

**POSTAL RATE COMMISSION**

[Order No. 1142; Docket No. A97-5]

**Oakley, Illinois 62552 (Ferne E. Miller, Petitioner); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)**

Issued November 27, 1996.

Before Commissioners: Edward J. Gleiman, Chairman; H. Edward Quick, Jr., Vice-Chairman; George W. Haley; W.H. "Trey" LeBlanc III

*Docket Number:* A97-5.*Name of Affected Post Office:* Oakley, Illinois 62552.*Name(s) of Petitioner(s):* Ferne E. Miller.*Type of Determination:* Closing.*Date of Filing of Appeal Papers:* November 26, 1996.*Categories of Issues Apparently Raised:*

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404(b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

*The Commission orders:*

(a) The Postal Service shall file the record in this appeal by December 11, 1996.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.  
Margaret P. Crenshaw,  
*Secretary.*

**Appendix**

November 26, 1996—Filing of Appeal letter  
November 27, 1996—Commission Notice and Order of Filing of Appeal  
December 20, 1996—Last day of filing of petitions to intervene [see 39 CFR 3001.111(b)]  
December 31, 1996—Petitioner's Participant Statement or Initial Brief [see 39 C.F.R. 3001.115 (a) and (b)]  
January 21, 1997—Postal Service's Answering Brief [see 39 CFR 3001.115(c)]  
February 4, 1997—Petitioner's Reply Brief should Petitioner choose to file one [see 39 CFR 3001.115(d)]  
February 11, 1997—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 [see 39 CFR 3001.116]  
March 26, 1997—Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 96-30821 Filed 12-3-96; 8:45 am]

BILLING CODE 7710-FW-P

**PROSPECTIVE PAYMENT ASSESSMENT COMMISSION****Meetings**

Notice is hereby given of the meetings of the Prospective Payment Assessment Commission on Tuesday and Wednesday, December 10 and 11, 1996, at the Madison Hotel, 15th & M Streets, NW., Washington, DC, 202/862-1600.

The Full Commission will convene at 8:00 a.m. on December 10, 1996, and adjourn at approximately 5:15 p.m. On Wednesday, December 11, 1996, the meeting will convene at 8:00 a.m. and adjourn at approximately 3:00 p.m. The meetings will be held in Executive Chambers 1, 2, and 3 each day.

There also will be a joint meeting of the Prospective Payment Assessment Commission and the Physician Payment Review Commission on Wednesday, December 11, 1996. The meeting will be held at the Sheraton City Centre Hotel, 1143 New Hampshire Avenue, NW., Washington, DC, 202/775-0800. The meeting will convene at approximately 3:30 p.m. and adjourn at approximately 5:30 p.m.

All meetings are open to the public.

Donald A. Young,  
*Executive Director.*

[FR Doc. 96-30814 Filed 12-3-96; 8:45 am]

BILLING CODE 6820-BW-M

**RAILROAD RETIREMENT BOARD****Proposed Collection; Comment Request**

**SUMMARY:** In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*Title and purpose of information collection:* Nonresident Questionnaire; OMB 3220-0145. Under Public Law 98-21 and 98-76 benefits under the Railroad Retirement Act payable to annuitants living outside the United States may be subject to taxation under United States income tax laws.

Whether the social security equivalent and non-social security equivalent portions of Tier 1, Tier 2, vested dual benefit, or supplemental annuity payments are subject to tax withholding, and whether the same or different rates are applied to each payment, depend on a beneficiary's citizenship and legal residence status, and whether exemption under a tax treaty between the United States and the country in which the beneficiary is a legal resident.

To effect the required tax withholding, the Railroad Retirement Board (RRB) needs to know a nonresident's citizenship and legal residence status.

To secure the required information, the RRB utilizes Form RRB-1001, Nonresident Questionnaire, as a supplement to an application as part of the initial application process, and as an independent vehicle for obtaining the needed information when an annuitant's residence or tax treaty status changes. Completion is voluntary. One response is requested of each respondent.

The RRB proposes a minor editorial change to Form RRB-1001 to incorporate language required by the Paperwork Reduction Act of 1995. The completion time for Form RRB-1001 is

estimated at 5 minutes at the time of an initial filing and 3 minutes when completed as part of the tax exemption renewal process.

