

**POSTAL RATE COMMISSION**

[Docket No. MC98-1; Order No. 12411]

**Mail Classification Proceeding**

AGENCY: Postal Rate Commission.

ACTION: Order terminating experimental docket.

**SUMMARY:** The Commission, at the Postal Service's request, terminates an experimental docket established to consider a proposed "Mailing Online" service. Termination will allow the Service to consider revisions to the proposal, given adoption of a consolidation policy regarding its Internet presence. Termination is without prejudice to a new filing.

**DATES:** Termination was effective May 12, 1999.

**ADDRESSES:** Send communications regarding this notice and order to the attention of Margaret P. Crenshaw, Secretary of the Commission, 1333 H Street NW., Washington, DC, 20268-0001.

**FOR MORE INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 1333 H Street, NW., Washington, DC, 20268-0001, 202-789-6820.

**SUPPLEMENTARY INFORMATION:** On May 5, 1999, the US Postal Service filed a pleading announcing the withdrawal of its request in this proceeding and moving that the Commission close this docket. Notice of US Postal Service Withdrawal of Request for a Recommended Decision and Motion to Close Docket (Postal Service Motion), May 5, 1999. In its pleading, the Postal Service states that it intends to consolidate its Internet presence within one website, USPS.com, rather than using the "PostOffice Online" website as a platform for certain Internet services such as Mailing Online, as was originally proposed by the Service in this docket. Id. at 1-2. According to the Service, the consolidation will enable it to avoid unnecessary redundancies and costs, and to manage efficiently the issue of year 2000 compatibility. Id. at 1. The consolidation further is touted as a sound business decision in accordance with the practice of other firms engaged in Internet transactions. Ibid.

The Postal Service states that it hopes to file a new, reformulated and supplemented request for its Mailing Online service at some unspecified point in the future. Id. at 2. As Mailing Online's platform would be the consolidated USPS.com website, rather than the currently proposed PostOffice Online, an updated explanation of the system's operation and revisions of certain estimated information systems

costs would be necessary. Ibid. In light of these modifications, the Service has concluded that the least complicated course of action is to withdraw its request. (In its motion to close the docket, the Postal Service states that it would seek to incorporate into the record of the new docket substantial, relevant parts of the record in the instant docket in order to allow for an expedited resolution of the new request. Postal Service Motion at 2.)

No participant has opposed the Postal Service's motion to terminate this docket. In light of the nature of this docket—a proposal for an experimental service by the Postal Service—the Commission does not believe that terminating proceedings at this time will result in prejudice to the due process rights of any participant. Accordingly, the Commission shall grant the Postal Service's motion to terminate this proceeding. (For information regarding the Service's initial filing, see Commission notice and order no. 1216, published at 63 FR 39600 (July 23, 1998)).

It is ordered:

1. The motion of the U.S. Postal Service to close docket no. MC98-1 is granted.
2. The Secretary shall cause this notice and order to be published in the **Federal Register**.

**Authority:** 39 U.S.C. 3623.

Dated: May 20, 1999.

**Cyril J. Pittack,**

*Acting Secretary.*

[FR Doc. 99-13146 Filed 5-24-99; 8:45 am]

**BILLING CODE 7710-FW-P**

**POSTAL SERVICE****Postal Service Board of Governors****Sunshine Act Meeting**

**TIMES AND DATES:** 1:00 p.m., Monday, June 7, 1999; 8:30 a.m., Tuesday, June 8, 1999.

**PLACE:** Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW, in the Benjamin Franklin Room.

**STATUS:** June 7 (Closed): June 8 (Open).

**MATTERS TO BE CONSIDERED:**

Monday, June 7-1:00 p.m. (Closed)

1. Legal Issues.
2. Personnel Matters.

Tuesday, June 8-8:30 a.m. (Open)

1. Minutes of the Previous Meeting, May 3-4, 1999.
2. Remarks of the Postmaster General/Chief Executive Officer.

3. Capital Investments.

- a. Point of Service One (POS 1)—Stage 2A.
- b. Cincinnati, Ohio, Airport Mail Facility (AMF).

4. Tentative Agenda for the July 12-13, 1999, meeting in Washington, DC.

**CONTACT PERSON FOR MORE INFORMATION:**

Thomas J. Koerber, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-1000. Telephone (202) 268-4800.

**Thomas J. Koerber,**

*Secretary.*

[FR Doc. 99-13388 Filed 5-21-99; 2:32 pm]

**BILLING CODE 7710-12-M**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-41412; File No. SR-BSE-99-5]

**Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Boston Stock Exchange Relating to Its Transaction Fee Schedule**

May 17, 1999.

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 April 29, 1999, the Boston Stock Exchange ("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 Exchange. 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**

The Exchange proposes to amend its transaction fee schedule to implement a maximum transaction fee cap for floor broker-entered orders executed 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 Exchange 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

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

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

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

The purpose of the proposed rule change is to amend the Exchange's transaction fee schedule to improve the Exchange's overall competitive position in the marketplace. The transaction fee schedule encompasses the trade recording and comparison charges and the value charges that the Exchange applies to orders that member firms send to the Exchange for execution. The Exchange proposes to amend the schedule by implementing a maximum transaction fee cap of \$.35 per 100 average monthly shares on all floor broker-entered orders executed on the Exchange. The Exchange will apply this cap to floor broker-entered orders prior to applying the existing total volume transaction fee cap of \$.45 per 100 average monthly shares.<sup>3</sup>

(2) Basis

The basis for the proposed rule change in section 6(b)(5) of the Act,<sup>4</sup> in that the proposed rule change is designed to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

*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

<sup>3</sup>To calculate the total transaction fees for all order flow, the Exchange will add the total fees for electronic trades (capped at \$50,000 per month) to the total fees for broker-entered trades (capped at the new rate of \$.35 per 100 average monthly shares). The Exchange then will apply the total volume cap of \$.45 per 100 average monthly shares to that sum. Telephone conversation between Kathy Marshall, Assistant Vice President, Finance, Boston Stock Exchange, and Joshua Kans, Attorney, and Matthew Boesch, Paralegal, Division of Market Regulation, Commission, May 7, 1999.

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

necessary or appropriate in furtherance of the Act.

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

The Exchange has neither solicited nor received comments on the proposed rule change.

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

Because the foregoing proposed rule change establishes or changes a due, fee or other charge imposed by the Exchange, it has become effective on filing, for implementation on May 1, 1999, pursuant to section 19(b)(3)(A) of the Act<sup>5</sup> and subparagraph (f) of 19b-4 thereunder.<sup>6</sup> At any time within 60 days of the filing of such 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.

**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.<sup>7</sup> Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned Exchange. All submissions should refer to File No. SR-BSE-99-5 and should be submitted by June 15, 1999.

<sup>5</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>6</sup> 17 CFR 240.19b-4(f).

<sup>7</sup> In reviewing these rules, the Commission has considered the effect of the proposed rule change on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 99-13110 Filed 5-24-99; 8:45 am]

BILLING CODE 8010-01-M

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-41413; File No. SR-CBOE-99-19]

**Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Market-Maker Surcharge Fee Schedule**

May 17, 1999.

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 April 30, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" 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 the CBOE. 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**

The CBOE is proposing to make changes to its fee schedule pursuant to CBOE Rule 2.40, *Market-Maker Surcharge for Brokerage*.<sup>3</sup>

**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 CBOE 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. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

<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> See Securities Exchange Act Release No. 41121 (February 26, 1999), 64 FR 11523 (March 9, 1999) (order approving CBOE Rule 2.40).