

inclusion in the Exchange Interpretation Handbook.

II. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).³ In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) requirement that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices in that it addresses the practices of Exchange members and member organizations who make telemarketing calls. Proposed Rule 440A and the interpretation concerning the meaning and administration of proposed Rule 440A, require a specific practice, the maintenance of a "do-not-call" list. The purpose of maintaining a "do-not-call" list is to prevent such manipulative acts by members and member organizations, such as persistent calls to investors who have expressed their desire not to receive telephone solicitations.

The Commission also believes the proposal is consistent with the Section 6(b)(5) requirement to protect investors and the public interest. Proposed Rule 440A and the interpretation thereto, protects investors and the public interest by enforcing members' and member organizations' compliance with investors' desire not to receive such calls. In addition, the proposed interpretation reminds members and member organizations that they are subject to the requirements of the rules of the FCC and the SEC relating to telemarketing practices and the rights of telephone consumers. For example, the FCC requires persons or entities making telephone solicitations to maintain a do-not-call list for the purpose of any future telephone solicitations.⁴

III. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁵ that the proposed rule change (SR-NYSE-95-11) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁶

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-14470 Filed 6-13-95; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-21119; File No. 812-9456]

IL Annuity and Insurance Company, et al.

June 7, 1995.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice of application for an Order under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: IL Annuity and Insurance Company ("IL Annuity"), IL Annuity and Insurance Company Separate Account 1 ("IL Annuity Account"), and IL Securities, Inc.

RELEVANT 1940 ACT SECTIONS: Order requested under Section 6(c) of the 1940 Act granting exemptions from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order permitting the deduction of a mortality and expense risk charge from the assets of the IL Annuity Account and other separate accounts established by IL Annuity in the future ("Other Separate Accounts") in connection with the issuance and sale of certain flexible premium deferred variable annuity contracts ("Contracts") and any contracts that are similar in all material respects to the Contracts ("Other Contracts"). Applicants also request that the exemptive relief extend to certain other broker-dealers which may serve in the future as a principal underwriter of the Contracts or Other Contracts ("Future Underwriters").

FILING DATE: The application was filed on January 31, 1995, and amended on May 22, 1995.

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 July 3, 1995, 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 requester's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicants, Margaret H. McKinney, Esq., Associate General Counsel and Secretary, Indianapolis Life Insurance Company, 2960 North Meridian Street, Indianapolis, IN 46208.

FOR FURTHER INFORMATION CONTACT: Mark C. Amorosi, Attorney, or Wendy Finck Friedlander, Deputy Chief, at (202) 942-0670, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the Commission's Public Reference Branch.

Applicants' Representations

1. IL Annuity, formerly known as Sentry Investors Life Insurance Company, is a stock life insurance company organized under the laws of the Commonwealth of Massachusetts in 1966. IL Annuity is a wholly-owned subsidiary of the Indianapolis Life Group of Companies, Inc., which is a wholly-owned subsidiary of the Indianapolis Life Insurance Company ("ILICO"). ILICO is a mutual life insurance company chartered under Indiana law. IL Annuity is authorized to conduct life insurance and annuity business in 40 states and the District of Columbia. IL Annuity is the depositor and sponsor of the IL Annuity Account.

2. The IL Annuity Account was established by IL Annuity as a separate account under the laws of Indiana on November 1, 1994 as a funding medium for variable annuity contracts. The IL Annuity Account meets the definition of a "separate account" under the federal securities laws and is registered under the 1940 Act as a unit investment trust. The IL Annuity Account is divided into fifteen subaccounts (the "Variable Accounts") each of which will invest solely in the shares of a designated series (each a "Portfolio") of The Alger American Fund, the Fidelity Variable Insurance Products Fund, the Fidelity Variable Insurance Products Fund II, the Quest for Value Accumulation Trust, the T. Rowe Price International Series, Inc., the T. Rowe Price Fixed Income Series, Inc., and the Van Eck Investment Trust (the "Funds"). Each of the Funds is registered as a diversified, open-end management investment company under the 1940 Act.

3. IL Securities, Inc. ("ILS"), a broker-dealer registered under the Securities Exchange Act of 1934 and a member of the National Association of Securities Dealers, Inc., will serve as the distributor and principal underwriter for the Contracts. ILS is a wholly-owned subsidiary of the Indianapolis Life Group of Companies, Inc. Any Future Underwriter will be registered as a broker-dealer under the Securities Exchange Act of 1934 and will be a member of the National Association of Securities Dealers, Inc.

³ 15 U.S.C. 78f(b).

⁴ 47 CFR 64.1200.

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(12).