

supporting materials, under seal.⁴ The Postal Service asserts that “[t]he names of customers who enter into respective contracts and the related contract prices are highly confidential business information.” Docket No. CP2008–9 Pricing Notice at 1; Docket No. CP2008–10 Pricing Notice at 1.

The Postal Service’s filings in these dockets are related. Docket No. CP2008–8 establishes, in essence, a shell classification, while Docket Nos. CP2008–9 and CP2008–10 are specific agreements negotiated pursuant to the conditions of the shell classification. Given this interrelationship, the Commission reviews these proceedings together in this order.⁵

In Order No. 43, the Commission issued regulations establishing a modern system of rate regulation, including a list of competitive products. PRC Order No. 43, October 29, 2007, 3061, 4013. Among other things, the Commission determined that each negotiated service agreement would initially be classified as a separate product. The Commission also acknowledged, however, the possibility of grouping functionally equivalent agreements as a single product if they exhibit similar cost and market characteristics. *Id.* 2177 and 3001. In its filings, the Postal Service does not contend or provide support for the proposition that these two agreements are premised on similar cost and market characteristics. Thus, the specific Global Plus agreements filed in Docket Nos. CP2008–9 and CP2008–10 will be classified as new products.

As noted above, the Postal Service filed all three above-captioned dockets pursuant to 39 CFR 3015.5.⁶ Recognizing that the Postal Service’s filings in these proceedings represent a series of recent filings involving competitive rates not of general applicability under 39 U.S.C. 3632(b)(3), the Commission will proceed as if the Global Plus negotiated service agreements also had been filed pursuant

to 39 CFR part 3020, subpart B.⁷ As a consequence, the Commission will also review the dockets pursuant to 39 CFR 3020.34. Because the Commission in its own discretion will review these dockets under 39 CFR 3020.34, the Postal Service may, if it wishes to do so, supplement the materials already filed with the Commission.⁸

In addition, the Commission directs the Postal Service to identify and list any contracts currently in existence (and their respective expiration dates) that would no longer qualify as Global Plus contracts under proposed revised section 2610.5 to the draft MCS attached to the Notice in Docket No. CP2008–8. The Commission also directs the Postal Service to provide a detailed justification for why it believes that Global Plus contracts’ expiration dates (without disclosing the identity of the customers) should not be made publicly available. The Postal Service must also address the reasons why the entire Governors’ decision is considered to be highly confidential or otherwise entitled to be filed under seal.

Under the negotiated service agreements at issue, mailers would pay discounted rates prior to necessary regulatory approval for such rates subject to subsequent collection of the full rate if regulatory approval is not obtained. The Postal Accountability and Enhancement Act does not appear to contemplate this arrangement for new products. *See* 39 U.S.C. 3642(e). The Postal Service should address this issue in its comments.

Answers to the Commission’s questions and any supplemental materials that the Postal Service plans to provide are due no later than June 13, 2008.

Interested persons may express views and offer comments on whether the planned changes are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642. Comments are due no later than June 19, 2008.

Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in the above-captioned dockets.

It is ordered:

1. Responses to the Commission’s questions set forth in the body of this

⁷ In Order Nos. 78 and 79, the Commission provided guidance on the filing procedures that should be used for such filings in the future. *See* PRC Order No. 78 at 3, n.6.

⁸ The Commission characterizes the Governors’ decision and associated materials filed in Docket No. CP2008–8 as material that supports the specific negotiated service agreements filed in Docket Nos. CP2008–9 and CP2008–10.

order and any supplemental materials that the Postal Service wishes to provide are due no later than June 13, 2008.

2. Comments by interested persons on issues in these proceedings are due no later than June 19, 2008.

3. The Commission appoints Paul L. Harrington as Public Representative to represent the interests of the general public in these proceedings.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.
Steven W. Williams,
Secretary.
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SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of: Struthers, Inc. (n/k/a Global Marine, Ltd.), Sun Vacation Properties Corp., and Sunshine Mining & Refining Co.; Order of Suspension of Trading

June 10, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Struthers, Inc. (n/k/a Global Marine Ltd.) because it has not filed any periodic reports since the period ended September 30, 2001.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sun Vacation Properties Corp. because it has not filed any periodic reports since the period ended December 31, 2003.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sunshine Mining & Refining Co. because it has not filed any periodic reports since September 30, 2001.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 10, 2008, through 11:59 p.m. EDT on June 23, 2008.

⁴ The Postal Service’s filings under seal did not comply with the Commission’s procedural rules. The Postal Service is reminded that a cover sheet must be attached to all documents being filed under seal. The cover sheet must contain the caption and title pursuant to 39 CFR 3001.11(a). Consistent with previous practice, documents filed under seal should contain a statement similar to the following: “CONFIDENTIAL—DOCUMENT FILED UNDER SEAL.” *See, e.g.*, Docket No. MC2005–3, P.O. Ruling MC2005–3/2, at Attachment para. 10.

