AAC 75.235, but is being supplemented with other proof of financial responsibility to equal the full amount required. (These other forms must be indicated on this checklist.)
- 4. Direct action and an agent for service of process in the State of Alaska are provided.
- 5. Surety issuer is registered in the State and possesses a certificate of authority to do business in the United States.
- 6. Surety issuer possesses sufficient underwriting limitation.

D. GUARANTY

Reference-18 AAC 75.260

- 1. DEC Guaranty Form B is enclosed.
- 2. Requirements under 18 AAC 75.245 are met and individually indicated by checking the applicable spaces in the self-insurance Section A (above).
- 3. Direct action and an agent for service of process in the State of Alaska are provided.

E. LETTER OF CREDIT

Reference-18 AAC 75.265

- 1. Letter of Credit is enclosed.
- 2. Letter of Credit is in the full amount required under AS 46.04.040, AS 46.04.055 or 18 AAC 75.235.
- 3. Letter of Credit is in an amount less than required under AS 46.04.040, AS 46.04.055 or 18 AAC 75.235, but is supplemented with another form of proof to equal the full amount. (These other forms must be indicated on this checklist.)
- 4. An agent for service of process in the State of Alaska is provided.
- 5. Letter of credit is issued by a financial institution that has authority to do so and is regulated and examined by state and federal banking agencies.

F. OTHER PROOF OF FINANCIAL RESPONSIBILITY

- 1. A contract of indemnity or insurance (subject to AS 46.04.040(e)) is enclosed. (Reference -18 AAC 75.270)
- 2. A statement of indemnification includes an endorsement that meets the requirements of 18 AAC 75.250(b).
- 3. The contract of indemnity or insurance does not agree to direct court action or to appoint an agent for service of process, but the applicant meets the requirements of 18 AAC 75.270(c) with the first \$83.6 million subject to direct action. (These other forms of proof must be indicated on this checklist.)
- 4. An agent for service of process in the State of Alaska is provided.
- 5. A Certificate of Deposit for the deductible amount or other financial evidence is enclosed. (Describe here: _____.)
- 6. Tank vessel or oil barge only available for spill response per AS 46.04.040(m). Explanation required under 18 AAC 75.205(d)(1) is enclosed.
- 7. The applicant is an agency of the United States or of the State of Alaska and is exempted from proof per 18 AAC 75.205(b)(4).

I hereby swear or affirm that I am the person designated to sign on behalf of the applicant under 18 AAC 75.205 (a) and (c). I declare under penalty of perjury that I have examined this application, including all accompanying evidence of financial responsibility, schedules and statements, and to the best of my knowledge, information and belief, find the application and all accompanying evidence of financial responsibility to be true, correct and complete.

APPLICANT'S SIGNATURE (as required by 18 AAC 75.205(c))

TYPED NAME and **TITLE** of applicant

State (Province) of _____

County (Judicial District) of _____

Before me, the undersigned authority, a Notary Public in and for said State (or Province) and County (or Judicial District), on this day personally appeared

_____, (the **APPLICANT'S NAME**) known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of said

_____ (the **APPLICANT'S COMPANY NAME**) and that said person executed the same as the act of such business on behalf of the applicant for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this _____ day of _____, 201__.

(Notary Seal here)

Notary Public in and for the

County (Judicial District) of _____ and the

My commission expires _____

State (Province) of _____