

will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the then-existing Independent Trustees.

10. The Advisor will provide the Board, no less frequently than quarterly, with information about the Advisor's profitability on a per Series basis. This information will reflect the impact on profitability of the hiring or termination of any Subadvisor during the applicable quarter.

11. Whenever a Subadvisor is hired or terminated, the Advisor will provide the Board with information showing the expected impact on the Advisor's profitability.

12. The Advisor will not enter into a Subadvisory Agreement with any Affiliated Subadvisor, without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Series.

13. The requested order will expire on the effective date of rule 15a-5 under the Act, if adopted.

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

**Nancy M. Morris,**

*Secretary.*

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**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-8681; 34-53737/April 28, 2006]

### Order Making Fiscal Year 2007 Annual Adjustments to the Fee Rates Applicable Under Section 6(b) of the Securities Act of 1933 and Sections 13(e), 14(g), 31(b), and 31(c) of the Securities Exchange Act of 1934

#### I. Background

The Commission collects fees under various provisions of the securities laws. Section 6(b) of the Securities Act of 1933 ("Securities Act") requires the Commission to collect fees from issuers on the registration of securities.<sup>1</sup> Section 13(e) of the Securities Exchange Act of 1934 ("Exchange Act") requires the Commission to collect fees on specified repurchases of securities.<sup>2</sup> Section 14(g) of the Exchange Act requires the Commission to collect fees on proxy solicitations and statements in corporate control transactions.<sup>3</sup> Finally, Sections

31(b) and (c) of the Exchange Act require national securities exchanges and national securities associations, respectively, to pay fees to the Commission on transactions in specified securities.<sup>4</sup>

The Investor and Capital Markets Fee Relief Act ("Fee Relief Act")<sup>5</sup> amended Section 6(b) of the Securities Act and Sections 13(e), 14(g), and 31 of the Exchange Act to require the Commission to make annual adjustments to the fee rates applicable under these sections for each of the fiscal years 2003 through 2011, and one final adjustment to fix the fee rates under these sections for fiscal year 2012 and beyond.<sup>6</sup>

#### II. Fiscal Year 2007 Annual Adjustment to the Fee Rates Applicable Under Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act

Section 6(b)(5) of the Securities Act requires the Commission to make an annual adjustment to the fee rate applicable under Section 6(b) of the Securities Act in each of the fiscal years 2003 through 2011.<sup>7</sup> In those same fiscal years, Sections 13(e)(5) and 14(g)(5) of the Exchange Act require the Commission to adjust the fee rates under Sections 13(e) and 14(g) to a rate that is equal to the rate that is applicable under Section 6(b). In other words, the annual adjustment to the fee rate under Section 6(b) of the Securities Act also sets the annual adjustment to the fee rates under Sections 13(e) and 14(g) of the Exchange Act.

Section 6(b)(5) sets forth the method for determining the annual adjustment to the fee rate under Section 6(b) for fiscal year 2007. Specifically, the Commission must adjust the fee rate under Section 6(b) to a "rate that, when applied to the baseline estimate of the aggregate maximum offering prices for

<sup>4</sup> 15 U.S.C. 78ee(b) and (c). In addition, Section 31(d) of the Exchange Act requires the Commission to collect assessments from national securities exchanges and national securities associations for round turn transactions on security futures. 15 U.S.C. 78ee(d).

<sup>5</sup> Pub. L. 107-123, 115 Stat. 2390 (2002).

<sup>6</sup> See 15 U.S.C. 77f(b)(5), 77f(b)(6), 78m(e)(5), 78m(e)(6), 78n(g)(5), 78n(g)(6), 78ee(j)(1), and 78ee(j)(3). Section 31(j)(2) of the Exchange Act, 15 U.S.C. 78ee(j)(2), also requires the Commission, in specified circumstances, to make a mid-year adjustment to the fee rates under Sections 31(b) and (c) of the Exchange Act in fiscal years 2002 through 2011.

<sup>7</sup> The annual adjustments are designed to adjust the fee rate in a given fiscal year so that, when applied to the aggregate maximum offering price at which securities are proposed to be offered for the fiscal year, it is reasonably likely to produce total fee collections under Section 6(b) equal to the "target offsetting collection amount" specified in Section 6(b)(11)(A) for that fiscal year.

[fiscal year 2007], is reasonably likely to produce aggregate fee collections under [Section 6(b)] that are equal to the target offsetting collection amount for [fiscal year 2007]."<sup>8</sup> That is, the adjusted rate is determined by dividing the "target offsetting collection amount" for fiscal year 2007 by the "baseline estimate of the aggregate maximum offering prices" for fiscal year 2007.

Section 6(b)(11)(A) specifies that the "target offsetting collection amount" for fiscal year 2007 is \$214,000,000.<sup>8</sup> Section 6(b)(11)(B) defines the "baseline estimate of the aggregate maximum offering price" for fiscal year 2007 as "the baseline estimate of the aggregate maximum offering price at which securities are proposed to be offered pursuant to registration statements filed with the Commission during [fiscal year 2007] as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget \* \* \*."

To make the baseline estimate of the aggregate maximum offering price for fiscal year 2007, the Commission is using the same methodology it developed in consultation with the Congressional Budget Office ("CBO") and Office of Management and Budget ("OMB") to project aggregate offering price for purposes of the fiscal year 2006 annual adjustment. Using this methodology, the Commission determines the "baseline estimate of the aggregate maximum offering price" for fiscal year 2007 to be \$6,974,885,248,909.<sup>9</sup> Based on this estimate, the Commission calculates the annual adjustment for fiscal 2007 to be \$30.70 per million. This adjusted fee rate applies to Section 6(b) of the Securities Act, as well as to Sections 13(e) and 14(g) of the Exchange Act.

<sup>8</sup> Congress determined the target offsetting collection amounts by applying reduced fee rates to the CBO's January 2001 projections of the aggregate maximum offering prices for fiscal years 2002 through 2011. In any fiscal year through fiscal year 2011, the annual adjustment mechanism will result in additional fee rate reductions if the CBO's January 2001 projection of the aggregate maximum offering prices for the fiscal year proves to be too low, and fee rate increases if the CBO's January 2001 projection of the aggregate maximum offering prices for the fiscal year proves to be too high.