⁵ While this order treats these proceedings together due to their interrelated nature, future filings should be made in the docket related to the issues being addressed.

⁶ Docket No. CP2008–8 was also filed pursuant to 39 CFR 3020.90.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-57932; File No. SR-Amex-2008-39]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto Relating to the Listing and Trading of Trust Issued Receipts That Directly Hold Investments in Certain Financial Instruments and To Permit the Listing and Trading of Shares of Fourteen Funds of the Commodities and Currency Trust

June 5, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 9, 2008, the American Stock Exchange LLC (“Amex” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. On June 4, 2008, the Exchange filed Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to: (1) Amend Commentary .07 to Amex Rule 1202 to permit the listing and trading of certain trust issued receipts (“TIRs”) that hold any combination of investments including cash, securities, options on securities and indices, commodities, futures contracts, options on futures contracts, forward contracts, equity caps, collars, and floors, and swap agreements (collectively, “Financial Instruments”); and (2) list and trade the shares (“Shares”) of fourteen funds (“Funds”) of the Commodities and Currency Trust (“Trust”) based on certain commodity indexes, commodities, and currencies pursuant to Commentary .07 to Amex Rule 1202, as proposed to be amended. The text of the proposed rule change is available at

Amex, the Commission’s Public Reference Room, and <http://www.amex.com>.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Commentary .07 to Amex Rule 1202 to permit the listing and trading of certain TIRs that directly hold any combination of investments in Financial Instruments.³ In addition, the Exchange proposes to list and trade the Shares of the Funds pursuant to Commentary .07 to Amex Rule 1202, as proposed to be amended.

Proposed Revision to Commentary .07 to Amex Rule 1202

Commentary .07 to Amex Rule 1202 currently permits the Exchange to list and trade TIRs where the underlying trust holds “Investment Shares.”⁴ Investment Shares are defined in Commentary .07(b)(1) to Amex Rule 1202 as securities that are (a) issued by a trust, partnership, commodity pool, or other similar entity that invests in any combination of futures contracts, options on futures contracts, forward contracts, commodities, swaps or high credit quality short-term fixed-income securities or other securities, and (b) issued and redeemed daily at net asset value (“NAV”) in amounts correlating to the number of receipts created and redeemed in a specified aggregate minimum number. As a result, TIRs that are listed pursuant to current Commentary .07 to Amex Rule 1202 are

³ The Exchange represents that permissible securities in connection with Financial Instruments would not include foreign equity securities.

⁴ See Commentary .07(a) to Amex Rule 1202. See also Securities Exchange Act Release No. 53105 (January 11, 2006), 71 FR 3129 (January 19, 2006) (SR-Amex 2005-059) (approving, among other things, the adoption of Commentary .07 to Amex Rule 1202).

required to be in the form of a “master-feeder” structure, whereby the listed security holds or invests in the security of the fund that is investing in the prescribed financial instruments.

As a result of a recent interpretation by the staff of the Internal Revenue Service relating to the inability to interpose a grantor trust in order to utilize a certain tax reporting form, the Exchange has been notified that the need for the current master-feeder structure set forth in Commentary .07 to Amex Rule 1202 is no longer necessary. The Exchange represents that there are no substantive differences between the proposed structure (TIRs directly holding Financial Instruments) and the current master-feeder structure (TIRs holding Investment Shares that invest in certain financial instruments). Amex states that its proposal would provide an alternative for issuers so that TIRs may be listed and traded on the Exchange that directly invests in or holds Financial Instruments, rather than through an additional security of a fund.

Specifically, the proposal seeks to expand the application of Commentary .07 to Amex Rule 1202 to both Investment Shares and Financial Instruments. Accordingly, new Commentary .07(b)(4) to Amex Rule 1202 would be added to define “Financial Instrument” as any combination of cash, securities, options on securities and indices, commodities, futures contracts, options on futures contracts, forward contracts, equity caps, collars, and floors, and swap agreements. Amex seeks to add the term “Financial Instrument” to where the term “Investment Shares” appears throughout Commentary .07 to Amex Rule 1202 to indicate that TIRs directly holding Financial Instruments may be listed and traded on the Exchange.

Description of the Funds and the Shares

The Shares of each Fund will generally be subject to the Amex rules applicable to TIRs. The Shares represent common units of fractional undivided beneficial interests in, and ownership of, each Fund. Each Fund will invest the proceeds of its offering of Shares in various Financial Instruments that will provide exposure to the Funds’ underlying currency, commodity, or commodity index, as applicable. In addition, the Funds will also maintain cash positions in cash or money market instruments for the purpose of collateralizing such positions taken in the Financial Instruments.

Shares of seven of the Funds of the Trust will be designated as Ultra ProShares while the Shares of the other seven Funds of the Trust will be

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.