

rules for expedited minor classification cases (39 CFR 3001.69).

The Postal Service's extension request indicates that it had been finalizing a request for further testing of a modified RPN service that would address the suggestions made by the Commission in its Opinion in Docket No. MC2004-5. The request observes that on January 6, 2006, the Postal Service received a copy of the Commission-sponsored white paper addressing various issues raised by the RPN service from an academic perspective. The request states that the Postal Service decided to delay finalizing its request for a modified RPN service in order to incorporate consideration of the white paper. The Postal Service explains its decision to incorporate consideration of the white paper in its request makes it impossible to process a request for testing of a modified RPN service prior to the scheduled expiration of the provisional RPN service on April 3, 2006. The Postal Service asks the Commission to approve an extension of that service in order to avoid disruption to customers that would be caused by termination of the provisional RPN service on April 3, 2006, pending consideration of the next phase of the service.

The Postal Services proposes that the status quo continue until a replacement provisional or permanent service is implemented, or, if no such service is implemented, three months after the Commission takes action on a Postal Service request to implement such a service. If the Postal Service does not file such a request, the proposal is that the provisional service expire on April 3, 2007. See page 2 and Attachment A of the Request. The request includes attachments and is supported by the testimony of witness Kirk Kaneer. It also includes a conditional motion for waiver of rule 64 of our rules of practice, if material incorporated from Docket No. R2005-1 is not considered adequate to satisfy that rule. The request is on file in the Commission's docket room for inspection during regular business hours and is available on the Commission's Web site at <http://www.prc.gov>.

## II. Settlement

*Proposed settlement procedures.* The Postal Service requests that the Commission establish settlement procedures in this proceeding. It argues that settlement of issues surrounding its request is appropriate, since the purpose of the extension of the status quo is to allow a modified RPN service to reflect the white paper and the public dialogue that the white paper is intended to

foster to be considered in designing the modified service.

The Commission will appoint Postal Service counsel to serve as settlement coordinator in this proceeding. In this capacity, counsel for the Postal Service shall report on the status of settlement discussions at the prehearing conference. The Commission will make its hearing room available for settlement conferences at such times deemed necessary by the settlement coordinator. If someone intervenes after a settlement conference is held, the settlement coordinator could brief such person on the substance of the conference.

## III. Expedition

*Further procedures.* Rule 69b affords all interested parties 26 days after filing of the Postal Service's request (February 7, 2006) to intervene and respond to the Postal Service's proposal to have this request considered under the expedited procedures of rule 69. On February 8, 2006, the Commission will determine if expedited rule 69 procedures are appropriate. If the Commission determines that they are, intervenors will have until February 23, 2006, to state with specificity those issues of material fact, if any, that they contend require a hearing, the period that rule 69b(h) allows. They may make their statement in writing, or orally at the prehearing conference, provisionally scheduled for February 23. If the Commission determines that hearings are warranted, they will commence on March 1, 2006, the period that rule 69b(i) allows. If no hearing is necessary, a recommended decision will be issued promptly.

## IV. Public Participation

*Public participation.* In conformance with section 3624(a) of title 39, the Commission designates Shelley S. Dreifuss, director of the Commission's Office of the Consumer Advocate (OCA), to represent the interests of the general public in this proceeding. Pursuant to this designation, Ms. Dreifuss will direct the activities of Commission personnel assigned to assist her and, upon request, will supply their names for the record. Neither Ms. Dreifuss nor any of the assigned personnel will participate in or provide advice on any Commission decision in this proceeding.

## V. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. MC2006-2 to consider the Postal Service Request referred to in the body of this order.
2. The Commission will act en banc in this proceeding.

3. Notices of intervention shall be filed no later than February 7, 2006.

4. Shelley S. Dreifuss, director of the Commission's Office of the Consumer Advocate, is designated to represent the interests of the general public.

5. Answers to the Postal Service's Conditional Motion for Waiver of the portions of rule 64 are due on February 7, 2006.

6. Postal Service counsel is appointed to serve as settlement coordinator in this proceeding. The Commission will make its hearing room available for settlement conferences at such times deemed necessary by the settlement coordinator.

7. A prehearing conference is provisionally scheduled for February 23, 2006, at 11 a.m. in the Commission's hearing room.

8. Participants who wish to request a hearing on the Postal Service's request in this docket to extend its market test shall submit such a request, together with statements in conformance with 39 CFR 3001.69b(h) on or before February 23, 2006.

9. The Secretary shall cause this notice and order to be published in the **Federal Register**.

By the Commission.

**Steven W. Williams,**  
*Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

#### *Extension:*

Rule 15c2-1; SEC File No. 270-418; OMB Control No. 3235-0485.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") is publishing the following summaries of collections for public comment.

Rule 15c2-1 prohibits the commingling under the same lien of securities of margin customers (a) with other customers without their written consent and (b) with the broker or dealer. The rule also prohibits the rehypothecation of customers' margin securities for a sum in excess of the customer's aggregate indebtedness. See Securities Exchange Act Release No.