<sup>9</sup> Appendix A explains how we determined the "baseline estimate of the aggregate maximum offering price" for fiscal year 2007 using our methodology, and then shows the purely arithmetical process of calculating the fiscal year 2007 annual adjustment based on that estimate. The appendix includes the data used by the Commission in making its "baseline estimate of the aggregate maximum offering price" for fiscal year 2007.

<sup>1</sup> 15 U.S.C. 77f(b).

<sup>2</sup> 15 U.S.C. 78m(e).

<sup>3</sup> 15 U.S.C. 78n(g).

### III. Fiscal Year 2007 Annual Adjustment to the Fee Rates Applicable Under Sections 31(b) and (c) of the Exchange Act

Section 31(b) of the Exchange Act requires each national securities exchange to pay the Commission a fee at a rate, as adjusted by our order pursuant to Section 31(j)(2),<sup>10</sup> which currently is \$30.70 per million of the aggregate dollar amount of sales of specified securities transacted on the exchange. Similarly, Section 31(c) requires each national securities association to pay the Commission a fee at the same adjusted rate on the aggregate dollar amount of sales of specified securities transacted by or through any member of the association otherwise than on an exchange. Section 31(j)(1) requires the Commission to make annual adjustments to the fee rates applicable under Sections 31(b) and (c) for each of the fiscal years 2003 through 2011.<sup>11</sup>

Section 31(j)(1) specifies the method for determining the annual adjustment for fiscal year 2007. Specifically, the Commission must adjust the rates under Sections 31(b) and (c) to a “uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for [fiscal year 2007], is reasonably likely to produce aggregate fee collections under [Section 31] (including assessments collected under [Section 31(d)]) that are equal to the target offsetting collection amount for [fiscal year 2007].”

Section 31(l)(1) specifies that the “target offsetting collection amount” for fiscal year 2007 is \$881,000,000.<sup>12</sup> Section 31(l)(2) defines the “baseline estimate of the aggregate dollar amount of sales” as “the baseline estimate of the

aggregate dollar amount of sales of securities \* \* \* to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during [fiscal year 2007] as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget \* \* \*.”

To make the baseline estimate of the aggregate dollar amount of sales for fiscal year 2007, the Commission is using the same methodology it developed in consultation with the CBO and OMB to project dollar volume for purposes of prior fee adjustments.<sup>13</sup> Using this methodology, the Commission calculates the baseline estimate of the aggregate dollar amount of sales for fiscal year 2007 to be \$53,460,711,153,955. Based on this estimate, and an estimated collection of \$51,489 in assessments on security futures transactions under Section 31(d) in fiscal year 2007, the uniform adjusted rate is \$15.30 per million.<sup>14</sup>

### IV. Effective Dates of the Annual Adjustments

Section 6(b)(8)(A) of the Securities Act provides that the fiscal year 2007 annual adjustment to the fee rate applicable under Section 6(b) of the Securities Act shall take effect on the later of October 1, 2006, or five days after the date on which a regular appropriation to the Commission for fiscal year 2007 is enacted.<sup>15</sup> Section 13(e)(8)(A) and 14(g)(8)(A) of the Exchange Act provide for the same effective date for the annual adjustments to the fee rates applicable under Sections 13(e) and 14(g) of the Exchange Act.<sup>16</sup>

Section 31(j)(4)(A) of the Exchange Act provides that the fiscal year 2007 annual adjustments to the fee rates applicable under Sections 31(b) and (c) of the Exchange Act shall take effect on the later of October 1, 2006, or 30 days after the date on which a regular appropriation to the Commission for fiscal year 2007 is enacted.

<sup>13</sup> Appendix B explains how we determined the “baseline estimate of the aggregate dollar amount of sales” for fiscal year 2007 using our methodology, and then shows the purely arithmetical process of calculating the fiscal year 2007 annual adjustment based on that estimate. The appendix also includes the data used by the Commission in making its “baseline estimate of the aggregate dollar amount of sales” for fiscal year 2007.

<sup>14</sup> The calculation of the adjusted fee rate assumes that the current fee rate of \$30.70 per million will apply through October 31, 2006, due to the operation of the effective date provision contained in Section 31(j)(4)(A) of the Exchange Act.

<sup>15</sup> 15 U.S.C. 77f(b)(8)(A).

<sup>16</sup> 15 U.S.C. 78m(e)(8)(A) and 78n(g)(8)(A).

### V. Conclusion

Accordingly, pursuant to Section 6(b) of the Securities Act and Sections 13(e), 14(g), and 31 of the Exchange Act,<sup>17</sup>

*It is hereby ordered that the fee rates applicable under Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act shall be \$30.70 per million effective on the later of October 1, 2006, or five days after the date on which a regular appropriation to the Commission for fiscal year 2007 is enacted; and*

*It is further ordered that the fee rates applicable under Sections 31(b) and (c) of the Exchange Act shall be \$15.30 per million effective on the later of October 1, 2006, or 30 days after the date on which a regular appropriation to the Commission for fiscal year 2007 is enacted.*

By the Commission.

**Nancy M. Morris,**  
Secretary.

### Appendix A

With the passage of the Investor and Capital Markets Relief Act, Congress has, among other things, established a target amount of monies to be collected from fees charged to issuers based on the value of their registrations. This appendix provides the formula for determining such fees, which the Commission adjusts annually. Congress has mandated that the Commission determine these fees based on the “aggregate maximum offering prices,” which measures the aggregate dollar amount of securities registered with the Commission over the course of the year. In order to maximize the likelihood that the amount of monies targeted by Congress will be collected, the fee rate must be set to reflect projected aggregate maximum offering prices. As a percentage, the fee rate equals the ratio of the target amounts of monies to the projected aggregate maximum offering prices.

For 2007, the Commission has estimated the aggregate maximum offering prices by projecting forward the trend established in the previous decade. More specifically, an ARIMA model was used to forecast the value of the aggregate maximum offering prices for months subsequent to March 2006, the last month for which the Commission has data on the aggregate maximum offering prices.

The following sections describe this process in detail.

#### A. Baseline Estimate of the Aggregate Maximum Offering Prices for Fiscal Year 2007

First, calculate the aggregate maximum offering prices (AMOP) for each month in the sample (March 1996–March 2006). Next, calculate the percentage change in the AMOP from month to month.

Model the monthly percentage change in AMOP as a first order moving average process. The moving average approach

<sup>17</sup> 15 U.S.C. 77f(b), 78m(e), 78n(g), and 78ee(j).

