Docket Number: A95–16 Name of Affected Post Office: Strang, Nebraska 68444

Name(s) of Petitioner(s): Ruth E. Hobbs

Type of Determination: Consolidation Date of Filing of Appeal Papers: July 26, 1995

Categories of Issues Apparently Raised:

- 1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].
- 2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404(b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

### **The Commission Orders**

- (a) The Postal Service shall file the record in this appeal by August 10, 1995.
- (b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

## Margaret P. Crenshaw,

Secretary.

### **Appendix**

July 26, 1995

Filing of Appeal letter

August 3, 1995

Commission Notice and Order of Filing of Appeal

August 21, 1995

Last day of filing of petitions to intervene [see 39 C.F.R. 3001.111(b)]

August 30, 1995

Petitioner's Participant Statement or Initial Brief [see 39 C.F.R. 3001.115 (a) and (b)] September 19, 1995

Postal Service's Answering Brief [see 39 C.F.R. 3001.115(c)] October 4, 1995 Petitioner's Reply Brief should Petitioner choose to file one [see 39 C.F.R. 3001.115(d)]

October 11, 1995

Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 C.F.R. 3001.116]

November 23, 1995

Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 95–19595 Filed 8–8–95; 8:45 am] BILLING CODE 7710–FW–P–M

# SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-21266; 812-9700]

## Stifel Nicolaus & Company, Incorporated; Notice of Application and Temporary Order

August 3, 1995.

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

**ACTION:** Temporary order and notice of filing of application for permanent order under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** Stifel Nicolaus & Company, Incorporated ("Stifel").

RELEVANT INVESTMENT COMPANY ACT SECTIONS: Permanent order requested, and temporary order granted, under section 9(c) of the Act for an exemption from the provisions of section 9(a) of the Act.

**SUMMARY OF APPLICATION:** Applicant has been granted a temporary order, and has requested a permanent order, under section 9(c) exempting it from the disqualification provisions of section 9(a).

**FILING DATE:** The application was filed on August 3, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 28, 1995 and should be accompanied by proof of service on applicant, 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 may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, 500 N. Broadway Street, St. Louis, Missouri 63102.

### FOR FURTHER INFORMATION CONTACT:

Sarah A. Buescher, Staff Attorney, at (202) 942–0573, or C. David Messman, Branch Chief, at (202) 942–0564 (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 for a fee at the SEC's Public Reference Branch.

## **Applicant's Representations**

- 1. Stifel, a subsidiary of Stifel Finance Corp., is registered as a broker dealer and a municipal securities dealer under the Securities Exchange Act of 1934 ("Exchange Act"), and as an investment adviser under the Investment Advisers Act of 1940. Stifel acts from time to time as principal underwriter for unit investment trusts.
- 2. On August 3, 1995, the Commission filed a complaint in the United States District Court for the Western District of Oklahoma alleging violations of section 17(a) of the Securities Act of 1933. sections 10(b), 17(a)(1), and 15B(c)(1) of the Exchange Act and rules 10b-5, 17a-3, and 17a-4 thereunder, and Rules G-8, G-9, and G-17 of the Municipal Securities Rulemaking Board. The complaint related to undisclosed compensation received by Stifel in connection with municipal bond issues. On the same date as the complaint, Stifel entered into a related consent in which Stifel neither admitted nor denied any of the allegations in the complaint, except as to jurisdiction. Pursuant to the consent, the District Court entered a Final Judgment of Permanent Injunction, permanently enjoining Stifel from violating the above-named provisions. Stifel also agreed to disgorge \$922,741 and pay prejudgment interest on that amount of \$263,637, and to pay a penalty of \$250,000.
- 3. In making the application, applicant acknowledges, understands and agrees that the application and any temporary exemption issued by the Commission shall be without prejudice to the Commission's consideration of any application for exemptions from statutory requirements, including the consideration of the instant application for a permanent exemption pursuant to section 9(c) or the revocation or removal of any temporary exemption granted in connection with the application.