Pipeline and Hazardous Materials Safety Admin., DOT § 105.40

(b) PHMSA Decision. PHMSA will decide whether or not to treat your information as confidential. We will notify you, in writing, of a decision to grant or deny confidentiality at least five days before the information is publicly disclosed, and give you an opportunity to respond.

[67 FR 42951, June 25, 2002, as amended at 70 FR 73159, Dec. 9, 2005]

SERVING DOCUMENTS

§ 105.35 Serving documents in PHMSA proceedings.

(a) Service by PHMSA. We may serve the document by one of the following methods, except where a different method of service is specifically required:

(1) Registered or certified mail. If we serve a document by registered or certified mail, it is considered served when mailed.

(2) Personal service.

(3) Publication in the Federal Register.

(b) Service by others. If you are required under this subchapter to serve a person with a document, serve the document by one of the following methods, except where a different method of service is specifically required:

(1) Registered or certified mail. If you serve a document by registered or certified mail, it is considered served when mailed.

(2) Personal service.

(3) Electronic service.

§ 105.40 Designated agents for non-residents.

(a) General requirement. If you are not a resident of the United States but are required by this subchapter or subchapter C of this chapter to designate a permanent resident of the United States to act as your agent and receive documents on your behalf, you must prepare a designation and file it with us.

(b) Agents. An agent, also known as "agent for service of process":

(1) May be an individual, a firm, or a domestic corporation.

(2) May represent any number of principals.

(3) May not reassign responsibilities under a designation to another person.

(c) Preparing a designation. Your designation must be written and dated, and it must contain the following information:

(1) The section in the HMR that requires you to file a designation.

(2) A certification that the designation is in the correct legal form required to make it valid and binding on you under the laws, corporate bylaws, and other requirements that apply to designations at the time and place you are making the designation.

(3) Your full legal name, the principal name of your business, and your mailing address.

(4) A statement that your designation will remain in effect until you withdraw or replace it.

(5) The legal name and mailing address of your agent.

(6) A declaration of acceptance signed by your agent.