2690 (November 15, 1940); Securities Exchange Act Release No. 9428 (December 29, 1971). Pursuant to Rule 15c2-1, respondents must collect information necessary to prevent the rehypothecation of customer securities in contravention of the rule, issue and retain copies of notices of hypothecation of customer securities in accordance with the rule, and collect written consents from customers in accordance with the rule. The information is necessary to ensure compliance with the rule, and to advise customers of the rule's protections.

There are approximately 145 respondents (*i.e.*, broker-dealers that carry or clear customer accounts that also have bank loans) that require an aggregate total of 3263 hours to comply with the rule. Each of these approximately 145 registered broker-dealers makes an estimated 45 annual responses. Each response takes approximately 0.5 hours to complete. Thus, the total compliance burden per year is 3263 burden hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NW., Washington, DC 20549.

Dated: January 17, 2006.

**Jill M. Peterson,**

*Assistant Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53131; File No. S7-24-89]

### Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment Nos. 15 and 16 to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis, Submitted by the Pacific Exchange, Inc., the National Association of Securities Dealers, Inc., the American Stock Exchange LLC, the Boston Stock Exchange, Inc., the Chicago Stock Exchange, Inc., the National Stock Exchange, Inc., and the Philadelphia Stock Exchange, Inc.

January 17, 2006.

#### I. Introduction and Description

Pursuant to Rule 608 of the Securities Exchange Act of 1934 (the "Act")<sup>1</sup> notice is hereby given that on December 15, 2005, the operating committee ("Operating Committee" or "Committee")<sup>2</sup> of the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation, and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis ("Nasdaq/UTP Plan" or "Plan") filed with the Securities and Exchange Commission ("Commission") amendments to the Plan. These amendments are incorporated in Amendment 15 to the Plan and reflect elimination of the New York Stock Exchange as a Plan Participant, removal of an outdated section of the Plan regarding Eligible Securities, and modification of Exhibit 1 to the Plan to reflect quarterly year-to-date payments and adjustments of distributable net operating income. Amendment 15 was unanimously approved by the Committee on September 22, 2005.<sup>3</sup> In addition, pursuant to Rule 608 of the Act, notice is hereby given that on

<sup>1</sup> 17 CFR 242.608.

<sup>2</sup> The Plan Participants (collectively, "Participants") are: The American Stock Exchange, LLC ("AMEX"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Chicago Stock Exchange, Inc. ("CHX"), the National Stock Exchange, Inc. ("NSX"), the National Association of Securities Dealers, Inc. ("NASD"), the Pacific Exchange ("PCX"), and the Philadelphia Stock Exchange, Inc. ("PHLX").

<sup>3</sup> See letter from Bridget M. Farrell, Chairman, OTC/UTP Operating Committee, to Jonathan G. Katz, Secretary, Commission, dated December 14, 2005.

December 23, 2005, the Committee filed with the Commission another amendment to the Plan, Amendment 16. Amendment 16 to the Plan reflects the addition of the International Securities Exchange as a Plan Participant. Amendment 16 was unanimously approved by the Committee on November 17, 2005.<sup>4</sup> The Commission is publishing this notice of filing and immediate effectiveness to solicit comments from interested persons on Amendment Nos. 15 and 16.

#### II. Background

The Plan governs the collection, consolidation, and dissemination of quotation and transaction information for the Nasdaq Stock Market, Inc. ("Nasdaq") National Market ("NNM") and Nasdaq SmallCap securities listed on Nasdaq or traded on an exchange pursuant to unlisted trading privileges ("UTP").<sup>5</sup> The Plan provides for the collection from Plan Participants and the consolidation and dissemination to vendors, subscribers, and others of quotation and transaction information in Eligible Securities.<sup>6</sup>

The Commission originally approved the Plan on a pilot basis on June 26, 1990.<sup>7</sup> The parties did not begin trading until July 12, 1993; accordingly, the pilot period commenced on July 12, 1993. The Plan was most recently extended on December 14, 2005.<sup>8</sup>

<sup>4</sup> See letter from Bridget M. Farrell, Chairman, OTC/UTP Operating Committee, to Jonathan G. Katz, Secretary, Commission, dated December 20, 2005.

<sup>5</sup> Section 12 of the Act generally requires an exchange to trade only those securities that the exchange lists, except that section 12(f) of the Act permits UTP under certain circumstances. For example, section 12(f) of the Act, among other things, permits exchanges to trade certain securities that are traded over-the-counter ("OTC/UTP"), but only pursuant to a Commission order or rule. For a more complete discussion of the section 12(f) requirement, see Securities Exchange Act Release No. 36481 (November 13, 1995), 60 FR 58119 (November 24, 1995).

<sup>6</sup> The Plan defines "Eligible Securities" as any Nasdaq National Market or Nasdaq SmallCap security, as defined in NASD Rule 4200, (i) as to which unlisted trading privileges have been granted to a national securities exchange pursuant to section 12(f) of the Act or which become eligible for such trading pursuant to order of the Commission, or (ii) which is also listed on a national securities exchange.

<sup>7</sup> See Securities Exchange Act Release No. 28146, 55 FR 27917 (July 6, 1990).

<sup>8</sup> See Securities Exchange Act Release No. 52886, 70 FR 74059 (December 14, 2005).