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**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202-789-6820.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Introduction
- II. Contents of Filing
- III. Commission Action
- IV. Ordering Paragraphs

**I. Introduction**

*Notice of filing.* On January 14, 2013, the Postal Service filed a notice announcing that it is entering into an additional Global Plus 1C contract (Agreement).<sup>1</sup> The Postal Service seeks to have the Agreement included within the Global Plus 1C product on the grounds of functional equivalence to a previously approved baseline agreement. *Id.* at 2.

*Product history.* The Commission added Global Plus 1C to the competitive product list by operation of Order No. 1151.<sup>2</sup> It concurrently designated the agreements filed in companion Docket Nos. CP2012-12 and CP2012-13 as the baseline agreements for purposes of establishing the functional equivalency of other agreements proposed for inclusion with the Global Plus 1C product. Order No. 1151 at 7.

The Agreement that is the subject of this filing is the customer's first Global Plus 1 contract with the Postal Service. Notice at 3.

**II. Contents of Filing**

The filing includes the Notice, along with the following attachments:

- Attachment 1—a redacted copy of the Agreement;
- Attachment 2—a redacted copy of the certification required under 39 CFR 3015.5(c)(2);
- Attachment 3—a redacted copy of Governors' Decision No. 11-6; and
- Attachment 4—an application for non-public treatment of material filed under seal.

The material filed under seal consists of unredacted copies of the Agreement

<sup>1</sup> Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1C Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, January 14, 2013 (Notice). The Notice was filed in accordance with 39 CFR 3015.5. *Id.* at 1.

<sup>2</sup> Docket Nos. MC2012-6, CP2012-12, and CP2012-13, Order Adding Global Plus 1C to the Competitive Product List and Approving Related Global Plus 1C Agreements, January 19, 2012 (Order No. 1151).

and supporting financial documents. *Id.* at 2. The Postal Service filed redacted versions of the sealed financial documents in public Excel spreadsheets. *Id.* at 3.

*Functional equivalency.* The Postal Service asserts that the instant Agreement and the baseline agreements are functionally equivalent because they share similar cost and market characteristics. *Id.* at 4. It notes that the pricing formula and classification established in Governors' Decision No. 08-8 ensure that each Global Plus 1C contract meets the criteria of 39 U.S.C. 3633 and related regulations. *Id.* The Postal Service also indicates that the pricing formula relied on for these Global Plus 1C contracts is included in Governors' Decision No. 11-6. *Id.* The Postal Service further asserts that the functional terms of the instant Agreement are very similar to those of the baseline agreements and that the benefits are comparable. *Id.*

The Postal Service states that prices offered under the instant Agreement and the baseline agreements may differ, depending on volume or postage commitments made by the customers and when an agreement is signed (due to updated costing information). *Id.* at 5. It also identifies other differences in contractual terms, but asserts that the differences do not affect either the fundamental service being offered or the fundamental structure of the Agreement.<sup>3</sup>

*Effective date; term.* The scheduled effective date of the Agreement is January 27, 2013, subject to regulatory oversight.<sup>4</sup> Attachment 1 at 10. The Agreement is expected to be in effect for approximately 1 year. The Agreement terminates either on the day before the date in January 2014 on which any change in Qualifying Mail published rates occurs or, if there is no change in the published rates during January 2014, on January 31, 2014.<sup>5</sup> Notice at 3-4; Attachment 1 at 10.

**III. Commission Action**

The Commission establishes Docket No. CP2013-43 for consideration of matters raised in the Notice. Interested

<sup>3</sup> *Id.* at 7. The list includes, among other things, the non-inclusion of Global Bulk Economy service, the addition and revision of articles, and related renumbering of articles. *See id.* at 5-7.

<sup>4</sup> The Postal Service is required to file notice of a decision concerning a rate not of general applicability with the Commission not later than 15 days before the effective date of the decision. 39 U.S.C. 3632(b)(3); 39 CFR 3015.5(a). The Postal Service filed notice of the Agreement on January 14, 2013. *Id.* at 1.

<sup>5</sup> Article 3 of the Agreement outlines the requirements for mail to be considered as Qualifying Mail. *Id.* at 2-3.

persons may submit comments on whether the Agreement is consistent with the requirements of 39 CFR 3015.5 and the policies of sections 3632, 3633, and 3642. Comments are due no later than January 24, 2013. The public portions of the Postal Service's filing can be accessed via the Commission's Web site at <http://www.prc.gov>. Information on how to obtain access to nonpublic material appears at 39 CFR 3007.

The Commission appoints Allison J. Levy to represent the interests of the general public (Public Representative) in this case.

**IV. Ordering Paragraphs**

*It is ordered:*

1. The Commission establishes Docket No. CP2013-43 for consideration of matters raised in the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission designates Allison J. Levy to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than January 24, 2013.

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

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

[FR Doc. 2013-01207 Filed 1-22-13; 8:45 am]

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**SECURITIES AND EXCHANGE COMMISSION**

[File No. 500-1]

**In the Matter of AlphaTrade.com; Order of Suspension of Trading**

January 18, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of AlphaTrade.com because it has not filed any periodic reports for any reporting period subsequent to September 30, 2010.

