

If the employee's adjusted retained rate:	Then:
(ii) Exceeds the maximum rate of the highest applicable rate range and the employee is not in a special rate category.	Convert the employee's unadjusted retained rate to a GS-equivalent retained rate.
(iii) Exceeds the maximum rate of the highest applicable rate range and the employee is in a special rate category.	Convert the employee's adjusted retained rate to a GS-equivalent retained rate.

D. Within-grade increase "equivalent increase" determinations—Service under a broadbanding system is creditable for within-grade increase purposes upon conversion to the GS pay system. Basic pay increases (excluding general structural increases) under a broadbanding system are "equivalent increases" for the purpose of determining the commencement of a within-grade increase waiting period under 5 CFR 531.405(b). A performance-based increase in basic pay of any amount (including a zero increase) is considered an "equivalent increase" for this purpose.

[FR Doc. 99-18191 Filed 7-15-99; 8:45 am]

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## RAILROAD RETIREMENT BOARD

### Appointment of an Examiner and Request for Views and Comments: Public Hearing

**AGENCY:** Railroad Retirement Board.

**ACTION:** Notice.

**SUMMARY:** Pursuant to 20 CFR Part 258 the Railroad Retirement Board has appointed an examiner to consider the following issue: Whether an entity, which itself does not operate a line of railroad, but which leases to or contracts with another entity to operate all or part of a line of railroad should be considered an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act.

**DATES:** A hearing will be held to receive views and comments on this issue on August 19, 1999, at 10 a.m. (CDT) at the headquarters of the Railroad Retirement Board, Room 836, 844 North Rush Street, Chicago, Illinois 60611. Notice of appearance and summary of proposed testimony must be received by August 12, 1999, in order to present oral testimony. Otherwise, written views and comments must be received by August 20, 1999.

**ADDRESSES:** Send views, comments, or notice of appearance and summary of proposed testimony to Thomas W. Sadler, Designated Hearing Examiner, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

**FOR FURTHER INFORMATION CONTACT:** Thomas W. Sadler, Designated Hearing Examiner, (312) 751-4513.

**SUPPLEMENTARY INFORMATION:** The Railroad Retirement Board is an

independent agency in the executive branch of the Federal government which administers the Railroad Retirement Act and Railroad Unemployment Insurance Act. These statutes provide retirement, disability and unemployment benefits to railroad workers and their families. Benefits are financed primarily by taxes levied on employers and employees under the Acts.

Under the Railroad Retirement Act the term "employer" includes any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under part A of subtitle IV of title 49 of the United States Code. 45 U.S.C. 231(a)(1). A similar provision is found in the Railroad Unemployment Insurance Act. 45 U.S.C. 351(a) and (b). The Railroad Retirement Board, through appointment of an examiner, now requests views and comments on whether an entity, which itself does not operate a line of railroad, but which leases to or contracts with another entity to operate all or part of a line of railroad should be considered an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act. *See*, Railroad Ventures, Inc., reconsideration currently pending before this Board.

In framing your views and comments, you should consider what factors, if any, should be considered in deciding whether the lessor or non-operating entity is an employer. Some factors which the Railroad Retirement Board has considered in the past in making such determinations are:

(a) Whether the non-operating entity has previously been determined to be an employer under the Acts;

(b) Whether the non-operating entity has the capability to operate a railroad;

(c) Whether the non-operating entity is a government entity;

(d) Whether the non-operating entity by agreement or law must maintain the rail line;

(e) Whether the non-operating entity by agreement or law must adopt alterations, improvements or betterments to the rail line;

(f) Whether the non-operating entity is required by agreement or law to operate the rail line in event of default of the operating entity; and

(g) Whether the non-operating entity has any employees.

Dated: July 9, 1999.

By Authority of the Board.

For the Board,

**Beatrice Ezerski,**

*Secretary to the Board.*

[FR Doc. 99-18135 Filed 7-15-99; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27047]

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

July 9, 1999.

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 under the Act. 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 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 August 3, 1999, to the Secretary, Securities and Exchange Commission, Washington, DC 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 should 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 August 3, 1999, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### **Sempre Energy, et al. (70-9511)**

Sempre Energy ("Sempra"), 101 Ash Street, San Diego, California 92101, a California holding company exempt from regulation under section 3(a)(1) of