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The President

PROCLAMATION OF A STATE OF WAR BETWEEN ITALY, ON THE ONE HAND, AND FRANCE AND THE UNITED KINGDOM, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

"That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war."

AND WHEREAS it is further provided by section 13 of the said joint resolution that

"The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Italy, on the one hand, and France and the United Kingdom, on the other hand, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this tenth day of June, in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT
10.20 p. m., E. S. T.

By the President:

CORDELL HULL
Secretary of State.

[No. 2407]

[F. R. Doc. 40-2357; Filed, June 11, 1940; 11:58 a. m.]

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN ITALY, ON THE ONE HAND, AND FRANCE AND THE UNITED KINGDOM, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a state of war unhappily exists between Italy, on the one hand, and France and the United Kingdom, on the other hand;

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THE PRESIDENT

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NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Italy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of June, in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT
10.20 p. m., E. S. T.

By the President:

CORDELL HULL
Secretary of State.

[No. 2408]

[F. R. Doc. 40-2358; Filed, June 11, 1940; 11:58 a. m.]

USE OF PORTS OR TERRITORIAL WATERS OF THE UNITED STATES BY SUBMARINES OF FOREIGN BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 11 of the joint resolution approved November 4, 1939, provides:

"Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation."

WHEREAS there exists a state of war between Italy, on the one hand, and France and the United Kingdom, on the other hand;

WHEREAS the United States of America is neutral in such war;

WHEREAS by my proclamation of November 4, 1939, issued pursuant to the provision of law quoted above, I placed special restrictions on the use of ports and territorial waters of the United States by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the joint resolution approved November 4, 1939, do by this proclamation declare and proclaim that the provisions of my proclamation of November 4, 1939, in regard to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, shall also apply to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of Italy.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of June, in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT
10.20 p. m., E. S. T.

By the President:

CORDELL HULL
Secretary of State.

[No. 2409]

[F. R. Doc. 40-2359; Filed, June 11, 1940; 11:59 a. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6845 OF SEPTEMBER 11, 1934, WITHDRAWING PUBLIC LANDS

COLORADO

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Order No. 6845 of September 11, 1934, withdrawing public lands in Colorado pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plats of the resurvey of the lands involved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 8, 1940.

[No. 8431]

[F. R. Doc. 40-2318; Filed, June 10, 1940; 12:08 p. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5208 OF OCTOBER 12, 1929, WITHDRAWING PUBLIC LANDS

NEVADA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Order No. 5208 of October 12, 1929, withdrawing public lands in Nevada pending a resurvey, and heretofore partially revoked, is hereby revoked as to the remainder of the lands affected thereby.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the lands involved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 8, 1940.

[No. 8432]

[F. R. Doc. 40-2317; Filed, June 10, 1940; 12:08 p. m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE ENFORCEMENT OF THE NEUTRALITY OF THE UNITED STATES

WHEREAS, under the treaties of the United States and the law of nations it is the duty of the United States, in any

war in which the United States is a neutral, not to permit the commission of unneutral acts within the jurisdiction of the United States;

AND WHEREAS, a proclamation was issued by me on the tenth day of June declaring the neutrality of the United States of America in the war now existing between Italy, on the one hand, and France and the United Kingdom, on the other hand:

NOW, THEREFORE, in order to make more effective the enforcement of the provisions of said treaties, law of nations, and proclamation, I hereby prescribe that the provisions of my Executive Order No. 8233 of September 5, 1939, prescribing regulations governing the enforcement of the neutrality of the United States, apply equally in respect to Italy.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 10, 1940.

[No. 8433]

[F. R. Doc. 40-2360; Filed, June 11, 1940; 11:59 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[F.C.A.—176]

THE FEDERAL LAND BANK OF NEW ORLEANS

APPRAISAL AND TITLE DETERMINATION FEES

Section 25.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 25.1 *Appraisal and title determination fees.* As to all applications filed on and after June 10, 1940, the following fees shall be charged to cover costs of appraisal, and remittance for such charge shall accompany each application for a loan:

- Applications for loans of \$0 to \$999, \$10.00.
- Applications for loans of \$1,000 to \$2,999, \$12.50.
- Applications for loans of \$3,000 to \$4,999, \$17.50.
- Applications for loans of \$5,000 to \$6,999, \$25.00.
- Applications for loans of \$7,000 to \$8,999, \$32.50.
- Applications for loans of \$9,000 to \$10,999, \$40.00.
- Applications for loans of \$11,000 to \$24,999, \$50.00.
- Applications for loans of \$25,000 and over, \$75.00.

An additional appraisal fee of \$7.50 will be charged and shall accompany each application where the applicant resides outside the Fifth Farm Credit District.

Additional charges to apply on cost of determination of title will be deducted from the proceeds of the loan as follows:

- Loans of \$0 to \$999, \$2.50.
- Loans of \$1,000 to \$2,999, \$5.00.
- Loans of \$3,000 to \$4,999, \$7.50.
- Loans of \$5,000 to \$6,999, \$7.50.
- Loans of \$7,000 and over, \$10.00.

