

financial statements, rather than audited ones, in order to meet existing periodic reporting, proxy statement, tender offer, and registration requirements, as long as they disclose that the financial statements are unaudited (or not reviewed), provide audited (or reviewed) financial statements at a later date, and explain any material differences between the unaudited and audited financial statements. In certain cases where Andersen clients were required to submit a consent or a reissued accountants' report from their auditor, but cannot obtain the consent or the reissued accountants' report, those requirements have been waived provided the filing includes appropriate disclosure. The disclosures regarding consents and reissued accountants' reports were also approved by OMB as the stand-alone collection of information described above. The collection of information is necessary to ensure that the market receives disclosure from clients of Andersen that are taking advantage of this relief. The collection of information supplies investors with information they may not otherwise have and helps prevent confusion.

When we adopted this collection of information<sup>2</sup> we estimated that the total number of burden hours associated with this collection of information is 12,783. We requested approval from OMB to extend the expiration date for this collection of information. OMB granted this request. The new expiration date for this collection of information is December 31, 2002.

Dated: September 30, 2002.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-25162 Filed 10-2-02; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### Issuer Delisting; Notice of Application To Withdraw From Listing and Registration on the Boston Stock Exchange, Inc.; (Digital Fusion, Inc., Common Stock, \$.01 par value) File No. 0-24073

September 27, 2002.

Digital Fusion, Inc., a Delaware corporation ("Issuer"), has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934

("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its Common Stock, \$.01 par value ("Security"), from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The Issuer stated in its application that it has complied with all applicable laws in effect in the State of Delaware, in which it is incorporated, and with the BSE's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

The Board of Directors ("Board") of the Issuer unanimously approved a resolution on August 12, 2002 to withdraw the Issuer's Security from listing on the BSE. In making the decision to withdraw its Security from the BSE, the Board of the Issuer represents that the Security has been quoted on the Nasdaq Small Cap Market since 1998. The Issuer's application relates solely to the Security's withdrawal from listing on the BSE and from registration under section 12(b) of the Act<sup>3</sup> and shall not affect its obligation to be registered under section 12(g) of the Act.<sup>4</sup>

Any interested person may, on or before October 18, 2002, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609, facts bearing upon whether the application has been made in accordance with the rules of the BSE and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>5</sup>

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 02-25166 Filed 10-2-02; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27570]

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

September 27, 2002.

Notice is hereby given that the following filing has 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/declaration for a complete statements of the proposed transaction summarized below. The application/declaration is available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application/declaration should submit their views in writing by October 22, 2002, to the Secretary, Securities and Exchange Commission, Washington, DC 20549-0609, and serve a copy on the relevant applicant/declarant at the address specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts 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 October 22, 2002, the application/declaration, as filed or as amended, may be granted and/or permitted to become effective.

#### Allegheny Energy, Inc., et al. (70-7888)

Allegheny Energy, Inc. ("Allegheny"), 10435 Downsville Pike, Hagerstown, Maryland, a registered public utility holding company; its direct wholly owned public utility company subsidiaries Monongahela Power Company ("Monongahela Power"), 1310 Fairmont Avenue, Fairmont, West Virginia 26554, The Potomac Edison Company ("Potomac Edison"), 10435 Downsville Pike, Hagerstown, Maryland 21740 and West Penn Power Company ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601; its indirect wholly owned public utility subsidiaries Mountaineer Gas Company (Mountaineer Gas"),<sup>1</sup> 414 Summers Street, Charleston, West Virginia 25301 and Allegheny Generating Company ("AGC"),<sup>2</sup> 10435 Downsville Pike,

<sup>1</sup> Mountaineer Gas is wholly owned by Monongahela.

<sup>2</sup> AGC is jointly owned by Monongahela (27%) and Allegheny Energy Supply Company, LLC (73%)

Continued

<sup>2</sup> Release No. 33-8090 (Mar. 18, 2002); 67 FR 13518 (Mar. 22, 2002).

<sup>1</sup> 15 U.S.C. 78l(d).

<sup>2</sup> 17 CFR 240.12d2-2(d).

<sup>3</sup> 15 U.S.C. 78l(b).

<sup>4</sup> 15 U.S.C. 78l(g).

<sup>5</sup> 17 CFR 200.30-3(a)(1).

Hagerstown, Maryland 21740; and Allegheny Energy Service Corporation, ("AES") a direct service company subsidiary of Allegheny, 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601 (collectively "Applicants") have filed a post-effective amendment under sections 6, 7, 9(a)(1), 10, 12(d), 12(f) and 13 of the Act, and rules 45, 53 and 54 under the Act to their application-declaration originally filed under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and rules 43, 45, 53 and 54 under the Act ("Application").