<sup>10</sup> Order Making Fiscal Year 2006 Annual Adjustments to the Fee Rates Applicable under Section 6(b) of the Securities Act of 1933 and Sections 13(e), 14(g), 31(b) and 31(c) of the Securities Exchange Act of 1934, Rel. No. 33-8572 (April 28, 2005), 70 FR 23271 (May 4, 2005).

<sup>11</sup> The annual adjustments, as well as the mid-year adjustments required in specified circumstances under Section 31(j)(2) in fiscal years 2002 through 2011, are designed to adjust the fee rates in a given fiscal year so that, when applied to the aggregate dollar volume of sales for the fiscal year, they are reasonably likely to produce total fee collections under Section 31 equal to the “target offsetting collection amount” specified in Section 31(l)(1) for that fiscal year.

<sup>12</sup> Congress determined the target offsetting collection amounts by applying reduced fee rates to the CBO’s January 2001 projections of dollar volume for fiscal years 2002 through 2011. In any fiscal year through fiscal year 2011, the annual and, in specified circumstances, mid-year adjustment mechanisms will result in additional fee rate reductions if the CBO’s January 2001 projection of dollar volume for the fiscal year proves to be too low, and fee rate increases if the CBO’s January 2001 projection of dollar volume for the fiscal year proves to be too high.

allows one to model the effect that an exceptionally high (or low) observation of AMOP tends to be followed by a more “typical” value of AMOP.

Use the estimated moving average model to forecast the monthly percent change in AMOP. These percent changes can then be applied to obtain forecasts of the total dollar value of registrations. The following is a more formal (mathematical) description of the procedure:

1. Begin with the monthly data for AMOP. The sample spans ten years, from March 1996 to March 2006.

2. Divide each month's AMOP (column C) by the number of trading days in that month (column B) to obtain the average daily AMOP (AAMOP, column D).

3. For each month  $t$ , the natural logarithm of AAMOP is reported in column E.

4. Calculate the change in  $\log(\text{AAMOP})$  from the previous month as  $\Delta_t = \log(\text{AAMOP}_t) - \log(\text{AAMOP}_{t-1})$ . This approximates the percentage change.

5. Estimate the first order moving average model  $\Delta_t = \alpha + \beta e_{t-1} + e_t$ , where  $e_t$  denotes the forecast error for month  $t$ . The forecast error is simply the difference between the one-month ahead forecast and the actual realization of  $\Delta_t$ . The forecast error is expressed as  $e_t = \Delta_t - \alpha - \beta e_{t-1}$ . The model can be estimated using standard commercially available software such as SAS or Eviews. Using least squares, the estimated parameter values are  $\alpha = 0.01095$  and  $\beta = -0.78845$ .

6. For the month of April 2006, forecast  $\Delta_{t=4/06} = \alpha + \beta e_{t=3/06}$ . For all subsequent months, forecast  $\Delta_t = \alpha$ .

7. Calculate forecasts of  $\log(\text{AAMOP})$ . For example, the forecast of  $\log(\text{AAMOP})$  for June 2006 is given by  $\text{FLAAMOP}_{t=6/06} = \log(\text{AAMOP}_{t=3/06}) + \Delta_{t=4/06} + \Delta_{t=5/06} + \Delta_{t=6/06}$ .

8. Under the assumption that  $e_t$  is normally distributed, the  $n$ -step ahead forecast of AAMOP is given by  $\exp(\text{FLAAMOP}_t + \sigma_n^2/2)$ ,

where  $\sigma_n$  denotes the standard error of the  $n$ -step ahead forecast.

9. For June 2007, this gives a forecast AAMOP of \$24.4 billion (Column I), and a forecast AMOP of \$537.2 billion (Column J).

10. Iterate this process through September 2007 to obtain a baseline estimate of the aggregate maximum offering prices for fiscal year 2007 of \$6,974,885,248,909.

*B. Using the Forecasts From A To Calculate the New Fee Rate*

1. Using the data from Table A, estimate the aggregate maximum offering prices between 10/1/06 and 9/30/07 to be \$6,974,885,248,909.

2. The rate necessary to collect the target \$214,000,000 in fee revenues set by Congress is then calculated as:  $\$214,000,000 + \$6,974,885,248,909 = 0.00003068$  (or \$30.70 per million).

**BILLING CODE 8010-01-P**

Table A. Estimation of baseline of aggregate maximum offering prices.

Fee rate calculation.		6,974,885								
a. Baseline estimate of the aggregate maximum offering prices, 10/1/96 to 9/30/07 (\$Millions)		\$30.70								
b. Implied fee rate (\$214 Million / a)										
Data	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)
Month	# of Trading Days in Month	Aggregate Maximum Offering Prices, in \$Millions	Average Daily Aggregate Max. Offering Prices (\$AMOP) in \$Millions	log(AAMOP)	Change in AAMOP	Forecast log(AAMOP)	Standard Error	Forecast AAMOP, in \$Millions	Forecast Aggregate Maximum Offering Prices, in \$Millions	
Mar-96	21	117,780	5,609	22.448						
Apr-96	21	158,005	7,524	22.741	0.294					
May-96	22	142,452	6,475	22.591	-0.150					
Jun-96	20	122,598	6,130	22.536	-0.055					
Jul-96	22	113,637	5,165	22.365	-0.171					
Aug-96	22	128,154	5,825	22.485	0.120					
Sep-96	20	108,763	5,438	22.447	-0.069					
Oct-96	23	171,507	7,457	22.732	0.316					
Nov-96	20	164,574	8,229	22.831	0.098					
Dec-96	21	214,241	10,202	23.046						
Jan-97	22	136,615	6,210	22.549						
Feb-97	19	317,624	16,717	23.540						
Mar-97	20	140,809	7,040	22.675						
Apr-97	22	182,657	8,303	22.840	0.165					
May-97	21	163,702	7,785	22.777	-0.063					
Jun-97	21	162,111	7,720	22.767	-0.010					
Jul-97	22	168,007	7,637	22.756	-0.011					
Aug-97	21	153,705	7,319	22.714	-0.042					
Sep-97	21	179,559	8,550	22.859	0.155					
Oct-97	23	260,719	11,336	23.151	0.282					
Nov-97	19	219,618	11,559	23.171	0.020					
Dec-97	22	228,605	10,391	23.064	-0.106					
Jan-98	20	228,030	11,402	23.157	0.093					
Feb-98	19	250,266	13,172	23.301	0.144					
Mar-98	22	378,185	17,190	23.568	0.286					
Apr-98	21	242,310	11,539	23.169	-0.399					
May-98	20	298,454	14,923	23.426	0.257					