**ADDITIONAL INFORMATION OR COMMENTS:** To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611-2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,  
Clearance Officer.

[FR Doc. 96-70881 Filed 12-3-96; 8:45 am]

BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-26615]

### Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

November 27, 1996.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by December 23, 1996, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

### *Cinergy Corp., et al. (70-8933)*

Cinergy Corp. ("Cinergy"), a registered holding company, its wholly-owned nonutility holding company subsidiary, Cinergy Investments, Inc. ("Investments"), and Cinergy's wholly-owned service company subsidiary, Cinergy Services, Inc. ("Cinergy Services"), all located at 139 East Fourth Street, Cincinnati, Ohio 45202, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b) and 13(b) of the Act and rules 45, 54, 90 and 91 thereunder.

Cinergy and Investments request authorization to form and provide guaranties in respect of a new wholly-owned nonutility subsidiary, expected to be named Cinergy Solutions, Inc. ("Solutions"), which will market a wide variety of energy-related products and services exclusively to nonassociate commercial/industrial customers (including governmental, institutional and utility companies) and residential customers. Applicants state that Solutions will offer an integrated package of "value-added" energy-related products and services to enable customers to reduce energy costs, improve energy efficiency and increase productivity. Such services/products will be marketed to nonassociates on a local, regional, nationwide and, as opportunities develop, international basis. The services would be priced based on competitive market rates. Solutions will also develop, acquire, own and operate certain energy-related projects.

Applicants request authorization to conduct its proposed business activities directly through Solutions, wholly-owned subsidiaries of Solutions, and subsidiaries of Solutions jointly owned with joint venture nonassociates. As part of Solutions' project development and ownership activities, Applicants further request authority for Solutions to acquire, directly or indirectly through subsidiaries, securities or assets of nonassociate companies that derive substantially all their revenues from the development, ownership or operation of such projects. Finally, in connection with the formation of Solutions and its contemplated business activities, Cinergy Services requests authorization to provide an expanded range of support services to Solutions (including any subsidiary thereof) and other system nonutility companies pursuant to an amendment to the existing Cinergy system nonutility service agreement ("NUSA").

Solutions intends to offer a complete menu of energy management and efficiency services and related

consulting services, often on a turnkey basis. These activities (collectively, "Energy Management Services") may also entail the marketing, installation, operation and maintenance of various products and services designed to implement the solutions recommended in the course of providing these services. Solutions will market Energy Management Services primarily to commercial/industrial customers, but also on a smaller scale to residential customers. Specifically, Energy Management Services will include: (1) Identification (through energy audits or otherwise) of energy and other resource (water, labor, maintenance, materials, etc.) cost reduction or efficiency opportunities; (2) design of facility and process modifications or enhancements to realize such opportunities; (3) management, or direct construction and instillation, of energy conservation or efficiency equipment; (4) training of client personnel in the operation of equipment; (5) maintenance of energy systems; (6) design, management or direct construction and installation of new and retrofit heating, ventilating, and air conditioning ("HVAC"), electrical and power systems, motors, pumps, lighting, water and plumbing systems, and related structures, to realize energy and other resource efficiency goals or to otherwise meet a customer's energy-related needs; (7) system commissioning (i.e., monitoring the operation of an installed system to ensure that it meets design specifications); (8) reporting of system results; (9) design of energy conservation programs; (10) implementation of energy conservation programs; (11) provision of conditioned power services (i.e., services designed to prevent, control or mitigate adverse effects of power disturbances on a customer's electrical system to ensure the level of power quality required by the customer, particularly with respect to sensitive electronic equipment); and (12) other similar or related activities.

Solutions also proposes to market comprehensive asset management services ("Asset Management Services") on a turnkey basis or otherwise, in respect of energy-related systems, facilities and equipment (e.g., electric utility systems and assets, including distribution systems and substations; transmission facilities; electric generation facilities, including standby generation facilities and self-generation facilities; boilers; chillers, i.e., refrigeration and coolant equipment; HVAC; and lighting systems) located on or adjacent to premises of commercial/industrial customers and used by such