By orders dated January 29, 1992 (HCAR No. 25462), February 28, 1992 (HCAR No. 25481), July 14, 1992 (HCAR No. 25581), November 5, 1993 (HCAR No. 25919), November 28, 1995 (HCAR No. 26418), April 18, 1996 (HCAR No. 26505), December 23, 1997 (HCAR No. 26804), May 19, 1999 (HCAR No. 27030), October 8, 1999 (HCAR No. 27084), and December 17, 2001 (HCAR No. 27475) ("Prior Orders"), the Commission authorized, among other things, Allegheny, Monongahela, Potomac Edison, West Penn, AGC and AES to establish and participate in a system money pool ("Money Pool") and to issue short-term debt in the form of notes payable to banks ("Notes") and commercial paper ("Commercial Paper"). The Prior Orders provide that Notes have a maturity of not more than 270 days after the date of issuance or renewal.

In this post-effective amendment, Applicants seek authorization, through December 31, 2005, for Mountaineer Gas to participate in the Money Pool and to expand the term for Notes issued in this file from 270 days to 364 days. Applicants are not seeking any other changes to the Money Pool agreement previously approved.

Applicants seek authority to add Mountaineer Gas to the Money Pool as a borrower and a lender, subject to the terms and conditions of the Money Pool agreement authorized in the Prior Orders. Applicants state Mountaineer Gas, like Monongahela, Potomac Edison, and West Penn, will use the proceeds of the borrowings from the Money Pool to operate its business as a natural gas utility, including the financing of construction and property acquisitions. Mountaineer's authority to issue short-term debt is limited to an aggregate amount not to exceed \$100 million,<sup>3</sup> which limit will apply to any borrowings from the Money Pool.

both direct wholly owned public utility subsidiaries of Allegheny.

<sup>3</sup>HCAR 35-27210 (August 14, 2000) in SEC File No. 70-9625.

Applicants also seek to modify the Prior Orders to conform the Notes maturity to the general short-term debt maturity of 364 days.<sup>4</sup> Applicants state the modification will allow Applicants to obtain bank financing consistent with the terms and documentation typically required by lending institutions, providing Applicants more ready access to bank financing or competitive rates and terms.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-25164 Filed 10-2-02; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-46539; File No. SR-CBOE-2002-30]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Amending Rule 8.85(a)(xi) and Rule 17.50 To Require Members To Use and Maintain CBOE's AutoQuote System as a Back-Up Quoting System

September 24, 2002.

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 June 11, 2002 the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On September 3, 2002 the Exchange filed Amendment No. 1 to the proposed rule change.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

<sup>4</sup> Allegheny was authorized in SEC File No. 70-9897 (HCAR 27486, December 31, 2001) to issue short-term debt with a general maturity of not more than 364 days. Allegheny was specifically authorized to issue Notes and Commercial Paper with a maturity of not more than 270 days after the date of issuance or renewal. The Notes maturity was later extended to 364 days in HCAR 27521 (April 17, 2002).

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

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

<sup>3</sup> See letter from Angelou Evangelou, Senior Attorney, CBOE, to Katherine England, Assistant Director, Division of Market Regulation, Commission, dated August 30, 2002.

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

The proposed rule change consists of amendments to CBOE Rules 8.85(a)(xi) and Rule 17.50 to require members to use and maintain CBOE's AutoQuote System as a back-up quoting system. The text of the proposed rule change and Amendment No. 1 are available at the Exchange and at the Commission.

### 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 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 Exchange seeks to adopt new Rule 8.85(a)(xi) which would state that, with respect to a Designated Primary Market-Maker ("DPM") trading station utilizing a proprietary autoquote system, such DPM is obligated to assure that the CBOE AutoQuote system is maintained as a back-up at all times during market hours. The Exchange also proposes to add subparagraph (g)(10) to CBOE Rule 17.50—Imposition of Fines for Minor Rule Violations, to incorporate in its Minor Rule Violation Plan ("Plan") violations of new Rule 8.85(a)(xi).

The CBOE AutoQuote system is provided by CBOE for use by its members and is available at every post on CBOE's options trading floor. It is available to assist DPMs and/or market makers (for trading crowds not operating under the DPM system) in automatically updating market quotations for the multitude of options series traded at any given trading station. The parameters of the AutoQuote system can be customized by CBOE traders in several areas including volatility, dividend, and what is used to represent the price of the underlying. To that end, CBOE Rule 8.85(a)(x) requires DPMs to determine a formula for generating automatically updated market quotations.