

The RRB utilizes Form BA-10, Report of Miscellaneous Compensation and Sick Pay, to collect information regarding sick pay and certain other types of payments, referred to as miscellaneous compensation, under Section 1(h)(8) of the Railroad Retirement Act from railroad employers. In addition, the form is used by employers to report any necessary adjustments in the amounts of sick pay or miscellaneous compensation. Employers have the option of submitting the reports on the aforementioned form, or, in like format, on magnetic tape, tape cartridges or PC diskettes. Submission of the mandatory reports is requested annually. One response is required of each respondent. No changes are proposed to Form BA-10. The completion time for Form BA-10 is estimated at 55 minutes per response.

**Additional Information or Comments:** To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363 or send an e-mail request to Charles.Mierzwa@RRB.GOV. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or send an e-mail to Ronald.Hodapp@RRB.GOV. Written comments should be received within 60 days of this notice.

**Charles Mierzwa,**  
Clearance Officer.

[FR Doc. 04-19498 Filed 8-25-04; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27884]

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

August 19, 2004.

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 amendment(s) is/are available for public inspection through the Commission's Branch 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 September 10, 2004, to the Secretary, Securities and Exchange Commission, Washington, DC 20549-0609, 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 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 **September 10, 2004**, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### NiSource Inc., et al. (70-10169)

NiSource Inc. ("NiSource"), a registered public-utility holding company, Northern Indiana Public Service Company ("Northern Indiana"), Kokomo Gas and Fuel Company ("Kokomo"), Northern Indiana Fuel and Light Company, Inc. ("NIFL"), all public-utility company subsidiaries of NiSource, EnergyUSA, Inc., and its subsidiaries, PEI Holdings, Inc. (formerly known as Primary Energy, Inc.), NiSource Capital Markets, Inc. ("Capital Markets"), NiSource Corporate Services Company ("NiSource Services"), a subsidiary service company, NiSource Finance Corp. ("NiSource Finance"), Granite State Transmission, Inc., Crossroads Pipeline Company, NiSource Development Company, Inc., and its subsidiaries, NI Energy Services, Inc., and its subsidiaries, NiSource Energy Technologies, Inc., Columbia Assurance Agency, Inc., NiSource Retail Services Inc. ("Retail Services"), IWC Resources Corporation and its subsidiaries, Columbia Energy Group ("Columbia"), a registered public-utility holding company, Columbia Atlantic Trading Corporation, Columbia Deep Water Services Company, Columbia Energy Services Corporation and Columbia Remainder Corporation and its subsidiary, all located at 801 East 86th Avenue, Merrillville, Indiana 46410-6272; Bay State Gas Company ("Bay State"), Northern Utilities, Inc. ("Northern Utilities"), both gas utility companies, located at 300 Friberg Parkway, Westborough, Massachusetts 01581-5039; Columbia Gas of Kentucky, Inc. ("Columbia Kentucky"), Columbia Gas of Maryland, Inc. ("Columbia Maryland"), Columbia Gas of Ohio, Inc. ("Columbia Ohio"), Columbia Gas of

Pennsylvania, Inc. ("Columbia Pennsylvania"), Columbia Gas of Virginia, Inc. ("Columbia Virginia"), all gas utility companies, and Columbia of Ohio Receivables Corporation (formerly known as Columbia Accounts Receivable Corporation), 200 Civic Center Drive, Columbus, Ohio 43215; Columbia Gas Transmission Corporation, located at 12801 Fair Lakes Parkway, Fairfax, Virginia 22030-0146; Columbia Gulf Transmission Company, located at 2603 Augusta, Suite 125, Houston, Texas 77057; Columbia Network Services Corporation and its subsidiary, both located at 1600 Dublin Road, Columbus, Ohio 43215-1082; and NiSource Insurance Corporation Limited, located at 20 Parliament Street, P.O. Box HM 649, Hamilton HM CX, Bermuda (collectively "Applicants"), have filed a post-effective amendment, as amended ("Application"), with the Commission under sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and rule 54.

NiSource, directly and indirectly owns ten public utility subsidiary companies: Northern Indiana, Kokomo, NIFL, Bay State, Northern Utilities, Columbia Kentucky, Columbia Maryland, Columbia Ohio, Columbia Pennsylvania and Columbia Virginia (collectively, "Utility Subsidiaries"). By order dated December 30, 2003 (NiSource, Inc., et al., Holding Co. Act Release No. 27789) ("Prior Order"), the Commission authorized NiSource, the Utility Subsidiaries and certain of NiSource's nonutility subsidiaries to engage in a program of financing, to organize and acquire the securities of certain new subsidiaries, to engage in certain nonutility businesses and to engage in other related transactions in the ordinary course of business. Specifically, among other things, NiSource, the Utility Subsidiaries and certain of the nonutility subsidiaries were authorized to participate in the NiSource System Money Pool ("Money Pool").<sup>1</sup> The participating NiSource subsidiaries were authorized to make borrowings from each other and from NiSource Finance Corp., a financing subsidiary of NiSource, through the Money Pool.