The total title determination fee for a joint Land Bank and Land Bank Commissioner loan will be computed on the basis of the aggregate amount of the loans. (Sec. 13 "Ninth", 39 Stat. 372, 12 U.S.C. 781 "Ninth"; Sec. 32, 48 Stat. 48, as amended, 12 U.S.C. 1016 (e); Sec. 33, 48 Stat. 49, as amended, 12 U.S.C. 1017; 6 CFR 19.4019). [Res. Ex. Com., April 1, 1940]

[SEAL] THE FEDERAL LAND BANK
OF NEW ORLEANS,
By JNO. L. RYAN,
Vice-President.

[F. R. Doc. 40-2319; Filed June 10, 1940; 12:09 p. m.]

[F.C.A.—177]

THE FEDERAL LAND BANK OF NEW ORLEANS

REAMORTIZATION OF LOAN FEES

Section 25.3 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 25.3 *Reamortization of loan fees.* Applicants for reamortization of Land Bank loans and Commissioner loans will not be required to pay a reamortization fee; but each applicant will be obligated to pay any outside expense incident to the reamortization, such as abstract recording and reinscription fees. (Sec. 13 "Thirteenth", as added by Sec. 4, 47 Stat. 1548, Sec. 32, 48 Stat. 48, as amended, Secs. 1, 2, 48 Stat. 344, 345; 12 U.S.C. 781 "Thirteenth", 1016, 1020, 1020a, and Sup.; 6 CFR 19.4043, 19.4045) [Res. Ex. Com., October 10, 1939]

[SEAL] THE FEDERAL LAND BANK
OF NEW ORLEANS,
By R. L. THOMPSON,
President.

[F. R. Doc. 40-2320; Filed, June 10, 1940; 12:09 p. m.]

**TITLE 31—MONEY AND FINANCE:
TREASURY**

**CHAPTER III—PUBLIC DEBT
SERVICE**

[1940—Department Circular No. 634]

**REDEMPTION OF 3³/₈ PERCENT TREASURY
BONDS OF 1940-43**

JUNE 11, 1940.

To Holders of 3³/₈ percent Treasury Bonds of 1940-43, and Others Concerned:

I. NOTICE OF CALL FOR REDEMPTION BEFORE MATURITY

On February 14, 1940, the following public notice of call for redemption was given:

To Holders of 3½ percent Treasury Bonds of 1940-43, and Others Concerned:

1. Public notice is hereby given that all outstanding 3½ percent Treasury Bonds of 1940-43, dated July 16, 1928, are hereby called for redemption on June 15, 1940, on which date interest on such bonds will cease.

2. Full information regarding the presentation and surrender of the bonds for redemption under this call will be given in a Treasury Department circular to be issued later.

3. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given.

HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

TREASURY DEPARTMENT,
Washington, February 14, 1940.

II. OPTIONAL EXCHANGE OFFERING

1. Holders of 3½ percent Treasury Bonds of 1940-43 are today offered the privilege of exchanging all or any part of their called bonds for 1 percent Treasury Notes of Series C-1943, bearing interest from June 15, 1940. Full information concerning the exchange offering is contained in Treasury Department Circular No. 635,¹ dated June 11, 1940. As the exchange privilege may be terminated at any time without notice, holders of 3½ percent Treasury Bonds of 1940-43 who desire to take advantage of the offering should act immediately, following the instructions given in Treasury Department Circular No. 635.

III. RULES AND REGULATIONS GOVERNING REDEMPTION OF 3½ PERCENT TREASURY BONDS OF 1940-43

Pursuant to the call for redemption, as set forth in Section I of this circular, the following rules and regulations are hereby prescribed to govern the presentation and surrender for cash redemption on June 15, 1940, of 3½ percent Treasury Bonds of 1940-43:

1. *Payment of called bonds on June 15, 1940.* Holders of any outstanding Treasury Bonds of 1940-43 will be entitled to have such bonds redeemed and paid at par on June 15, 1940, with interest in full to that date. After June 15, 1940, interest will not accrue on any such bonds.

2. *Presentation and surrender of coupon bonds.* Treasury Bonds of 1940-43 in coupon form should be presented and surrendered to any Federal Reserve bank or branch, or to the Treasurer of the United States, Washington, D. C., for redemption on June 15, 1940. The bonds must be delivered at the expense and risk of holders (see par. 9 of this section) and should be accompanied by appropriate written advice. (See Form P. D. 1650 attached hereto.) Checks in pay-

ment of principal will be mailed to the address given in the form of advice accompanying the bonds surrendered.

3. Coupons dated June 15, 1940, which become payable on that date, should be detached from any Treasury Bonds of 1940-43 before such bonds are presented for redemption on June 15, 1940, and such coupons should be collected in regular course when due. All coupons pertaining to such bonds bearing dates subsequent to June 15, 1940, must be attached to any such bonds when presented for redemption: *Provided, however,* If any such coupons are missing from bonds so presented for redemption the bonds nevertheless will be redeemed, but the full face amount of any such missing coupons will be deducted from the payment to be made on account of such redemption, and any amounts so deducted will be held in the Treasury to provide for adjustments or refunds on account of such missing coupons as may subsequently be presented.

