

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

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>8</sup> and Rule 19b-4(f)(4)<sup>9</sup> promulgated thereunder because the proposal effects a change in an existing service of OCC that (A) does not adversely affect the safeguarding of securities or funds in the custody or control of OCC or for which it is responsible and (B) does not significantly affect the respective rights or obligations of OCC or persons using the service. At any time within sixty days of the filing of the 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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549-0609. Comments may also be submitted electronically at the following e-mail address: [rule-comments@sec.gov](mailto:rule-comments@sec.gov). All comment letters should refer to File No. SR-OCC-2003-01. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. 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 in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC and OCC's Web site at <http://www.theocc.com>. All submissions should refer to the File No. SR-OCC-2003-01 and should be submitted by January 30, 2004.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>10</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

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**SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34-49040; File No. SR-Phlx-2003-87]**

**Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Equity Charges for Specialists Utilizing PACE on the Equity Floor of the Exchange**

January 8, 2004.

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 December 30, 2003, the Philadelphia Stock Exchange, Inc. ("Phlx" 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 Phlx. Phlx filed the proposal pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>3</sup> and Rule 19b-4(f)(2)<sup>4</sup> thereunder, in that the proposed rule change establishes or changes a due, fee, or other charge, which renders the proposal effective upon filing with the Commission. 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**

Phlx proposes to amend its schedule of dues, fees and charges to eliminate the \$.20 charge for Phlx equity

specialists' trades against Phlx Automated Communication and Execution System ("PACE") executions,<sup>5</sup> for trades settling on or after January 2, 2004.<sup>6</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, Phlx 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. Phlx 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 eliminate the PACE specialist charge which was reevaluated by Phlx and deemed to be unnecessary at this time. In addition, the proposed rule change will simplify the equity specialists' billing structure.

**2. Statutory Basis**

The Exchange believes that its proposal to amend its schedule of dues, fees and charges is consistent with Section 6(b) of the Act<sup>7</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act<sup>8</sup> in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among Exchange members, because specialists' trades against PACE executions will no longer be charged a transaction fee, like PACE trades generally.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

<sup>5</sup> PACE is the Exchange's automated order entry, routing and execution system. See Phlx Rules 229 and 229A.

<sup>6</sup> Phlx previously implemented the \$.20 PACE specialist charge on June 1, 2000. See Securities Exchange Act Release No. 42802 (May 19, 2000), 65 FR 34244 (May 26, 2000).

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(4).

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>9</sup> 17 CFR 240.19b-4(f)(4).

<sup>10</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> 15 U.S.C. 78s(b)(3)(A)(ii).

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

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

No written comments were either solicited or received.

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

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>9</sup> and Rule 19b-4(f)(2)<sup>10</sup> thereunder, which renders the proposal effective upon receipt of this filing by the Commission. At any time within 60 days of the filing of the 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 proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Comments may also be submitted electronically at the following e-mail address: [rule-comments@sec.gov](mailto:rule-comments@sec.gov). All comment letters should refer to File No. SR-Phlx-2003-87. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. 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 in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to file number SR-Phlx-2003-87 and should be submitted by February 5, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

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**DEPARTMENT OF STATE**

**[Public Notice 4536]**

**United States International Telecommunication Advisory Committee Meeting—Radiocommunication Sector (ITAC-R)**

The Department of State announces a meeting of the ITAC-R. The purpose of the Committee is to advise the Department on matters related to telecommunication and information policy matters in preparation for international meetings pertaining to telecommunication and information issues.

The ITAC-R will meet to discuss matters related to the preparations for ITU-R study group meetings taking place in 2004. The ITAC-R meeting will be convened on January 29, 2004 from 2 to 4 pm, at The Boeing Company, the Harry C. Stonecipher Conference Center, 1200 Wilson Boulevard, Arlington, Virginia 22209.

Members of the public will be admitted and may join in the discussion subject to instructions of the Chair. Further information may be obtained by calling the director of the ITAC-R at 202-647-0051 or emailing to [holidaycc@state.gov](mailto:holidaycc@state.gov).

Dated: January 7, 2004.

**Cecily C. Holiday,**

*Director, ITAC-R, International Telecommunications and Information Policy, Department of State.*

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**DEPARTMENT OF STATE**

**[Public Notice 4583]**

**Notice of Meetings of the United States International Telecommunication Advisory Committee To Prepare for Various Telecommunication Standardization Meetings First Half of 2004**

The Department of State announces various meetings of the U.S. International Telecommunication Advisory Committee (ITAC). The purpose of the Committee is to advise

the Department on policy, technical and operational issues with respect to international telecommunications standardization bodies such as the International Telecommunication Union (ITU). The ITAC will meet periodically throughout the first half of 2004 to prepare for various ITU Telecommunication Standardization Study Group meetings, ITU Development meetings, ITU Radiocommunication meetings, and CITE. Times and locations of these meetings will be announced via the e-mail reflectors (list servers) identified below. People may join these reflectors by sending a message identifying the reflector they wish to join to [EnnisJG@state.gov](mailto:EnnisJG@state.gov), unless another contact point is provided below for the meeting in question.

**TSAG preparations:** The ITAC will meet January 21, February 19, March 25, April 29, May 20, and June 23, and possibly on June 2, to prepare for the July 12-16 meeting of the ITU-T Telecommunication Sector Advisory Group (TSAG). Location and times for these meetings will be announced on the appropriate reflector list, e.g., [itac-t@EBLIST.state.gov](mailto:itac-t@EBLIST.state.gov).

**ITU-T Study Group 2 preparations:** The ITAC will meet April 28, 2004 in the Washington, D.C. area to prepare for the next ITU-T Study Group 2 meeting, which is to be held from May 18-28, 2004. Location and time for this ITAC meeting will be announced on the reflector list [sganumberingad hoc@EBLIST.state.gov](mailto:sganumberingad hoc@EBLIST.state.gov).

**ITU-T Study Group 3 preparations:** The ITAC will meet on January 29, February 25, March 10, April 28, and possibly on May 12, 2004, to prepare for the next ITU-T Study Group 3 meeting, which is to be held from May 31-June 4, 2004. Location and time for these ITAC meetings will be announced on the appropriate reflector list, e.g., [sga@EBLIST.state.gov](mailto:sga@EBLIST.state.gov).

**ITU-T Study Group 4 preparations:** The ITAC will meet on April 1 to prepare for the next ITU-T Study Group 4 meeting, which is to be held from April 26-May 7, 2004. Location and time for this ITAC meeting will be announced on the appropriate reflector list, e.g., [sga@EBLIST.state.gov](mailto:sga@EBLIST.state.gov).

**ITU-T Study Group 9 preparations:** The ITAC will meet beginning April 14, 2004 via e-mail on the appropriate reflector list, e.g., [sgd@EBLIST.state.gov](mailto:sgd@EBLIST.state.gov) to prepare for the ITU-T Study Group 9 meeting, which is to be held from May 10-14, 2004. Originators must post their contributions to the reflector by April 14; comments on the documents must be posted to the same address by April 19; originators' responses must be

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>10</sup> 17 CFR 240.19b-4(f)(2).

<sup>11</sup> 17 CFR 200.30-3(a)(12).