

identity and access to records (5 CFR part 297).

**CONTESTING RECORD PROCEDURE:**

Individuals wishing to request amendment of records about them should write to Kathryn Roberson, Manager, SFS, 8610 Broadway, Rm 305, San Antonio, TX 78217 and furnish the following information for their records to be located:

1. Full name.
2. Date and place of birth.
3. Social Security Number.
4. Signature.
5. Precise identification of the information to be amended.

Individuals requesting amendment must also follow OPM's Privacy Act regulations regarding verification of identity and amendment to records (5 CFR part 297).

**RECORD SOURCE CATEGORIES:**

Information in this system of records is obtained from:

1. The individual to whom the information applies.

**SYSTEM EXEMPTIONS:**

None.

[FR Doc. E9-20092 Filed 8-20-09; 8:45 am]

**BILLING CODE 6325-38-P**

**POSTAL REGULATORY COMMISSION**

[Docket No. CP2009-60; Order No. 280]

**Global Expedited Package Services Contract**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to add a Global Expedited Package Services 1 (GEPS 1) contract to the Competitive Product List. This notice addresses procedural steps associated with this filing.

**DATES:** Comments are due August 25, 2009.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Stephen L. Sharfman, General Counsel, 202-789-6820 and [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Introduction
- II. Notice of Filing
- III. Ordering Paragraphs

**I. Introduction**

On August 13, 2009, the Postal Service filed a notice announcing that it

has entered into an additional Global Expedited Package Services 1 (GEPS 1) contract.<sup>1</sup> GEPS 1 provides volume-based incentives for mailers that send large volumes of Express Mail International (EMI) and/or Priority Mail International (PMI). The Postal Service believes the instant contract is functionally equivalent to previously submitted GEPS 1 contracts and is supported by the Governors' Decision filed in Docket No. CP2008-4.<sup>2</sup> Notice at 1. It further notes that in Order No. 86, which established GEPS 1 as a product, the Commission held that additional contracts may be included as part of the GEPS 1 product if they meet the requirements of 39 U.S.C. 3633, and if they are functionally equivalent to previously submitted GEPS 1 contracts.<sup>3</sup> Notice at 1-2.

*The instant contract.* The Postal Service filed the instant contract pursuant to 39 CFR 3015.5. In addition, the Postal Service contends that the contract is in accordance with Order No. 86. The term of the instant contract is 1 year from the date the Postal Service notifies the customer that all necessary regulatory approvals have been received.

In support of its Notice, the Postal Service filed four attachments as follows:

1. *Attachment 1*—An application for non-public treatment of materials to maintain the contract and supporting documents under seal;
2. *Attachment 2*—A redacted copy of Governors' Decision No. 08-7 which establishes prices and classifications for GEPS contracts;
3. *Attachment 3*—A redacted copy of the contract; and
4. *Attachment 4*—A certified statement required by 39 CFR 3015.5(c)(2).

*Functional equivalency.* The Postal Service asserts that the instant contract is functionally equivalent to prior GEPS 1 contracts. It contends that the instant contract satisfies the pricing formula and classification system established in Governors' Decision No. 08-7 and, except for tender locations, is the same as the contract in Docket No. CP2009-

<sup>1</sup> Notice of United States Postal Service Filing of Functionally Equivalent Global Expedited Package Services 1 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, August 13, 2009 (Notice).

<sup>2</sup> See Docket No. CP2008-4, Notice of United States Postal Service of Governors' Decision Establishing Prices and Classifications for Global Expedited Package Services Contracts, May 20, 2008.

<sup>3</sup> See Docket No. CP2008-5, Order Concerning Global Expedited Package Services Contracts, June 27, 2008, at 7 (Order No. 86).

50.<sup>4</sup> *Id.* at 3. The Postal Service incorporates by reference the arguments made for functional equivalence in Docket No. CP2009-50 with previous GEPS 1 contracts. *Id.* It contends that the instant contract and all GEPS 1 contracts have similar cost and market characteristics. *Id.* The Postal Service also requests that the contract in Docket No. CP2009-50 be considered the baseline for determining functional equivalence with GEPS 1 contracts. *Id.* at 4.

The Postal Service concludes that this contract is in compliance with 39 U.S.C. 3633, and requests that this contract be included within the GEPS 1 product. *Id.*

The Postal Service states that the copy of the instant contract provided with this filing has not been signed by the mailer but the mailer has confirmed that it will sign the contract which will not be altered from the form presented to the Commission. The Postal Service has submitted the contract in this manner in the interest of having it reviewed by the Commission at this time and has committed to file the signed version of the contract upon final execution.

**II. Notice of Filing**

The Commission establishes Docket No. CP2009-60 for consideration of matters related to the contract identified in the Postal Service's Notice.

Interested persons may submit comments on whether the Postal Service's contract is consistent with the policies of 39 U.S.C. 3632, 3622 or 3642. Comments are due no later than August 25, 2009. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington to serve as Public Representative in the captioned filing.