4. *Presentation and surrender of registered bonds.* Treasury Bonds of 1940-43 in registered form must be assigned by the registered payees or assignees thereof, or by their duly constituted representatives, in accordance with the general regulations of the Treasury Department governing assignments, in the form indicated in the next paragraph hereof, and thereafter should be presented and surrendered to any Federal Reserve bank or branch, or to the Division of Loans and Currency, Treasury Department, Washington, D. C., for redemption on June 15, 1940. The bonds must be delivered at the expense and risk of holders (see par. 9 of this section) and should be accompanied by appropriate written advice (see Form P. D. 1651 attached hereto). In all cases checks in payment of principal and final interest due will be mailed to the address given in the form of advice accompanying the bonds surrendered.

5. If the registered payee, or an assignee holding under proper assignment from the registered payee, desires that payment of the principal and final installment of interest be made to him, the bonds should be assigned by such payee or assignee, or by a duly constituted representative, to "The Secretary of the Treasury for redemption". If it is desired, for any reason, that payment be made to some other person, without intermediate assignment, the bonds should be assigned to "The Secretary of the Treasury for redemption for the account of -----", inserting the name and address of the person to whom payment is to be made. A representative or fiduciary should not assign for payment to himself individually, unless expressly authorized to do so by court order or by the instrument under which he is acting; he may, however, assign for payment to himself in his representative or fiduciary capacity.

6. Assignment in blank, or other assignment having similar effect, will be

recognized, but in that event payment will be made to the person surrendering the bond for redemption, since under such assignment the bond becomes in effect payable to bearer. Assignments in blank or assignments having similar effect should be avoided, if possible, in order not to lose the protection afforded by registration.

7. A bond registered in the name of, or assigned to, a corporation or unincorporated association will ordinarily be redeemed for the account of such corporation or unincorporated association upon an appropriate assignment for that purpose executed on behalf of the corporation or unincorporated association by a duly authorized officer thereof, without proof of the officer's authority. In all such cases payment will be made only by check drawn to the order of the corporation or unincorporated association.

8. Final interest due on June 15, 1940, on registered Treasury Bonds of 1940-43 will be paid with the principal in accordance with the assignments on the bonds surrendered.

9. *Transportation of bonds.* Bonds presented for redemption under this circular must be delivered to a Federal Reserve bank or branch, or to the Treasury Department, Washington, D. C., at the expense and risk of the holder. Coupon bonds should be forwarded by registered mail insured, or by express prepaid. Registered bonds bearing restricted assignments may be forwarded by registered mail, but registered bonds bearing unrestricted assignments should be forwarded by registered mail insured, or by express prepaid. Facilities for transportation of bonds by registered mail insured may be arranged between incorporated banks and trust companies and the Federal Reserve banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents. Incorporated banks and trust companies are not agents of the United States under this circular.

IV. PRESENTATION OF CALLED BONDS FOR REDEMPTION

1. Treasury Bonds of 1940-43 should be presented and surrendered in the manner herein prescribed, and redemption will be expedited if the bonds are presented to Federal Reserve banks, or branches, and not direct to the Treasury Department.

V. GENERAL PROVISIONS

1. Any further information which may be desired regarding the redemption of Treasury Bonds of 1940-43 under this circular may be obtained from any Federal bank or branch, or from the Treasury Department, Washington, D. C., where copies of the Treasury Department's regulations governing assignments also may be obtained.

2. As fiscal agents of the United States, Federal Reserve banks are authorized

¹ See page 2195.

and requested to perform any necessary acts under this circular. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the matters covered by this circular, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

FOR COUPON BONDS

(For registered bonds use Form PD 1651)

Treasury Department
Public Debt Service
Form PD 1650

FORM OF ADVICE TO ACCOMPANY 3 3/8 PERCENT
TREASURY BONDS OF 1940-43 IN COUPON FORM
PRESENTED FOR REDEMPTION ON JUNE 15, 1940

To the Federal Reserve Bank of _____,
or Treasurer of the United States, Wash-
ington, D. C.:

Pursuant to the provisions of Treasury Department Circular No. 634, dated June 11, 1940, the undersigned presents and surrenders herewith for redemption on June 15, 1940, \$____, face amount of 3 3/8 percent Treasury Bonds of 1940-43 in coupon form, with coupon due December 15, 1940, and all subsequent coupons attached, as follows:

Number of bonds	Denomination	Serial numbers of bonds	Face amount
-----	\$50	-----	-----
-----	100	-----	-----
-----	500	-----	-----
-----	1,000	-----	-----
-----	5,000	-----	-----
-----	10,000	-----	-----
-----	100,000	-----	-----
Total	-----	-----	-----

and requests that remittance covering payment therefor be forwarded to the undersigned at the address indicated below.

