

*Further procedures.* By statute, the Commission is required to issue its decision within 120 days from the date this appeal was filed [39 U.S.C. 404(d)(5)]. A procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. As required by the Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. 39 CFR 3001.21.

*It is ordered:*

1. The Postal Service shall file the administrative record in this appeal, or

otherwise file a responsive pleading to the appeal, by February 1, 2010.

2. The procedural schedule listed below is hereby adopted.

3. Pursuant to 39 U.S.C. 505, Richard A. Oliver is designated officer of the Commission (Public Representative) to represent the interests of the general public.

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

*Concurring Opinion of Commissioner Blair.* I concur in the establishment of the docket to hear the appeal of the closing of the Sundance retail station located in Steamboat Springs, Colorado. The appeal appears to have met the preliminary test of being filed within the timeline prescribed by the statute.

However, I have serious concerns about this docket and its timing. These concerns include how this case might impact the Commission's deliberations and anticipated decision in the proceeding regarding an advisory opinion on the Postal Service Station and Branch Optimization and Consolidation Initiative, Docket No. N2009-1 and whether the Commission's consideration of this appeal may preempt issues raised in Docket No. N2009-1. It also comes at the time the Commission is receiving public comment on its public investigation into post office suspensions, Docket No. PI2010-1.

By the Commission.  
**Shoshana M. Grove,**  
*Secretary.*

**PROCEDURAL SCHEDULE**

December 29, 2009 .....	Filing of Appeal.
February 1, 2010 .....	Deadline for Postal Service to file administrative record in this appeal or responsive pleading.
February 4, 2010 .....	Deadline for petitioner's form 61 or initial brief in support of petition ( <i>see</i> 39 CFR 3001.115(a) and (b)).
February 16, 2010 .....	Deadline for petitioners to intervene ( <i>see</i> 39 CFR 3001.111(b)).
February 24, 2010 .....	Deadline for answering brief in support of Postal Service ( <i>see</i> 39 CFR 3001.115(c)).
March 11, 2010 .....	Deadline for reply briefs in response to answering briefs ( <i>see</i> 39 CFR 3001.115(d)).
March 18, 2010 .....	Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings ( <i>see</i> 39 CFR 3001.116).
April 28, 2010 .....	Expiration of the Commission's 120-day decisional schedule ( <i>see</i> 39 U.S.C. 404(d)(5)).

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-61395; File No. SR-FICC-2009-11]

**Self-Regulatory Organizations; The Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Modify the Fee Schedule of the Government Securities Division of the Fixed Income Clearing Corporation**

January 21, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> notice is hereby given that on December 29, 2009, the Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") the

proposed rule change described in Items I, II, and III below, which items have been prepared primarily by FICC. FICC filed the proposal pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>2</sup> and Rule 19b-4(f)(2)<sup>3</sup> thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the rule change from interested parties.

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

The proposed rule change amends FICC's rules to modify the fee schedules of its Government Securities Division ("GSD").

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

In its filing with the Commission, FICC 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. FICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.<sup>4</sup>

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

(a) The purpose of this filing is to modify participant fees as outlined below. The fee changes were effective as of January 4, 2010.

(i) The GSD fee structure for submission of a side of a trade and submission of a repo transaction is revised to reflect the following:

	2009 Fee	2010 Proposed fee
Up to 50,000 submissions per month .....	\$0.16 per item .....	\$0.21 per item.
50,000 to 100,001 submissions per month .....	\$0.08 per item .....	\$0.12 per item.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>3</sup> 17 CFR 240.19b-4(f)(2).

<sup>4</sup> The Commission has modified the text of the summaries prepared by FICC.

(ii) The following Netting Fee and Charges were revised as follows:

	2009 Fee	2010 Proposed fee
1. For each side of a compared trade, other than a repo transaction, that is netted, a fee equaling the sum (in addition to the comparison fee) of:	(i) \$0.16; and (ii) \$0.012 per \$1 million of par value.	(i) \$0.16; and (ii) \$0.016 per \$1 million of par value.
2. For each start leg or close leg of a repo transaction other than a GCF repo transaction that is netted, a fee equaling the sum (in addition to the comparison fee) of:	(i) \$0.16; and (ii) \$0.060 per \$1 million of par value.	(i) \$0.16; and (ii) \$0.016 per \$1 million of par value.

and;

(iii) The charge for each deliver obligation and receive obligation created as a result of the netting process was a fee of \$0.060 per \$1 million of par value. This fee was increased to \$0.10 per \$1 million.

The proposed rule change is consistent with Section 17A of the Act,<sup>5</sup> as amended, and the rules and regulations thereunder applicable to FICC. The proposed rule change updates FICC's fee schedule for GSD thereby providing for the equitable allocation of fees among its participants.

#### (B) Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any impact or impose any burden on competition.

#### (C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change were not and are not intended to be solicited or received. FICC will notify the Commission of any written comments received by FICC.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>6</sup> and Rule 19b-4(f)(2)<sup>7</sup> thereunder because the proposed rule change changes a due fee or other change applicable only to members. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

<sup>5</sup> 15 U.S.C. 78q-1.

<sup>6</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>7</sup> 17 CFR 240.19b-4(f)(2).

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-FICC-2009-11 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-FICC-2009-11. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filings also will be available for inspection and copying at the principal office of FICC and on FICC's Web site at [http://www.dtcc.com/downloads/legal/rule\\_filings/2009/ficc/2009-11.pdf](http://www.dtcc.com/downloads/legal/rule_filings/2009/ficc/2009-11.pdf). All comments received

will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-FICC-2009-11 and should be submitted on or before February 17, 2010.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Florence E. Harmon,**  
Deputy Secretary.

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-61388; File No. SR-BX-2010-001]

### Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Registered Representative Fee and Options Regulatory Fee

January 20, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 4, 2010, NASDAQ OMX BX, Inc. (the "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 prepared by the self-regulatory organization. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to

<sup>8</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).