

should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington DC 20549-0609. 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. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to file No. SR-NYSE-99-09 and should be submitted by June 7, 1999.

IV. Commissions Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission has reviewed carefully the Exchange's proposed rule change⁶ and believes, for the reasons set forth below, the proposal is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission believes the proposal is consistent with Sections 6(b)(5) and 11A(a)(1)(C)(iii) and (iv) of the Act.⁷ Section 6(b)(5) requires that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices and to remove impediments to and perfect the mechanism of a free and open market and a national market system. With respect to Section 11A, Congress found that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities, and to assure the practicability of brokers executing investors' orders in the best market. The proposed rule change will help to ensure the availability of information with respect to quotations by assisting specialists in providing information regarding orders to the market.⁸

⁶ In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁷ 15 U.S.C. 78f(b)(5), 78k-1(a)(1)(C)(iii) and (iv).

⁸ The Commission, in approving the proposed rule change, notes that the requirement to keep Quote Assist active does not relieve specialists of their responsibility to reflect limit orders by manually quoting the stock as soon as practicable.

In addition, the Commission believes the proposal is consistent with Section 6(b)(5) of the act because it requires specialists to obtain approval of a decision to deactivate Quote Assist from a Floor Official as soon as practicable, and no later than three minutes from the time of deactivation. This requirement should improve member handling of customer limit orders.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice thereof in the **Federal Register**, because the proposal facilitates compliance with the Display Rule. The Commission believes, therefore, that granting accelerated approval of the proposed rule change is appropriate and consistent with Section 6 of the Act.⁹

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁰ that the proposed rule change (SR-NYSE-99-09) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 99-12356 Filed 5-14-99; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41375; File No. SR-NYSE-99-15]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Listed Company Fees

May 6, 1999.

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 April 13, 1999, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I and II below, which Items have been prepared by the NYSE. The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested

⁹ 15 U.S.C. 78f.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

persons and to approve the proposal on an accelerated basis.

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

The Exchange proposes to amend Paragraph 902.02 of the Exchange's Listed Company Manual ("Manual"). Paragraph 902.02 contains the schedule of current listing fees for companies listing securities on the Exchange.

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 NYSE 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 III below. The NYSE has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

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

1. Purpose

The proposed rule change amends the NYSE's listed company fee schedule, set forth in Paragraph 902.02 of the Manual, as it applies to certain business transactions. First, the Exchange seeks to adopt a \$500,000 fee cap for companies that split the stock more than once over a rolling three calendar year period. Currently, additional securities issued in conjunction with a split are billed initial listing fees and capped at \$250,000 per split. The new cap is intended to provide pricing consideration for companies that frequently split their securities.

Second, the Exchange seeks to adopt a \$500,000 initial fee cap for shares issued in conjunction with a merger or acquisition. Currently, shares issued in conjunction with a merger or acquisition are billed initial listing fees. This fee cap is intended to provide pricing consideration for listed companies involved in mergers and acquisitions.

2. Statutory Basis

The NYSE represents that the proposed rule change is consistent with Section 6(b) of the Act³ in general, and furthers the objectives of Section 6(b)(4)⁴ in particular, which requires an

³ 15 U.S.C. 78f(b).

⁴ 15 U.S.C. 78f(b)(4).

Exchange to have rules providing for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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

The Exchange did not solicit or receive written comments on the proposed rule change.

III. 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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. 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. Copies of such filings will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR-NYSE-99-15 and should be submitted by June 7, 1999.

IV. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 of the Act⁵ and the rules and regulations

thereunder.⁶ Section 6(b)(4) of the Act⁷ requires that the rules of an exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. By capping issuer listing fees under certain circumstances, the proposal should help to ensure that issuers that split their securities frequently or that participate in mergers or acquisitions are not charged disproportionately high listing fees.

Pursuant to Section 19(b)(2) of the Act,⁸ the Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice of filing of the proposal in the **Federal Register** because the proposed rule change will allow companies to benefit from the fee caps as soon as possible.

It is therefore ordered, pursuant to Section 19(b)(2)⁹ of the Act, that the proposed rule change (File No. SR-NYSE-99-15) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-12357 Filed 5-14-99; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Free Trade Area of the Americas: Request for Public Comment on Identification of a Private Sector Expert on Consumer Issues Related to Electronic Commerce

AGENCY: Office of the United States Trade Representative.

ACTION: Free Trade Area of the Americas (FTAA) Joint Government-Private Sector Experts Committee on Electronic Commerce (Joint Committee) request for public comment on the identification of a private sector expert on consumer issues related to electronic commerce who may wish to participate in the work of the Joint Committee.

SUMMARY: The Joint Committee on Electronic Commerce was established

⁶ In approving this rule change, the Commission has considered the proposal's impact on efficiency, competition, and capital formation, consistent with Section 3 of the Act. 15 U.S.C. 78c(f). This proposal should facilitate capital formation by reducing listing fees.

⁷ 15 U.S.C. 78f(b)(4).

⁸ 15 U.S.C. 78s(b)(2).

⁹ 15 U.S.C. 78s(b)(2).

¹⁰ 17 CFR 200.30-3(a)(12).

by the 34 countries in the Western Hemisphere participating in the Free Trade Area of the Americas. The Trade Policy Staff Committee (TPSC) seeks to identify a U.S. private sector expert on consumer issues related to electronic commerce who may be interested in participating in the work of the Joint Committee. Interested members of the public are invited to submit written notice of their interest and their qualifications.

DATES: Written expressions of interest in participating in the work of the Joint Committee should be submitted no later than May 28, 1999.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning public comments contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, (202) 395-3475. All questions concerning the Joint Committee may be directed to Regina Vargo, Deputy Assistant Secretary for the Western Hemisphere, U.S. Department of Commerce (202) 482-5324, Regina_Vargo@ita.doc.gov.

SUPPLEMENTARY INFORMATION: At the Second Summit of the Americas in April 1998, in Santiago, Chile, the 34 democratically elected Western Hemisphere countries initiated negotiations to create the FTAA by the year 2005 and to achieve concrete progress toward that objective by the end of the century. They established nine initial negotiating groups, a consultative group, and two committees, one of which is the Joint Committee. The Joint Committee is chaired by Mr. Dale Marshall of the Government of Barbados. Ms. Regina Vargo, Deputy Assistant Secretary for the Western Hemisphere, U.S. Department of Commerce, leads the joint U.S. government—private sector delegation to the Joint Committee.

Joint Committee Terms of Reference: The objective of the Committee is to make recommendations to Ministers on how to increase and broaden the benefits of electronic commerce and how electronic commerce should be dealt with in the context of the FTAA negotiations. The Joint Committee is to provide recommendations to the Vice-Ministerial Trade Negotiations Committee (TNC) four weeks before the November 3-4, 1999 Trade Ministerial meeting. In order to develop its recommendations, the Joint Committee is focusing on:

- Increasing understanding of the potential benefits of electronic commerce to countries in the hemisphere;

⁵ 15 U.S.C. 78f.