Signature _____
Name (please print) _____
Address in full _____

Date _____

FOR REGISTERED BONDS

(For coupon bonds use Form PD 1650)

Treasury Department
Public Debt Service
Form PD 1651

FORM OF ADVICE TO ACCOMPANY 3 3/8 PERCENT
TREASURY BONDS OF 1940-43 IN REGISTERED
FORM PRESENTED FOR REDEMPTION ON JUNE
15, 1940

To the Federal Reserve Bank of _____, or
Treasury Department, Division of Loans
and Currency, Washington, D. C.:

Pursuant to the provisions of Treasury Department Circular No. 634, dated June 11, 1940, the undersigned presents and surrenders herewith for redemption on June 15, 1940, \$____, face amount of 3 3/8 percent Treasury Bonds of 1940-43 in registered form, inscribed in the name of _____, and duly assigned for redemption, as follows:

Number of bonds	Denomination	Serial numbers of bonds	Face amount
-----	\$50	-----	-----
-----	100	-----	-----
-----	500	-----	-----
-----	1,000	-----	-----
-----	5,000	-----	-----
-----	10,000	-----	-----
-----	50,000	-----	-----
-----	100,000	-----	-----
Total	-----	-----	-----

and requests that remittance covering payment of principal and final interest be forwarded to the undersigned at the address indicated below.

Signature _____
Name (please print) _____
Address in full _____

Date _____

[F. R. Doc. 40-2346; Filed, June 11, 1940;
11:35 a. m.]

OFFERING OF UNITED STATES OF AMERICA
1 PERCENT TREASURY NOTES OF SERIES
C-1943

[1940—Department Circular No. 635]

JUNE 11, 1940.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par, from the people of the United States for 1 percent notes of the United States, designated Treasury Notes of Series C-1943, in payment of which only Treasury Bonds of 1940-43, called for redemption on June 15, 1940, may be tendered. The amount of the offering under this circular will be limited to the amount of Treasury Bonds of 1940-43 tendered and accepted.

II. DESCRIPTION OF NOTES

1. The notes will be dated June 15, 1940, and will bear interest from that date at the rate of 1 percent per annum, payable on a semiannual basis on September 15, 1940, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature September 15, 1943, and will not be subject to call for redemption prior to maturity.

2. The notes shall be exempt, both as to principal and interest, from all taxation (except estate or inheritance taxes, or gift taxes) now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

5. Bearer notes with interest coupons attached will be issued in denominations of \$100, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. The notes will not be issued in registered form.

6. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and

at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for notes allotted hereunder must be made or completed on or before June 15, 1940, or on later allotment, and may be made only in Treasury Bonds of 1940-43, called for redemption on June 15, 1940, which will be accepted at par, and should accompany the subscription. Payment of final interest due June 15, 1940, on bonds exchanged hereunder will be effected, in the case of coupon bonds, by payment of June 15, 1940 coupons, which should be detached by holders before presentation of the bonds for exchange, and in the case of registered bonds, by checks drawn in accordance with the assignments on the bonds surrendered.

V. SURRENDER OF CALLED BONDS

1. *Coupon bonds.* Treasury Bonds of 1940-43 in coupon form tendered in payment for notes offered hereunder should be presented and surrendered with the subscription to a Federal Reserve bank or branch or to the Treasurer of the United States, Washington, D. C. Coupons dated December 15, 1940, and all coupons bearing subsequent dates, should be attached to such bonds when surrendered, and if any such coupons are missing, the subscription must be accompanied by cash payment equal to the face amount of the missing coupons. The bonds must be delivered at the expense and risk of the holder. Facilities for transportation of bonds by registered mail insured may be arranged between incorporated banks and trust companies and the Federal Reserve banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents.

2. *Registered bonds.* Treasury Bonds of 1940-43 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for Treasury Notes of Series C-1943 to be delivered to _____", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve bank or branch or to the Treasury Department, Division of Loans

and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 40-2347; Filed, June 11, 1940;
11:35 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Order No. 15780]

DEPRECIATION CHARGES OF CARRIERS BY WATER

Further postponement of the effective dates of the order in the above entitled case being under consideration.

Present: Joseph B. Eastman, Chairman of Division 1, to whom the above entitled matter has been assigned for action thereon.

Good cause appearing therefor:

It is ordered, That the order of August 1, 1935 in this proceeding, as amended April 2, 1936, March 17, 1937, November 22, 1937, June 10, 1938, December 5, 1938, and June 10, 1939,¹ be, and it is hereby further amended as follows:

(1) By changing the latest date upon which carriers by water shall file with the Commission estimates of percentage rates as provided in paragraph (7) from August 1, 1940 to August 1, 1941, and

(2) By changing to January 1, 1942 all effective dates specified therein as January 1, 1941.

Dated at Washington, D. C., this 31st day of May, 1940.

By the Commission, Chairman Eastman.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-2343; Filed, June 11, 1940;
11:34 a. m.]