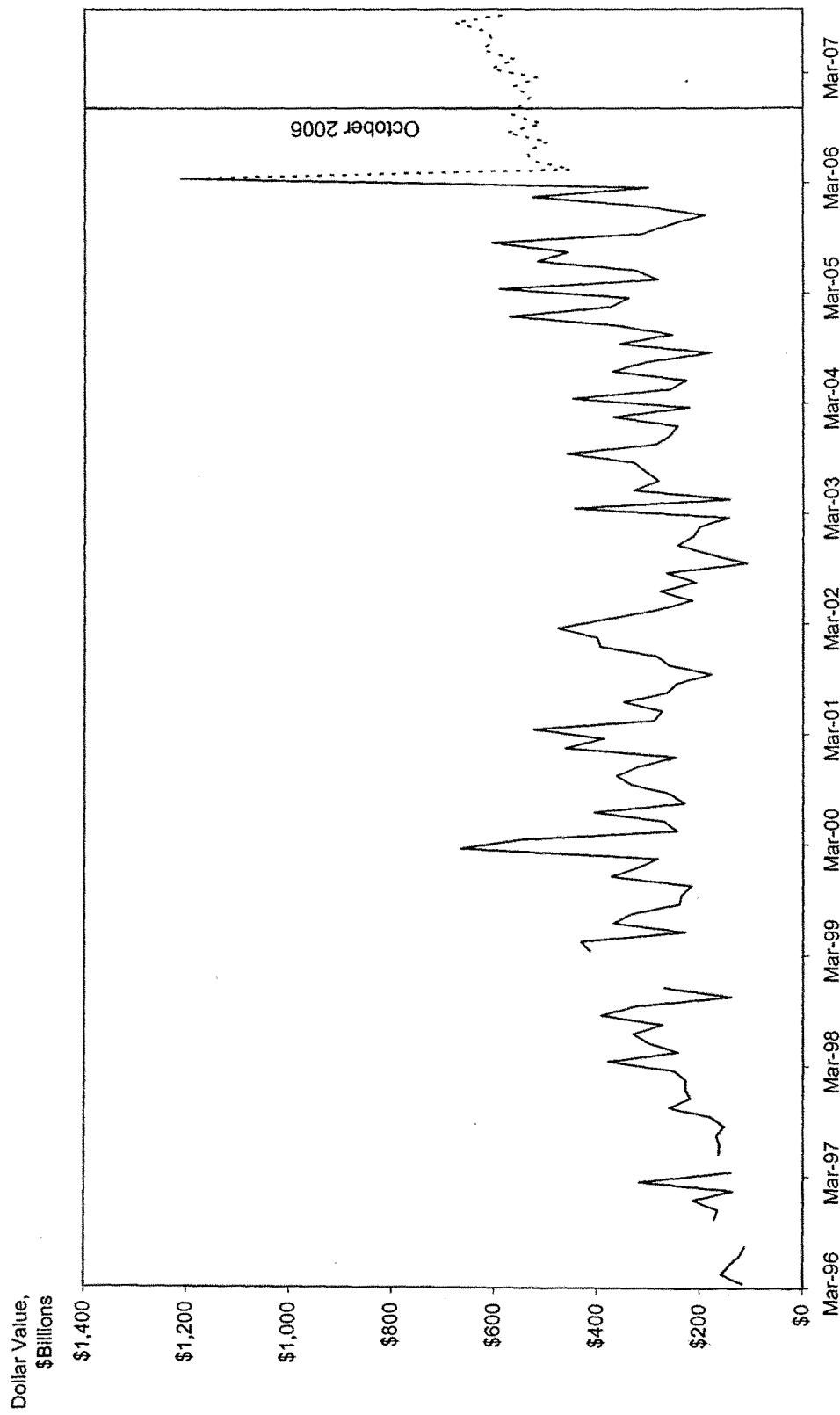
Jun-98	22	328,994	14,954	23,428	0.002
Jul-98	22	272,957	12,407	23,242	-0.187
Aug-98	21	392,104	18,672	23,650	0.409
Sep-98	21	325,144	15,483	23,433	-0.187
Oct-98	22	139,786	6,354	22,572	-0.891
Nov-98	20	269,065	13,453	23,322	0.750
Dec-98	22	248,596	11,300	23,148	-0.174
Jan-99	19	253,448	13,339	23,314	0.166
Feb-99	19	217,433	11,444	23,161	-0.153
Mar-99	23	415,145	18,050	23,616	0.456
Apr-99	21	431,280	20,537	23,746	0.129
May-99	20	229,082	11,454	23,162	-0.584
Jun-99	22	367,943	16,725	23,540	0.378
Jul-99	21	332,623	15,839	23,446	-0.054
Aug-99	22	240,157	10,916	23,114	-0.372
Sep-99	21	236,011	11,239	23,143	0.029
Oct-99	21	216,883	10,328	23,058	-0.085
Nov-99	21	372,582	17,742	23,599	0.541
Dec-99	22	319,846	14,538	23,400	-0.199
Jan-00	20	282,165	14,108	23,370	-0.030
Feb-00	20	665,367	33,268	24,228	0.858
Mar-00	23	550,107	23,918	23,898	-0.330
Apr-00	19	244,510	12,869	23,278	-0.620
May-00	22	269,774	12,262	23,230	-0.048
Jun-00	22	406,409	18,473	23,640	0.410
Jul-00	20	230,894	11,545	23,169	-0.470
Aug-00	23	257,797	11,209	23,140	-0.030
Sep-00	20	332,120	- 16,606	23,533	0.393
Oct-00	22	362,493	16,477	23,525	-0.008
Nov-00	21	317,653	15,126	23,440	-0.086
Dec-00	20	246,006	12,300	23,233	-0.207
Jan-01	21	462,726	22,035	23,876	0.583
Feb-01	19	388,304	20,437	23,741	-0.075
Mar-01	22	523,443	23,793	23,833	0.152