NiSource now requests that Retail Services and Central Kentucky Transmission Company ("Central Kentucky") be permitted to be

<sup>1</sup> By the Prior Order, no further Commission authorization is required for any new subsidiary of NiSource to participate in the Money Pool as a lender only. For the terms of the NiSource System Money Pool Agreement, see also, NiSource, Inc., et al., Holding Co. Act Release Nos. 27479 (December 21, 2001), 27535 (June 3, 2002), 27559 (August 8, 2002).

borrowers in the Money Pool.<sup>2</sup> Applicants also request that the Commission reserve jurisdiction over the participation of any other current or future direct or indirect nonutility subsidiary of NiSource as a borrower in the Money Pool.

Retail Services, incorporated in November 2003 and an "energy-related company" under rule 58, renders energy-management services, sells, installs, and/or services standard gas and electric appliances, and provides other technical services, including, without limitation, in-house gas line maintenance and repair services. Central Kentucky, a new nonutility to be established as a subsidiary of Columbia Kentucky, will be a "gas-related company" under rule 58, organized by Columbia Kentucky to acquire and hold a 25% undivided interest in a segment of Columbia Gas Transmission Corporation's interstate pipeline and facilities located in Kentucky. Central Kentucky's pipeline will provide gas transportation service to Columbia Kentucky and unaffiliated third parties.

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

**Margaret H. McFarland,**

*Deputy Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50220; File No. SR-BSE-2004-37]

### Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change To Extend Its Clean Cross Rule to the Trading of Exchange-Listed Securities

August 19, 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 August 18, 2004, the Boston Stock Exchange, Inc. ("BSE" 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested

persons and is approving the proposal on an accelerated basis.

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

The Exchange proposes to replicate a section of its Nasdaq trading rules relating to orders to buy and sell the same security into its rules applicable to the trading of exchange-listed securities.

The text of the proposed rule change is below. Proposed new language is italicized; proposed deletions are in brackets.

\* \* \* \* \*

#### Rules of the Boston Stock Exchange

##### Chapter II—Dealings on the Exchange

\* \* \* \* \*

##### Sec. 18 Orders To Buy and Sell the Same Security

When a member has an order to buy and an order to sell the same security, he shall audibly offer such security, if bonds, at 1/8 of 1%, and if stocks, at the approved Minimum Price Variation ("MPV") (as defined in Chapter II, Section 41), higher than his bid before making a transaction with himself.

*When a member has an order to buy and an order to sell an equivalent amount of the same security, and both orders are for 5,000 shares or more and are for accounts other than the accounts of the executing member, the member may cross such orders at a price which is at or within the prevailing bid or offer. The member's bid or offer shall be entitled to priority at such cross price, provided that the proposed cross transaction is of a size greater than the aggregate size of all of the interest communicated on the Exchange floor at that price. Another member may trade with either the bid or offer side of the presented cross transaction only to provide a price which is better than the cross price as to all or part of such bid or offer. A member who is providing a better price to one side of the cross transaction must trade with all other market interest having priority at that price before trading with any part of the cross transaction.*

\* \* \* \* \*

#### 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 the 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 III 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 purpose of the proposed rule change is to restate a section of the Rules of the Board of Governors of the Exchange (the "BSE Rules") relating to Orders to Buy and Sell the Same Security ("Clean Cross Rule"). Currently, the Exchange has a Clean Cross Rule set forth in Chapter XXXV of the BSE Rules, which is applicable to the trading of Nasdaq securities.<sup>3</sup> The Exchange is seeking to restate this rule, verbatim, in Chapter II of the BSE Rules, so that it would also apply to the trading of exchange-listed securities. In extending its Clean Cross Rule to exchange-listed securities, the BSE believes it would be on a competitive par with other exchanges that have Clean Cross Rules. The BSE notes, for example, that the American Stock Exchange ("Amex") has a Clean Cross Rule upon which the BSE Clean Cross Rule is based.<sup>4</sup>

##### 2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,<sup>5</sup> in general, and with Section 6(b)(5) of the Act,<sup>6</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and is not designed to permit unfair discrimination between customers, brokers, or dealers, or to regulate, by virtue of any authority, matters not related to the administration of the Exchange.

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

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

<sup>3</sup> See Chapter XXXV, section 6 of the BSE Rules.

<sup>4</sup> See Amex Rule 126, Commentary .02. See also, e.g., Article XX, Rule 23 of the Chicago Stock Exchange, Incorporated (Order to Buy and Sell the Same Security); Rule 126 of the Philadelphia Stock Exchange, Inc. ("Crossing" Orders).

<sup>5</sup> 15 U.S.C. 78f(b).

<sup>6</sup> 15 U.S.C. 78f(b)(5).

<sup>2</sup> Both subsidiaries will be lenders to the Money Pool, as well.

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

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