¹ 4 F. R. 2451.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 340-FD]

THE APPLICATION OF THE METROPOLITAN PAVING BRICK COMPANY

ORDER GRANTING RENEWAL OF EXEMPTION

The Metropolitan Paving Brick Company of Canton, Ohio, Applicant herein, having on September 25, 1937 filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced by the Applicant at its mine located in Stark County, Ohio, and transported by the Applicant to itself for consumption by it in its clay products plant located in Stark County, Ohio;

The Commission, having on May 10, 1939 entered an order pursuant to a hearing held on said application at Zanesville, Ohio on May 24, 1938, in Docket No. 340-FD, ordering that the provisions of section 4, II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by the Applicant at its mine located in Stark County, Ohio, and consumed by it in its clay products manufacturing plant located in Stark County, Ohio, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter and at such other times as the Commission may require for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist;

Applicant, on May 21, 1940, having filed with the Bituminous Coal Division an application for renewal of said order, which application contains a statement of the quantities of coal produced by Applicant for the period of one year preceding the date of the application for renewal, at its mine located in Stark County, Ohio, and a statement that the facts set forth in the application for exemption filed September 25, 1937 remain true and correct;

The Director having determined that the conditions supporting the exemption granted by the order dated May 10, 1939 continue to exist:

It is ordered, That the application filed by the Applicant for the renewal of said order dated May 10, 1939 be and the same is hereby granted;

Provided, however, That the said order dated May 10, 1939, shall automatically terminate and expire:

1. Unless the Applicant on or before Dec. 26, 1940, files with the Director a verified report for the six month period ending Dec. 10, 1940, containing the following information which the Director

hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by the Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by the Applicant, and the nature and purpose of such consumption;

(d) A statement that all of the facts set forth in the original application for exemption filed September 25, 1937 remain true and correct.

2. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factory or other facilities at which the coal is consumed;

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person may direct the Applicant to show cause why the exemption granted by the order of May 10, 1939 should not be terminated. Any persons filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, June 10, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-2331; Filed, June 11, 1940;
11:05 a. m.]

[Docket No. 896-FD]

IN THE MATTER OF THE APPLICATION OF BRAZIL BLOCK FUELS, INC. FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

ORDER ADOPTING FINDINGS OF FACT AND GRANTING PROVISIONAL APPROVAL

Brazil Block Fuels, Inc. (the "Applicant") having filed an application on August 21, 1939 with the Bituminous Coal Division of the United States Department of the Interior (the "Division"), requesting provisional approval as a marketing agency in accordance with section 12 of the Bituminous Coal Act of 1937 (the "Act") and Order No. 6 issued thereunder on June 21, 1937 by the National Bituminous Coal Commission, predecessor of the Division; and

Pursuant to Order and Notice of the Director of the Division, a hearing upon the application having been held before a duly designated Examiner of the Division on October 16, 17, and 18 and November 3, 1939, at which hearing all

interested parties were afforded full opportunity to appear, to present evidence, to examine and cross-examine witnesses and otherwise to be heard; and

The Examiner having submitted his report on March 7, 1940, containing proposed findings of fact and conclusions and recommending the granting of provisional approval herein, which report was duly served upon the parties to this proceeding; and

Opportunity for the filing of exceptions to the proposed findings and conclusions of the Examiner having been granted and no exceptions thereto having been filed; and

The Director, having considered the application, the evidence and the entire record in this matter and upon the basis thereof having determined that the findings and conclusions of the Examiner are proper and supported by substantial evidence:

It is ordered, That the findings and conclusions of the Examiner as contained in his report, a copy of which is on file in the Office of the Division in Washington, D. C., be and the same are hereby adopted and made the findings and conclusions of the Director and the same by this reference are incorporated herein and made a part hereof; and

It is further ordered, That the provisional approval requested in the instant application be and the same is hereby granted and Applicant may, subject to the conditions hereinafter set forth, engage in the co-operative marketing of coals of its producer-members, pursuant to the marketing agency agreement, a copy of which was attached to the application filed herein, proposed to be entered into between Applicant and the producer-members:

Provided, however, That:

1. Applicant shall begin active operations within ninety (90) days from the date hereof.

2. All producers who are financially or otherwise interested in Applicant, and all producers for whom Applicant proposes to sell coal, whether as agent, factor, wholesale distributor or otherwise, shall continue to be members in good standing of the Bituminous Coal Code promulgated by the Commission under the Bituminous Coal Act of 1937.

3. Applicant and each of its members shall observe the effective marketing regulations and the minimum and maximum prices from time to time established, and shall otherwise conduct the business and operations of Applicant in conformity with reasonable regulations for the protection of the public interest, to be prescribed by the Division.

4. No producer who is a member of the Applicant shall be financially or otherwise interested in, or be a member of, any marketing agency which fails to make application for and to secure approval as provided in Order No. 6 issued by the Commission on June 21, 1937; nor shall any producer who is a member of

Applicant directly or indirectly market any coal through any such agency which fails to make such application for and to secure such approval.

5. The Applicant shall report promptly and in full all discussions, plans, arrangements or agreements undertaken by it, or its officers, members or agents, with other producers, distributors or marketing agencies, their officers, members or agents, concerning prices in common markets, production control, or allocation of markets; and no arrangements, agreements, or understandings relating to the marketing of coal subject to the provisions of the Code and the Act shall be entered into, except upon the written approval of the Director of the Division first obtained.