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

*Therefore, it is ordered,* pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period from 9:30 a.m. EST on January

18, 2013, through 11:59 p.m. EST on February 1, 2013.

By the Commission.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2013-01398 Filed 1-18-13; 11:15 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-68677; File No. SR-NASDAQ-2013-003]

### Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase the Record-Keeping and Substitution Listing Fees Payable by Companies Listed on Nasdaq

January 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4<sup>2</sup> thereunder, notice is hereby given that on January 2, 2013, The NASDAQ Stock Market LLC (“Nasdaq” 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 prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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

Nasdaq is proposing to modify the record-keeping and substitution listing fees payable by companies listed on Nasdaq. While changes pursuant to this proposal are effective upon filing, the Exchange will implement the proposed rule on January 2, 2013.

The text of the proposed rule change is below. Proposed new language is *italicized*; proposed deletions are in brackets.<sup>3</sup>

\* \* \* \* \*

#### 5910. The [NASDAQ] *Nasdaq* Global Market

(a)–(d) No change.

(e) Recordkeeping Fee.

A Company that makes a change such as a change to its name, the par value or title of its security, or its symbol shall pay a fee of [\$2,500] *\$7,500* to Nasdaq

and submit the appropriate form as designated by Nasdaq.

(f) Substitution Listing Fee

A Company that implements a Substitution Listing Event shall pay a fee of [\$7,500] *\$15,000* to Nasdaq and submit the appropriate form as designated by Nasdaq. Notwithstanding the foregoing, this substitution listing fee shall not apply to securities that are listed on a national securities exchange other than Nasdaq and not designated by Nasdaq as Nasdaq national market system securities.

#### 5920. The Nasdaq Capital Market

(a)–(c) No change.

(d) Record-Keeping Fee

A Company that makes a change such as a change to its name, the par value or title of its security, or its symbol shall pay a fee of [\$2,500] *\$7,500* to Nasdaq and submit the appropriate form as designated by Nasdaq.

(e) Substitution Listing Fee

A Company that implements a Substitution Listing Event shall pay a fee of [\$7,500] *\$15,000* to Nasdaq and submit the appropriate form as designated by Nasdaq. Notwithstanding the foregoing, this substitution listing fee shall not apply to securities that are listed on a national securities exchange other than Nasdaq and not designated by Nasdaq as Nasdaq national market system securities.

\* \* \* \* \*

#### 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. 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

Nasdaq proposes to modify the fees charged to Nasdaq-listed companies for record-keeping changes and substitution listings. Currently, a company owes a \$2,500 record-keeping fee when it makes a change to its name, the par value or title of its security, or its symbol.<sup>4</sup> This fee was adopted in 2003

and has never been changed.<sup>5</sup> Nasdaq proposes to increase this record-keeping fee to \$7,500, for notifications made after January 2, 2013.

In addition, a company currently owes a \$7,500 substitution listing fee when it affects a reverse stock split, re-incorporation or a change in the company’s place of organization, forms a holding company that replaces the listed company, reclassifies or exchanges the company’s listed shares for another security, lists a new class of securities in substitution for a previously-listed class of securities, or makes any technical change whereby the shareholders of the original company receive a share-for-share interest in the new company without any change in their equity position or rights.<sup>6</sup> This fee was adopted in 2005 and has never been changed.<sup>7</sup> Nasdaq proposes to increase this substitution listing fee to \$15,000, for notifications made after January 2, 2013.

Nasdaq also proposes to correct capitalization in the heading of Rule 5910 to be consistent with the capitalization used in the remainder of the Rule 5000 Series.

###### 2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,<sup>8</sup> in general and with Sections 6(b)(4) and 6(b)(5) of the Act,<sup>9</sup> in particular in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

Nasdaq believes that the proposed fees are reasonable because they will reflect Nasdaq’s higher costs related to processing record keeping changes and substitution listings since the fees were set in 2003 and 2005, respectively. In that regard, Nasdaq notes that expenses surrounding the processing and distribution of these changes, including technology costs and salaries, have increased since the fees were set, but that the fees have not been concomitantly increased. In addition, Nasdaq has developed an electronic notification system for listed companies and expects to launch early in 2013 an

<sup>5</sup> Securities Exchange Act Release No. 48631 (October 15, 2003), 68 FR 60426 (October 22, 2003) (approving SR-NASD-2003-127).

<sup>6</sup> See Rules 5910(d) and 5920(c) [sic] and Rule 5005(a)(40).

<sup>7</sup> Securities Exchange Act Release No. 52712 (November 1, 2005), 70 FR 67511 (November 7, 2005) (approving SR-NASD-2004-162).

<sup>8</sup> 15 U.S.C. 78f.

<sup>9</sup> 15 U.S.C. 78f(b)(4) and (5).

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

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

<sup>3</sup> Changes are marked to the rule text that appears in the electronic manual of Nasdaq found at <http://nasdaqomx.cchwallstreet.com>.

<sup>4</sup> See Rule 5910(e) and 5920(d).