

It is ordered: 1. Having conducted hearings pursuant to 39 U.S.C. § 3662 for the purpose of considering the Complaint of the Coalition Against Unfair USPS Competition, filed May 23, 1996, the Commission finds that Complaint to be justified.

2. For the reasons set out at length in the body of this Order, the Commission finds the Pack & Send service currently offered on a limited basis by the United States Postal Service to be a postal service subject to the Commission's ratemaking jurisdiction pursuant to 39 U.S.C. 3622 and its mail classification jurisdiction pursuant to 39 U.S.C. 3623.

3. Further proceedings in this docket shall be held in abeyance pending the filing of a Request of the Governors of the United States Postal Service for establishment of Pack & Send service as a mail classification and for the recommendation of rates for that service, or the filing of a notice by the United States Postal Service to the effect that Pack & Send service has been discontinued.

4. The Secretary of the Commission shall notify the Complainant, the Postal Service, and all other parties to this proceeding of the actions taken in this Order, as well as the Governors of the United States Postal Service, and shall submit it for publication in the Federal Register.

By the Commission.

Margaret P. Crenshaw,
Secretary.

[FR Doc. 96-32288 Filed 12-19-96; 8:45 am]

BILLING CODE 7710-FW-P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

- (1) *Collection title:* Employee's Certification.
- (2) *Form(s) submitted:* G-346.
- (3) *OMB Number:* 3220-0140.
- (4) *Expiration date of current OMB clearance:* February 28, 1997.
- (5) *Type of request:* Extension of a currently approved collection.
- (6) *Respondents:* Individuals or households.
- (7) *Estimated annual number of respondents:* 5,400.

(8) *Total annual responses:* 5,400.

(9) *Total annual reporting hours:* 450.

(10) *Collection description:* Under Section 2 of the Railroad Retirement Act, spouses of retired railroad employees may be entitled to an annuity. The collection obtains information from the employee about the employee's previous marriages, if any, to determine if any impediment exists to the marriage between the employee and his or her spouse.

ADDITIONAL INFORMATION OR COMMENTS:

Copies of the form and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312-751-3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 and the OMB reviewer, Laura Oliven (202-395-7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 96-32299 Filed 12-19-96; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-26625]

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

December 13, 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 January 6, 1997, 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.

AYP Capital, Inc., et al. (70-8951)

AYP Capital, Inc. ("AYP"), a nonutility subsidiary company of Allegheny Power System, Inc. ("APS"), a registered holding company, both located at 10435 Downsville Pike, Hagerstown, Maryland 21720, have filed an application under sections 9(a) and 10 of the Act and rule 54 thereunder.

By order dated July 14, 1994 (HCAR No. 26085), APS was authorized, among other things, to organize and finance AYP to invest in companies: (1) Engaged in new technologies related to the core utility business of APS; and (2) that acquire and own exempt wholesale generators ("EWGs"). By subsequent order dated February 3, 1995 (HCAR No. 26229), AYP was authorized to engage in the development, acquisition, construction, ownership and operation of EWGs and in development activities with respect to: (1) Qualifying cogeneration facilities and small power production facilities ("SPPs"); (2) non-qualifying cogeneration facilities, non-qualifying SPPs, and independent power production facilities ("IPPs") located within the service territories of APS public utility subsidiary companies; (3) EWGs; (4) companies involved in new technologies related to the core business of APS; and (5) foreign utility companies ("FUCOS"). APS was also authorized to increase its investment in AYP from \$500,000 to \$3 million.

By order dated October 27, 1995 (HCAR No. 26401) ("October Order"), the Commission authorized AYP or a special-purpose subsidiary ("NEWCO") to provide certain enumerated energy management services ("EMS") and demand-side management services ("DSM") to non-associated customers at market prices and to associated companies at cost,¹ and AYP to engage

¹ The EMS services authorized included: (1) Identification of energy cost reduction and efficiency opportunities; (2) design of facility and process modifications to realize such efficiencies; (3) management of or the direct construction and installation of energy conservation and equipment; (4) training of client personnel in operation of equipment; (5) maintenance of energy systems; (6) design, management, construction and installation of energy management systems and structures; (7) performance contracts; (8) identifying energy conservation or efficiency programs; (9) system

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