6. All contracts and agreements entered into by the Applicant (other than those in the ordinary course of business for the disposal of coal, the forms, terms and purposes of which have been approved herein, and other than those for the rental of office space, or for the services of employees) shall be made subject to review and approval of the Director of the Division; and all such contracts and agreements shall be submitted to the Director of the Division for his prior approval in writing, first obtained.

7. Whenever the Director has reason to believe that the agreement under which Applicant is functioning, or the operations of Applicant, alone or in combination with other marketing agencies, or the operations of the members or subagent of Applicant, are tending to restrict unreasonably the supply of coal in interstate commerce, or to prevent the public from receiving coal at fair and reasonable prices, or are operating against the public interest in any market area or areas, the Director may, by order, propose a schedule of maximum prices and marketing practices for the Applicant in such area or areas, and shall in such order provide for a hearing concerning such proposed prices and practices, and the basis or necessity therefor. The Director may thereupon establish a schedule of maximum prices and marketing regulations

for Applicant in such market area or areas, observance of which shall thereupon become a condition of the continuance of this order.

8. If any producer who is a member of Applicant shall fail to retain his membership in good standing in the Code, Applicant shall terminate such producer's connection with the marketing agency.

9. Applicant shall notify the Director of the Division forthwith of any change in its membership; and shall neither accept nor reject any application on the part of any producer for membership in Applicant with respect to any mine not now represented by Applicant, without the written approval of the Director first obtained.

10. The provisional approval herein granted shall extend and apply to the organization and general plan of operation of Applicant as a marketing agency, and shall not be construed as an approval of specific acts of Applicant with reference to the classification of coals and the determination of prices for specific coals.

11. The Applicant shall at all times hold its books and records open for inspection of the Division and shall report regularly its prices, sales, commissions, commercial, captive and pre-agency contract tonnage and such other information pertinent to the operations of the agency as the Division may require.

Dated, June 10, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-2332; Filed, June 11, 1940; 11:05 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration.

[Administrative Order No. 469]

CHANGE OF PROJECT DESIGNATIONS

JUNE 4, 1940.

I hereby amend:

(a) Administrative Orders specified below to change project designations therein mentioned as follows:

Administrative order		Change project designation	
Number	Date	From	To
267	7/ 7/38	Texas 9074A1 Baylor.....	Texas 9074A1 Seymour Public.
283	9/ 1/38	Texas 9074A2 Baylor.....	Texas 9074A2 Seymour Public.
313	12/12/38	Texas R9074W1 Baylor.....	Texas R9074W1 Seymour Public.
329	3/22/39	Texas R9074W2 Baylor.....	Texas R9074W2 Seymour Public.
330	3/30/39	Texas R9074W1 Baylor.....	Texas R9074W1 Seymour Public.
401	10/17/39	Texas 0-9074B1 Seymour Public 1.	Texas 0-9074B1 B. E.
401	10/17/39	Texas 0-9074G1 Seymour Public 1.	Texas 0-9074G1 B. E.
17	9/21/36	Missouri 7025A1 Perry.....	Missouri 7025A1 M. G. U.
220	3/21/38	New York 8018A1 Tompkins.....	New York 8018A1 N. Y. S. E. & G.
298	10/ 8/38	New York R9018B1 Tompkins.....	New York R9018B1 N. Y. S. E. & G.
120	7/26/37	Tennessee 8022A1 Gibson.....	Tennessee 8022A1 Milan Public.
183	1/31/38	Tennessee 8022A2 Gibson.....	Tennessee 8022A2 Milan Public.
119	7/21/37	Wisconsin 8009A1 LaCrosse.....	Wisconsin 8009A1 Bangor Public.
122	8/ 6/37	Nebraska 8024B Lancaster.....	Nebraska 8024B1 Lancaster District Public.
115	7/ 8/37	Nebraska 8024W Lancaster.....	Nebraska 8024W1 Lancaster District Public.
288	9/12/38	Nebraska 9024W2 Lancaster.....	Nebraska 9024W2 Lancaster District Public.
27	10/30/36	Nebraska 51 Burt.....	Nebraska 7051A1 Burt District Public.
159	11/ 4/37	Nebraska 8051W Burt.....	Nebraska 8051W1 Burt District Public.
311	12/ 3/38	Nebraska R9051B1 Burt.....	Nebraska R9051B1 Burt District Public.
310	12/ 3/38	Nebraska R9051W1 Burt.....	Nebraska R9051W2 Burt District Public.
415	12/ 1/39	Nebraska 0-R9051W2 Burt District Public. ¹	Nebraska 0-R9051W3 Burt District Public.

¹ Designation as amended by Administrative Order No. 457.