Apr-01	20	289,212	14,461	23,395	-0.498
May-01	22	274,298	12,468	23,246	-0.148
Jun-01	21	348,268	16,584	23,532	0.285
Jul-01	21	264,590	12,600	23,287	-0.275
Aug-01	23	245,591	10,678	23,091	-0.165
Sep-01	15	178,524	11,902	23,200	0.108
Oct-01	23	260,719	11,336	23,151	-0.049
Nov-01	21	286,199	13,629	23,335	0.184
Dec-01	20	395,230	19,762	23,707	0.372
Jan-02	21	401,290	19,109	23,673	-0.034
Feb-02	19	476,837	25,097	23,946	0.273
Mar-02	20	380,160	19,008	23,668	-0.278
Apr-02	22	282,947	12,861	23,277	-0.391
May-02	22	215,645	9,802	23,006	-0.272
Jun-02	20	277,757	13,888	23,354	0.348
Jul-02	22	208,638	9,484	22,973	-0.381
Aug-02	22	265,750	12,080	23,215	0.242
Sep-02	20	109,565	5,478	22,424	-0.791
Oct-02	23	179,374	7,799	22,777	0.353
Nov-02	20	243,590	12,179	23,223	0.446
Dec-02	21	212,838	10,135	23,039	-0.184
Jan-03	21	201,839	9,611	22,986	-0.053
Feb-03	19	144,642	7,613	22,753	-0.233
Mar-03	21	444,331	21,159	23,775	1.022
Apr-03	21	142,373	6,780	22,637	-1.138
May-03	21	328,792	15,657	23,474	0.837
Jun-03	21	281,580	13,409	23,319	-0.155
Jul-03	22	304,383	-	13,836	23,351
Aug-03	21	328,351	15,636	23,473	0.122
Sep-03	21	459,563	21,884	23,809	0.336
Oct-03	23	285,039	12,393	23,240	-0.569
Nov-03	19	257,779	13,567	23,331	0.091
Dec-03	22	244,998	11,136	23,133	-0.197
Jan-04	20	369,784	18,489	23,640	0.507

Feb-04	19	221,517	11,659	23,179	-0,461
Mar-04	23	448,543	19,502	23,694	0,514
Apr-04	21	260,029	12,382	23,240	-0,454
May-04	20	227,239	11,362	23,154	-0,086
Jun-04	21	370,668	17,651	23,594	0,441
Jul-04	21	305,519	14,549	23,401	-0,193
Aug-04	22	179,688	8,168	22,823	-0,577
Sep-04	21	357,007	17,000	23,556	0,733
Oct-04	21	254,489	12,119	23,218	-0,338
Nov-04	21	363,406	17,305	23,574	0,356
Dec-04	22	570,918	25,951	23,979	0,405
Jan-05	20	375,484	18,774	23,656	-0,324
Feb-05	19	338,922	17,838	23,605	-0,051
Mar-05	22	590,862	26,857	24,014	0,409
Apr-05	21	282,018	13,429	23,321	-0,693
May-05	21	323,652	15,412	23,458	0,138
Jun-05	22	517,022	23,501	23,880	0,422
Jul-05	20	457,487	22,874	23,853	-0,027
Aug-05	23	605,534	26,328	23,984	0,141
Sep-05	21	312,281	14,871	23,423	-0,571
Oct-05	21	258,956	12,331	23,235	-0,187
Nov-05	21	192,736	9,178	22,940	-0,295
Dec-05	21	308,134	14,673	23,409	0,469
Jan-06	20	526,550	26,328	23,984	0,585
Feb-06	19	301,446	15,866	23,487	-0,506
Mar-06	23	1,211,344	52,667	24,687	1,200
Apr-06	19			23,835	0,337
May-06	22			23,846	0,345
Jun-06	22			23,857	0,352
Jul-06	20			23,868	0,359
Aug-06	23			23,879	0,366
Sep-06	20			23,889	0,373
Oct-06	22			23,900	0,380
Nov-06	21			23,911	0,387

Dec-06	20			23.922	0.393	26.478	529,559
Jan-07	21			23.933	0.399	26.838	563,593
Feb-07	19			23.944	0.406	27.203	516,848
Mar-07	22			23.955	0.412	27.572	606,588
Apr-07	20			23.966	0.418	27.947	558,938
May-07	22			23.977	0.424	28.327	623,188
Jun-07	21			23.988	0.430	28.712	602,945
Jul-07	21			23.999	0.436	29.102	611,139
Aug-07	23			24.010	0.442	29.497	678,439
Sep-07	19			24.021	0.448	29.898	568,067

**Figure A**  
Aggregate Maximum Offering Prices Subject to Securities Act Section 6(b)  
(Dashed Line Indicates Forecast Values)



## Appendix B

With the passage of the Investor and Capital Markets Relief Act, Congress has, among other things, established a target amount of monies to be collected from fees charged to investors based on the value of their transactions. This appendix provides the formula for determining such fees, which the Commission adjusts annually, and may adjust semi-annually.<sup>18</sup> In order to maximize the likelihood that the amount of monies targeted by Congress will be collected, the fee rate must be set to reflect projected dollar transaction volume on the securities exchanges and certain over-the-counter markets over the course of the year. As a percentage, the fee rate equals the ratio of the target amounts of monies to the projected dollar transaction volume.

For 2007, the Commission has estimated dollar transaction volume by projecting forward the trend established in the previous decade. More specifically, dollar transaction volume was forecasted for months subsequent to March 2006, the last month for which the Commission has data on transaction volume.

The following sections describe this process in detail.

### A. Baseline Estimate of the Aggregate Dollar Amount of Sales for Fiscal Year 2007

First, calculate the average daily dollar amount of sales (ADS) for each month in the sample (March 1996–March 2006). The monthly aggregate dollar amount of sales (exchange plus certain over-the-counter markets) is presented in column C of Table B.

<sup>18</sup> Congress requires that the Commission make a mid-year adjustment to the fee rate if four months into the fiscal year it determines that its forecasts of aggregate dollar volume are reasonably likely to be off by 10% or more.

Next, calculate the change in the natural logarithm of ADS from month to month. The average monthly percentage growth of ADS over the entire sample is 0.013 and the standard deviation 0.117. Assuming the monthly percentage change in ADS follows a random walk, calculating the expected monthly percentage growth rate for the full sample is straightforward. The expected monthly percentage growth rate of ADS is 2.0%.

Now, use the expected monthly percentage growth rate to forecast total dollar volume. For example, one can use the ADS for March 2006 (\$165,519,031,905) to forecast ADS for April 2006 (\$168,860,299,166 = \$165,519,031,905 × 1.020).<sup>19</sup> Multiply by the number of trading days in April 2006 (19) to obtain a forecast of the total dollar volume for the month (\$3,208,345,684,147). Repeat the method to generate forecasts for subsequent months.

