

BPS Credit 2003 0122

Motion (motioned by Howard Nelson, seconded by Joe Kardas)

For credit evaluation purposes, the Service Requester should supply any of the following information as specified by the Service Provider:

- Audited Financial Statements,
- Annual Report,
- Most Recent filed statements with the SEC (or an equivalent authority) or such other publicly available information,
- For public entities, the most recent publicly available interim financial statements, with an attestation by its Chief Financial Officer that such statements constitute a true, correct, and fair representation of financial condition prepared in accordance with Generally Accepted Accounting Principles (GAAP) or equivalent,
- For non-public entities, the most recent available interim financial statements, with an attestation by its Chief Financial Officer that such statements constitute a true, correct, and fair representation of financial condition prepared in accordance with Generally Accepted Accounting Principles (GAAP) or equivalent,
- For non-public entities, a sworn filing with a regulatory agency showing Service Requester's current financial condition,
- List of Affiliates, Parent Companies and Subsidiaries,
- Publicly Available Credit Reports from Credit and Bond Rating Agencies,
- Bank References,
- Trade References,
- Statement of Legal Composition,
- Statement of Length of Time Business has Been in Operation, and
- Such other information as specified in the Service Provider's tariff, general terms and conditions, or as may be mutually agreed to by the parties.

Proposed Modifications:

For credit evaluation purposes, the Service Requester should supply any of the following information as specified by the **Transportation** Service Provider:

- Audited Financial Statements_;
- Annual Report_;
- Most ~~R~~recent filed statements with the SEC (or an equivalent authority) or such other publicly available information_;
- For public entities, the most recent publicly available interim financial statements, with an attestation by its Chief Financial Officer that such statements constitute a true, correct, and fair representation of financial condition prepared in accordance with Generally Accepted Accounting Principles (GAAP) or equivalent_;
- For non-public entities, the most recent available interim financial statements, with an attestation by its Chief Financial Officer that such statements constitute a true, correct, and fair representation of financial condition prepared in accordance with Generally Accepted Accounting Principles (GAAP) or equivalent_;
- For non-public entities, **an existing** sworn filing with a regulatory agency showing Service Requester's current financial condition_;
- List of Affiliates, Parent Companies and Subsidiaries_;
- Publicly Available Credit Reports from Credit and Bond Rating Agencies_;
- Private Credit Ratings, if obtained by the Service Requester_;**
- Bank References_;
- Trade References_;
- Statement of Legal Composition_;
- Statement of Length of Time Business has Been in Operation_; **and**
- Such other information as required by the Transportation Service Provider's lender;**

Such other information ~~as specified in the Service Provider's tariff, general terms and conditions, or~~ as may be mutually agreed to by the parties.; and
Such other information as the Transportation Service Provider may receive approval to include in its tariff or general terms or conditions.

Non-public information supplied by the Service Requester should be treated by the Transportation Service Provider as confidential.

It was relayed that the motioner and seconder did not want to include the proposed language below.

In the event that the Service Requester does not have its own financial or credit reports or statements as indicated above, the Service Requester may instead supply such reports or statements for Service Requester's parent or other entity that is guaranteeing the Service Requester's credit, to the extent that such alternative reports or statements are available.