Administrative order		Change project designation	
Number	Date	From	To
122	8/ 6/37	Nebraska 8054 Cuming.....	Nebraska 8054A1 Cuming District Public.
267	7/ 7/38	Nebraska 9054B1 Cuming ¹	Nebraska 9054B1 Cuming District Public.
182	1/19/38	Nebraska 8054W Cuming.....	Nebraska 8054W1 Cuming District Public.
315	12/29/38	Nebraska R9054W2 Cuming.....	Nebraska R9054W2 Cuming District Public.
329	3/22/39	Nebraska R9054W3 Cuming.....	Nebraska R9054W3 Cuming District Public.
376	7/20/39	Nebraska 0054W4 Cuming.....	Nebraska 0054W4 Cuming District Public.
314	12/29/39	Nebraska R9064A1 York ²	Nebraska R9064A1 York District Public.
338	4/18/39	Nebraska R9064W1 York.....	Nebraska R9064W1 York District Public.
311	12/ 3/38	Nebraska R9069A1 Dawson.....	Nebraska R9069A1 Dawson District Public.
382	8/16/39	Nebraska 0069A2 Dawson.....	Nebraska 0069A2 Dawson District Public.
389	9/11/39	Nebraska 0069W1 Dawson.....	Nebraska 0069W1 Dawson District Public.
150	10/22/37	Washington 8027 Lewis.....	Washington 8027A1 Lewis District Public.
314	12/29/38	Washington 9027G1 Lewis.....	Washington 9027G1 Lewis District Public.
376	7/20/39	Washington 0027W1 Lewis.....	Washington 0027W1 Lewis District Public.
339	4/18/39	Nebraska R9070A1 Thayer.....	Nebraska R9070A1 Thayer District Public.
131	8/21/37	Nevada 8004 Clark.....	Nevada 8004A1 Overton District Public.
328	3/22/39	Nevada R9004B1 Clark.....	Nevada R9004B1 Overton District Public.
332	3/31/39	Nevada R9004B2 Clark.....	Nevada R9004B2 Overton District Public.
373	7/14/39	Nevada 0004W2 Clark.....	Nevada 0004W2 Overton District Public.

¹ Designation as amended by Administrative Order No. 273.
² Designation as amended by Administrative Order No. 324.

(b) Administrative Order No. 457 as specified below:

(1) that line which reads:

"358 6/19/39 Georgia 0058W2 Lamar Georgia 9-0058W2 Lamar"

is changed to:

"358 6/19/39 Georgia 0058W2 Butts¹ Georgia 9-0058W2 Butts"

(2) that line which reads:

"369 6/30/39 Kentucky 0031C1 Union Kentucky 9-0031C1 Union"

is changed to:

"369 6/30/39 Kentucky 0055C1 Henderson Union² Kentucky 9-0055C1 Henderson-Union"

(3) that line which reads:

"441 3/11/40 Utah R9006W2 Garfield Utah 0-R9006W2 Garfield" is canceled.

[SEAL] HARRY SLATTERY, Administrator.

[F. R. Doc. 40-2333; Filed, June 11, 1940; 11:11 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY AT WAGE RATES BELOW THE MINIMUM WAGE

NOTICE OF HEARING

Whereas, after a public hearing, Merle D. Vincent, authorized representative of the Administrator, on October 31, 1939, found and determined that, in order to prevent curtailment of opportunities for employment, special certificates should be issued pursuant to section 14 of the

¹ Designation as amended by Administrative Order No. 420.
² Designation as amended by Administrative Order No. 453.

Fair Labor Standards Act under certain circumstances for the employment of learners in various occupations in the textile industry at specified wage rates lower than the minimum wage applicable under section 6 of the Act; and

Whereas, upon petitions for review of the action of the said Merle D. Vincent, the Administrator issued and published in the FEDERAL REGISTER on April 27, 1940, a Final Amended Determination and Order concerning the employment of learners in the textile industry; and

Whereas, requests have been received from interested parties for the clarification by definition or amendment of certain terms and conditions of the said Final Amended Determination and Order under which certificates are being issued for the employment of learners in the textile industry;

Now, therefore, notice is hereby given of a public hearing to commence at 10:00 a. m., June 21, 1940, in Room 3229, U. S. Department of Labor Building, Washington, D. C., before Gustav Peck, Assistant Director of the Hearings Branch, hereby duly authorized to conduct said hearing and to determine:

What, if any, definitions or amendments should be made of the terms and conditions contained in the Final Amended Determination and Order of the Administrator for the employment of learners in the textile industry published in the FEDERAL REGISTER April 27, 1940.

Any interested person may appear at this hearing for the purpose of presenting testimony or argument, provided he files with the Presiding Officer, the said Gustav Peck, at the U. S. Department of Labor Building, Washington, D. C., prior to 4:30 p. m., June 20, 1940, a notice of intention to appear, setting forth his name and address, the representative capacity in which appearance will be made, and the approximate length of his presentation. In lieu of personal appearance any interested person may file

a written statement with the Presiding Officer, provided that it is received not later than 4:30 p. m., June 21, 1940.

As used in this notice, the term "textile industry" is identical with that used in the previous determinations and orders concerning the employment of learners. This definition shall not be deemed to include the wool industry.

Signed at Washington, D. C., this 10 day of June, 1940.

PHILIP B. FLEMING, Administrator.