The forecasts for total dollar volume are in column G of Table B. The following is a more formal (mathematical) description of the procedure:

1. Divide each month's total dollar volume (column C) by the number of trading days in that month (column B) to obtain the average daily dollar volume (ADS, column D).

2. For each month  $t$ , calculate the change in ADS from the previous month as  $\Delta_t = \log(ADS_t / ADS_{t-1})$ , where  $\log(x)$  denotes the natural logarithm of  $x$ .

3. Calculate the mean and standard deviation of the series  $\{\Delta_1, \Delta_2, \dots, \Delta_{120}\}$ . These are given by  $\mu = 0.013$  and  $\sigma = 0.117$ , respectively.

4. Assume that the natural logarithm of ADS follows a random walk, so that  $\Delta_s$  and  $\Delta_t$  are statistically independent for any two months  $s$  and  $t$ .

5. Under the assumption that  $\Delta_t$  is normally distributed, the expected value of

<sup>19</sup> The value 1.020 has been rounded. All computations are done with the unrounded value.

$ADS_t / ADS_{t-1}$  is given by  $\exp(\mu + \sigma^2/2)$ , or on average  $ADS_t = 1.020 \times ADS_{t-1}$ .

6. For April 2006, this gives a forecast ADS of  $1.020 \times \$165,519,031,905 = \$168,860,299,166$ . Multiply this figure by the 19 trading days in April 2006 to obtain a total dollar volume forecast of \$3,208,345,684,147.

7. For May 2006, multiply the April 2006 ADS forecast by 1.020 to obtain a forecast ADS of \$172,269,015,268. Multiply this figure by the 22 trading days in May 2006 to obtain a total dollar volume forecast of \$3,789,918,335,894.

8. Repeat this procedure for subsequent months.

### B. Using the Forecasts From A to Calculate the New Fee Rate

1. Use Table B to estimate fees collected for the period 10/1/06 through 10/31/06. The projected aggregate dollar amount of sales for this period is \$4,188,205,050,118. Projected fee collections at the current fee rate of 0.0000307 are \$128,577,895.

2. Estimate the amount of assessments on securities futures products collected during 10/1/06 and 9/30/07 to be \$51,489 by projecting a 2.0% monthly increase from a base of \$3,342 in March 2006.

3. Subtract the amounts \$128,577,895 and \$51,489 from the target offsetting collection amount set by Congress of \$881,000,000 leaving \$752,370,487 to be collected on dollar volume for the period 11/1/06 through 9/30/07.

4. Use Table B to estimate dollar volume for the period 11/1/06 through 9/30/07. The estimate is \$49,272,506,103,837. Finally, compute the fee rate required to produce the additional \$752,370,487 in revenue. This rate is \$752,370,487 divided by \$49,272,506,103,837 or 0.0000152696.

5. Round the result to the seventh decimal point, yielding a rate of .0000153 (or \$15.30 per million).

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Table B. Estimation of baseline of the aggregate dollar amount of sales.

## Fee rate calculation.

a. Baseline estimate of the aggregate dollar amount of sales, 10/1/06 to 10/31/06 (\$Millions)	4,188,205
b. Baseline estimate of the aggregate dollar amount of sales, 11/1/06 to 9/30/07 (\$Millions)	49,272,506
c. Estimated collections in assessments on securities futures products in FY 2007 (\$Millions)	0.051
d. Implied fee rate ((\$881,000,000 - 0.0000307*a - c) /b)	\$15.3