**III. Ordering Paragraphs**

*It is ordered:*

1. The Commission establishes Docket No. CP2009-60 for consideration of the issues raised in this docket.

2. Comments by interested persons in these proceedings are due no later than August 25, 2009.

3. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

<sup>4</sup> See Docket No. CP2009-50, Order Concerning Filing of Additional Global Expedited Package Services 1 Negotiated Service Agreement, July 29, 2009 (Order No. 262).

By the Commission.

**Judith M. Grady,**

*Acting Secretary.*

[FR Doc. E9-20143 Filed 8-20-09; 8:45 am]

BILLING CODE 7710-FW-P

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28847; File No. 812-13614]

### Old Mutual Global Shares Trust, et al.; Notice of Application

August 13, 2009.

**AGENCY:** Securities and Exchange Commission (“Commission”).

**ACTION:** Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the “Act”) for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c-1 under the Act, under section 12(d)(1)(j) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act.

**SUMMARY:** *Summary of Application:*

Applicants request an order that would permit (a) certain open-end management investment companies and their series to issue shares (“Shares”) that can be redeemed only in large aggregations (“Creation Units”); (b) secondary market transactions in Shares to occur at negotiated prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

*Applicants:* Old Mutual Global Shares Trust (“Trust”), Old Mutual Global Index Trackers (Pty) Ltd. (“Adviser”), and Foreside Fund Services, LLC (“Distributor”).

**DATES:** *Filing Dates:* The application was filed on December 16, 2008, and amendments were filed on May 7, 2009, and August 12, 2009.

*Hearing or Notification of Hearing:* An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission’s Secretary and serving

applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 8, 2009 and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer’s interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission’s Secretary.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090; *Applicants:* Old Mutual Global Shares Trust and Old Mutual Global Index Trackers (Pty) Ltd., c/o Betserai Tendai Musikavanhu, 144 Katherine Street, Grayson Ridge Office Park, Block A First Floor, Sandton 2196, South Africa, and Foreside Fund Services, LLC, Two Portland Square, First Floor, Portland, ME 04101.

**FOR FURTHER INFORMATION CONTACT:** Courtney S. Thornton, Senior Counsel at (202) 551-6812, or Mary Kay Frech, Branch Chief, at (202) 551-6821 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission’s Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm>, or by calling (202) 551-8090.

#### Applicants’ Representations

1. The Trust is organized as a Delaware statutory trust and is registered under the Act as an open-end management investment company with multiple series, each of which will offer separate investment portfolios comprised primarily of equity securities. The Trust initially will offer five series (“Initial Funds”). Applicants may establish additional series in the future (“Future Funds,” together with the Initial Funds, the “Funds”).<sup>1</sup>

2. The Adviser is a South African private limited company that is registered as an investment adviser under the Investment Advisers Act of

1940 (the “Advisers Act”) and will serve as the investment adviser to the Initial Funds. In the future, the Adviser may enter into sub-advisory agreements with other investment advisers to act as sub-advisers to particular Funds (“Sub-Advisers”). Each Sub-Adviser will be registered under the Advisers Act. The Distributor is a broker-dealer registered under the Securities Exchange Act of 1934 (the “Exchange Act”) and will act as the principal underwriter and distributor for the Creation Units of Shares.

3. Each Fund will hold certain equity securities (“Portfolio Securities”) and financial instruments selected to correspond, before fees and expenses, generally to the performance of a specified equity securities index (“Underlying Index,” collectively “Underlying Indices”). Certain of the Underlying Indices may be composed of equity securities of domestic issuers and non-domestic issuers meeting the requirements for trading in U.S. markets (“Domestic Indices”). Other Underlying Indices may be composed of foreign equity securities (“Foreign Indices”). The Initial Funds will track Foreign Indices; Future Funds may track Domestic or Foreign Indices. Funds that track Domestic Indices are referred to as “Domestic Funds” and Funds that track Foreign Indices are referred to as “Foreign Funds.” No entity that creates, compiles, sponsors or maintains an Underlying Index (“Index Provider”) is or will be an affiliated person, as defined in section 2(a)(3) of the Act, or an affiliated person of an affiliated person, of the Trust or a Fund, the Adviser, any Sub-Adviser to or promoter of a Fund, or the Distributor. The Index Provider to the Initial Funds is FTSE Group.

4. The investment objective of each Fund will be to provide investment results that correspond, before fees and expenses, generally to the performance of its Underlying Index. Intra-day values of the Underlying Index will be disseminated every 15 seconds throughout the trading day. A Fund will utilize either a replication or representative sampling strategy, which will be disclosed with regard to each Fund in its prospectus.<sup>2</sup> A Fund using

<sup>2</sup> Applicants represent that each Fund will invest at least 80% of its total assets in the component securities that comprise its Underlying Index (“Component Securities”) or, in the case of Foreign Funds, Component Securities and depositary receipts representing such securities. “Depositary Receipts” will typically be American Depositary Receipts, as well as Global Depositary Receipts and Euro Depositary Receipts. Each Fund also may invest up to 20% of its assets in certain futures, options and swap contracts, cash and cash

<sup>1</sup> All existing entities that intend to rely on the requested order have been named as applicants. Any other existing or future entity that subsequently relies on the order will comply with the terms and conditions of the application. Any Future Fund will be advised by the Adviser or an entity controlled by or under common control with the Adviser.