## **Subpart 241.1 - GENERAL**

Parent topic: Part 241 - ACQUISITION OF UTILITY SERVICES

## 241.101 Definitions.

As used in this part—

"Independent regulatory body" means the Federal Energy Regulatory Commission, a state-wide agency, or an agency with less than state-wide jurisdiction when operating pursuant to state authority. The body has the power to fix, establish, or control the rates and services of utility suppliers.

"Nonindependent regulatory body" means a body that regulates a utility supplier which is owned or operated by the same entity that created the regulatory body, e.g., a municipal utility.

"Regulated utility supplier" means a utility supplier regulated by an independent regulatory body.

"Service power procurement officer" means for the-

Army, the Chief of Engineers;

Navy, the Commander, Naval Facilities Engineering Command;

Air Force, the head of a contracting activity; and

Defense Logistics Agency, the head of a contracting activity.

## 241.102 Applicability.

- (a) This part applies to purchases of utility services from nonregulated and regulated utility suppliers. It includes the acquisition of liquefied petroleum gas as a utility service when purchased from regulated utility suppliers.
- (b)(7) This part does not apply to third party financed projects. However, it may be used for any purchased utility services directly resulting from such projects, including those authorized by—
- (A) 10 U.S.C. 2394 for energy, fuels, and energy production facilities for periods not to exceed 30 years;
- (B) 10 U.S.C. 2394a for renewable energy for periods not to exceed 25 years;
- (C) 10 U.S.C. 2917 for geothermal resources that result in energy production facilities;

- (D) 10 U.S.C. 2809 for potable and waste water treatment plants for periods not to exceed 32 years; and
- (E) 10 U.S.C. 2812 for lease/purchase of energy production facilities for periods not to exceed 32 years.

## 241.103 Statutory and delegated authority.

- (1) The contracting officer may enter into a utility service contract related to the conveyance of a utility system for a period not to exceed 50 years (10 U.S.C.2688(d)(2)).
- (2) The contracting officer may enter into an energy savings contract under 10 U.S.C. 2913 for a period not to exceed 25 years.
- (3) See <u>217.174</u> for authority to enter into multiyear contracts for electricity from renewable energy sources.
- (4) See PGI <u>241.103</u> for statutory authorities and maximum contract periods for utility and energy contracts.