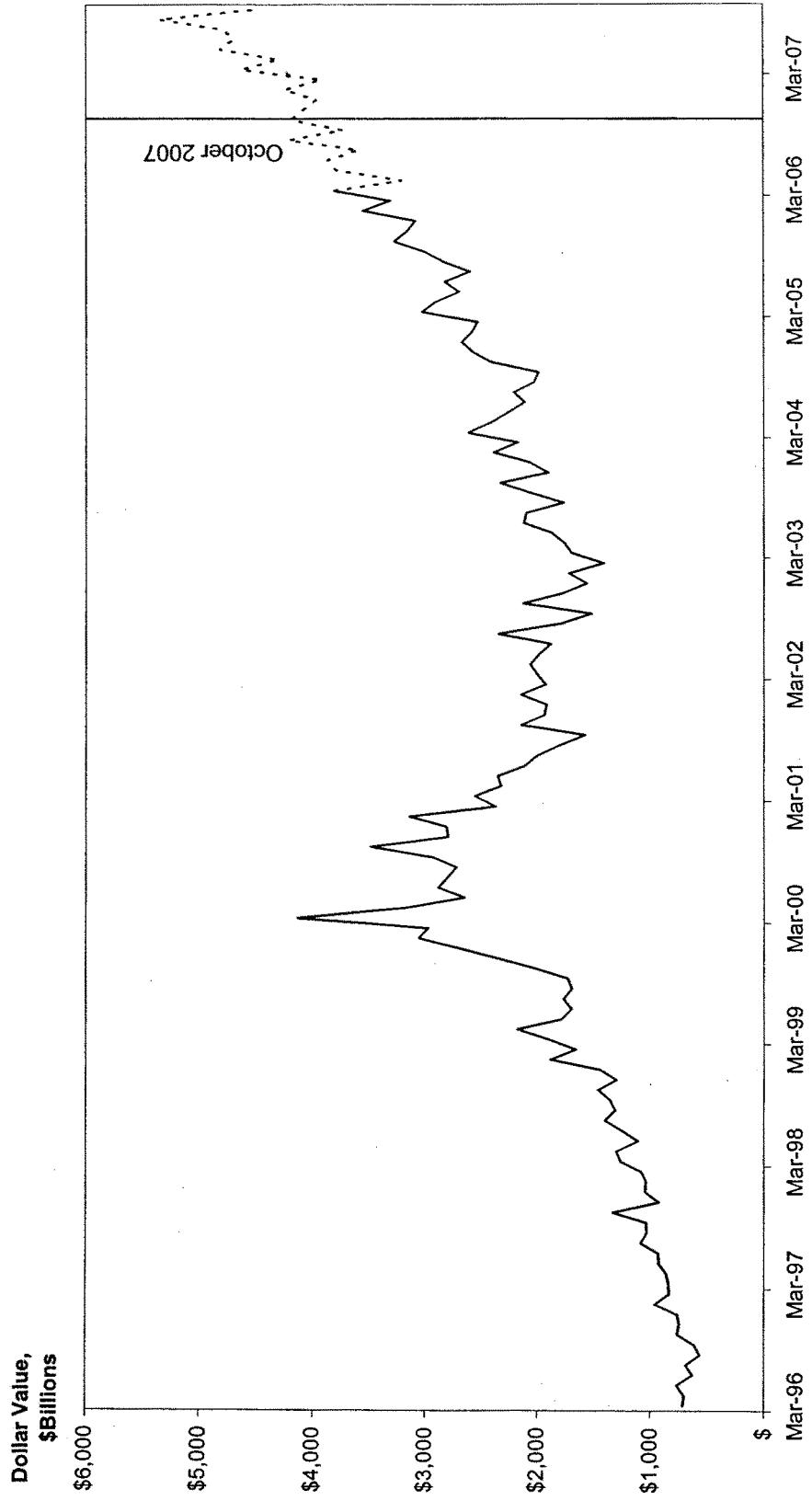
## Data

(A) Month	(B) # of Trading Days in Month	(C) Aggregate Dollar Amount of Sales	(D) Average Daily Dollar Amount of Sales (ADS)	(E) Change in LN of ADS	(F) Forecast ADS	(G) Forecast Aggregate Dollar Amount of Sales
Mar-96	21	714,836,120,093	34,039,815,243	-		
Apr-96	21	704,410,318,022	33,543,348,477	-0.015		
May-96	22	768,379,507,489	34,926,341,250	0.040		
Jun-96	20	631,098,780,223	31,554,939,011	-0.102		
Jul-96	22	688,428,728,384	31,292,214,927	-0.008		
Aug-96	22	570,109,772,036	25,914,080,547	-0.189		
Sep-96	20	617,243,881,688	30,862,194,084	0.175		
Oct-96	23	764,269,441,454	33,229,106,150	0.074		
Nov-96	20	748,494,700,419	37,424,735,021	0.119		
Dec-96	21	764,479,496,753	36,403,785,560	-0.028		
Jan-97	22	957,432,637,586	43,519,665,345	0.179		
Feb-97	19	837,174,183,446	44,061,799,129	0.012		
Mar-97	20	839,192,728,788	41,959,636,439	-0.049		
Apr-97	22	862,799,213,315	39,218,146,060	-0.068		
May-97	21	925,733,852,647	44,082,564,412	0.117		
Jun-97	21	930,409,085,859	44,305,194,565	0.005		
Jul-97	22	1,085,682,706,898	49,349,213,950	0.108		
Aug-97	21	1,031,344,138,751	49,111,625,655	-0.005		
Sep-97	21	1,036,460,244,602	49,355,249,743	0.005		
Oct-97	23	1,329,653,432,718	57,811,018,814	0.158		
Nov-97	19	926,017,878,587	48,737,783,084	-0.171		
Dec-97	22	1,046,220,806,199	47,555,491,191	-0.025		
Jan-98	20	1,037,925,292,902	51,896,264,645	0.087		
Feb-98	19	1,081,705,333,396	56,931,859,652	0.093		
Mar-98	22	1,259,994,685,467	57,272,485,703	0.006		
Apr-98	21	1,298,494,359,253	61,833,064,726	0.077		
May-98	20	1,110,221,658,995	55,511,082,950	-0.108		
Jun-98	22	1,243,779,791,913	56,535,445,087	0.018		
Jul-98	22	1,399,011,433,748	63,591,428,807	0.118		
Aug-98	21	1,307,501,463,442	62,261,974,450	-0.021		
Sep-98	21	1,352,428,235,083	64,401,344,528	0.034		
Oct-98	22	1,460,835,397,598	66,401,608,982	0.031		
Nov-98	20	1,298,403,768,065	64,920,188,403	-0.023		
Dec-98	22	1,442,697,787,306	65,577,172,150	0.010		
Jan-99	19	1,884,555,055,910	99,187,108,206	0.414		
Feb-99	19	1,656,058,202,765	87,160,958,040	-0.129		
Mar-99	23	1,908,967,664,074	82,998,594,090	-0.049		
Apr-99	21	2,177,601,770,622	103,695,322,411	0.223		
May-99	20	1,784,400,906,987	89,220,045,349	-0.150		
Jun-99	22	1,697,339,227,503	77,151,783,068	-0.145		
Jul-99	21	1,767,035,098,986	84,144,528,523	0.087		
Aug-99	22	1,692,907,150,726	76,950,325,033	-0.089		
Sep-99	21	1,730,505,881,178	82,405,041,961	0.068		
Oct-99	21	2,017,474,765,542	96,070,226,931	0.153		
Nov-99	21	2,348,374,009,334	111,827,333,778	0.152		
Dec-99	22	2,686,788,531,991	122,126,751,454	0.088		
Jan-00	20	3,057,831,397,113	152,891,569,856	0.225		
Feb-00	20	2,973,119,888,063	148,655,994,403	-0.028		
Mar-00	23	4,135,152,366,234	179,789,233,315	0.190		
Apr-00	19	3,174,694,525,687	167,089,185,562	-0.073		
May-00	22	2,649,273,207,318	120,421,509,424	-0.328		

(A) Month	(B) # of Trading Days in Month	(C) Aggregate Dollar Amount of Sales	(D) Average Daily Dollar Amount of Sales (ADS)	(E) Change in LN of ADS	(F) Forecast ADS	(G) Forecast Aggregate Dollar Amount of Sales
Jun-00	22	2,883,513,997,781	131,068,818,081	0.085		
Jul-00	20	2,804,753,395,361	140,237,669,768	0.068		
Aug-00	23	2,720,788,395,832	118,295,147,645	-0.170		
Sep-00	20	2,930,188,809,012	146,509,440,451	0.214		
Oct-00	22	3,485,926,307,727	158,451,195,806	0.078		
Nov-00	21	2,795,778,876,887	133,132,327,471	-0.174		
Dec-00	20	2,809,917,349,851	140,495,867,493	0.054		
Jan-01	21	3,143,501,125,244	149,690,529,774	0.063		
Feb-01	19	2,372,420,523,286	124,864,238,068	-0.181		
Mar-01	22	2,554,419,085,113	116,109,958,414	-0.073		
Apr-01	20	2,324,349,507,745	116,217,475,387	0.001		
May-01	22	2,353,179,388,303	106,962,699,468	-0.083		
Jun-01	21	2,111,922,113,236	100,567,719,678	-0.062		
Jul-01	21	2,004,384,034,554	95,446,858,788	-0.052		
Aug-01	23	1,803,565,337,795	78,415,884,252	-0.197		
Sep-01	15	1,573,484,946,383	104,898,996,426	0.291		
Oct-01	23	2,147,238,873,044	93,358,211,871	-0.117		
Nov-01	21	1,939,427,217,518	92,353,677,025	-0.011		
Dec-01	20	1,921,098,738,113	96,054,936,906	0.039		
Jan-02	21	2,149,243,312,432	102,344,919,640	0.063		
Feb-02	19	1,928,830,595,585	101,517,399,768	-0.008		
Mar-02	20	2,002,216,374,514	100,110,818,726	-0.014		
Apr-02	22	2,062,101,866,506	93,731,903,023	-0.066		
May-02	22	1,985,859,756,557	90,266,352,571	-0.038		
Jun-02	20	1,882,185,380,609	94,109,269,030	0.042		
Jul-02	22	2,349,564,490,189	106,798,385,918	0.126		
Aug-02	22	1,793,429,904,079	81,519,541,095	-0.270		
Sep-02	20	1,518,944,367,204	75,947,218,360	-0.071		
Oct-02	23	2,127,874,947,972	92,516,302,086	0.197		
Nov-02	20	1,780,816,458,122	89,040,822,906	-0.038		
Dec-02	21	1,561,092,215,646	74,337,724,555	-0.180		
Jan-03	21	1,723,698,830,414	82,080,896,686	0.099		
Feb-03	19	1,411,722,405,357	74,301,179,229	-0.100		
Mar-03	21	1,699,581,267,718	80,932,441,320	0.085		
Apr-03	21	1,759,751,025,279	83,797,667,870	0.035		
May-03	21	1,871,390,985,678	89,113,856,461	0.062		
Jun-03	21	2,122,225,077,345	101,058,337,016	0.126		
Jul-03	22	2,100,812,973,956	95,491,498,816	-0.057		
Aug-03	21	1,766,527,686,224	84,120,366,011	-0.127		
Sep-03	21	2,063,584,421,939	98,265,924,854	0.155		
Oct-03	23	2,331,850,083,022	101,384,786,218	0.031		
Nov-03	19	1,903,726,129,859	100,196,112,098	-0.012		
Dec-03	22	2,066,530,151,383	93,933,188,699	-0.065		
Jan-04	20	2,390,942,905,678	119,547,145,284	0.241		
Feb-04	19	2,177,765,594,701	114,619,241,826	-0.042		
Mar-04	23	2,613,808,754,550	113,643,858,893	-0.009		
Apr-04	21	2,418,663,760,191	115,174,464,771	0.013		
May-04	20	2,259,243,404,459	112,962,170,223	-0.019		
Jun-04	21	2,112,826,072,876	100,610,765,375	-0.116		
Jul-04	21	2,209,808,376,565	105,228,970,313	0.045		
Aug-04	22	2,033,343,354,640	92,424,697,938	-0.130		
Sep-04	21	1,993,803,487,749	94,943,023,226	0.027		
Oct-04	21	2,414,599,088,108	114,980,908,958	0.191		
Nov-04	21	2,577,513,374,160	122,738,732,103	0.065		
Dec-04	22	2,673,532,981,863	121,524,226,448	-0.010		
Jan-05	20	2,581,839,174,160	129,091,958,708	0.060		
Feb-05	19	2,532,202,396,053	133,273,810,319	0.032		

(A) Month	(B) # of Trading Days in Month	(C) Aggregate Dollar Amount of Sales	(D) Average Daily Dollar Amount of Sales (ADS)	(E) Change in LN of ADS	(F) Forecast ADS	(G) Forecast Aggregate Dollar Amount of Sales
Mar-05	22	3,027,678,711,444	137,621,759,611	0.032		
Apr-05	21	2,905,852,920,334	138,373,948,587	0.005		
May-05	21	2,696,918,002,820	128,424,666,801	-0.075		
Jun-05	22	2,825,026,079,840	128,410,276,356	0.000		
Jul-05	20	2,603,497,532,408	130,174,876,620	0.014		
Aug-05	23	2,845,670,391,894	123,724,799,648	-0.051		
Sep-05	21	3,008,993,433,003	143,285,401,572	0.147		
Oct-05	21	3,279,422,103,293	156,162,957,300	0.086		
Nov-05	21	3,162,729,725,215	150,606,177,391	-0.036		
Dec-05	21	3,089,675,315,936	147,127,395,997	-0.023		
Jan-06	20	3,555,274,119,568	177,763,705,978	0.189		
Feb-06	19	3,313,621,122,247	174,401,111,697	-0.019		
Mar-06	23	3,806,937,733,806	165,519,031,905	-0.052		
Apr-06	19				168,860,299,166	3,208,345,684,147
May-06	22				172,269,015,268	3,789,918,335,894
Jun-06	22				175,746,541,775	3,866,423,919,041
Jul-06	20				179,294,267,734	3,585,885,354,680
Aug-06	23				182,913,610,235	4,207,013,035,401
Sep-06	20				186,606,014,972	3,732,120,299,437
Oct-06	22				190,372,956,824	4,188,205,050,118
Nov-06	21				194,215,940,441	4,078,534,749,265
Dec-06	20				198,136,500,850	3,962,730,016,997
Jan-07	21				202,136,204,062	4,244,860,285,292
Feb-07	19				206,216,647,701	3,918,116,306,314
Mar-07	22				210,379,461,642	4,628,348,156,134
Apr-07	20				214,626,308,664	4,292,526,173,271
May-07	22				218,958,885,107	4,817,095,472,343
Jun-07	21				223,378,921,557	4,690,957,352,703
Jul-07	21				227,888,183,536	4,785,651,854,266
Aug-07	23				232,488,472,205	5,347,234,860,705
Sep-07	19				237,181,625,081	4,506,450,876,545

**Figure B.**  
Aggregate Dollar Amount of Sales Subject to Exchange Act Sections 31(b) and 31(c)<sup>1</sup>  
Methodology Developed in Consultation With OMB and CBO  
(Dashed Line Indicates Forecast Values)



<sup>1</sup>Forecasted line is not smooth because the number of trading days varies by month.