[F. R. Doc. 40-2330; Filed, June 11, 1940; 10:40 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 2639]

IN RE TELEGRAPH DIVISION ORDER NO. 12, THE TIMED WIRE SERVICE CLASSIFICATION

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 5th day of June 1940,

It appearing, That by order dated October 1, 1934, entitled Order No. 12 of the Telegraph Division, a hearing in the above-entitled proceeding was duly held before the Commission, Telegraph Division, beginning on March 4, 1935, after due and appropriate notice to all parties; that evidence was received from all carriers subject to the Communications Act of 1934, as amended, affected by said order, and from all persons other than carriers, who desired to present evidence for the consideration of the Division and who complied with the requirements of the order; and that the hearing was recessed on the 10th day of May 1935, subject to the call of the Chair;

It is ordered, That said hearing be, and hereby is, adjourned, and the record in the proceeding closed in so far as it relates to (1) the justness and reasonableness of the timed wire service classification and of the practices and regulations with respect thereto; (2) the justness and reasonableness of the ratio between the charges for timed wired service and the basic charge for full rate telegraph communications; and (3) the existence of discriminations, preferences, prejudices or disadvantages resulting from such classification and such practices and regulations or from such ratio between such charges.

A copy of this order shall be forthwith served upon all parties to said hearing.

By the Commission.

[SEAL] T. J. SLOWIE, Secretary.

[F. R. Doc. 40-2348; Filed, June 11, 1940; 11:51 a. m.]

[Docket No. 2639]

IN RE TELEGRAPH DIVISION ORDER NO. 12, THE TIMED WIRE SERVICE CLASSIFICATION

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of June 1940,

It appearing, That by order dated October 31, 1934, the Federal Communications Commission, Telegraph Division, entered upon a hearing for the purpose of inquiring into certain matters specifically set forth in said order;

It further appearing, That by order dated June 5, 1940, the said hearing was adjourned and the record in the proceeding closed in so far as it related to (1) the justness and reasonableness of the timed wire service classification and of the practices and regulations with respect thereto; (2) the justness and reasonableness of the ratio between the charges for timed wire service and the basic charge for full rate telegraph communications; and (3) the existence of discriminations, preferences, prejudices or disadvantages resulting from such classification and such practices and regulations or from such ratio between such charges; and

It further appearing, That a full investigation of the matters and things involved has been had and that the Commission, on the date hereof, has made and filed a Proposed Report containing its Proposed Findings of Fact and Conclusions thereon, which said Report is hereby referred to and made a part hereof;

It is ordered, That any party to the proceeding may file, within 20 days after the filing of the said Proposed Report, exceptions thereto and brief in support of the exceptions and that reply briefs may be filed within 30 days after the filing of said Proposed Report.

A copy of this order and a copy of the said Proposed Report shall be forthwith served upon all parties to the hearing.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2349; Filed, June 11, 1940; 11:51 a. m.]

[Order No. 71]

INTERNATIONAL TELEGRAPH COMMUNICATION INFORMATION

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of June 1940,

Pursuant to section 218 of the Communications Act of 1934, as amended for the purpose of obtaining information necessary to enable the Commission to perform its duties and carry out the objects for which it was created,

No. 114—2

It is ordered, That each common carrier subject to the Communications Act engaged in international telegraph communication shall file with the Commission not later than September 15, 1940, in triplicate, under oath, a statement showing for each year separately for the period from 1936 to 1939, inclusive, in accordance with the general instructions contained herein, the following:

(1) Message telegraph service.

(a) The number of messages and words of all paid traffic handled between the Continental United States and each of the countries named below in each direction, separately, and the corresponding revenues.

Europe, Africa, and The Near East. Belgium, Denmark, Finland, France, Germany, Hungary, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Union of South Africa, U. S. S. R., United Kingdom and Eire, all other countries in this area.

The West Indies, Central and South America. Argentina, Brazil, British West Indies, Canada,¹ Central America, Chile, Colombia, Cuba, Ecuador, Mexico,¹ Netherlands West Indies, Peru, Puerto Rico, Uruguay, Venezuela, all other countries in this area.

Asia and Oceania. Australia, China, Hawaii, India, Japan, Philippine Islands, all other countries in this area.

(b) The number of messages and words of all paid traffic handled between the Continental United States and each foreign terminal of the respondent in each direction separately.

(c) The total number of messages and words of all paid traffic, separately by classifications, handled between the Continental United States and all foreign countries in each direction separately, and the corresponding revenues.

(2) Facsimile, cablephoto and radio-services.

(a) The number of messages handled between the Continental United States and each of the above-named countries separately in each direction, and the corresponding revenues.

(3) Addressed program service.

(a) The number of minutes of addressed program material handled between the Continental United States and each of the above-named countries, separately in each direction and the corresponding revenues.

(4) Multiple address press service.

(a) The number of minutes of multiple address press transmitted from each point in the Continental United States

¹ For Canada and Mexico report only the traffic which originates in or is destined to Canada and/or Mexico which is relayed in the United States (excluding traffic between Canada and Mexico).

to foreign countries, and the corresponding revenues.

(5) Frequency use.

(a) The number of hours of use of each frequency from each terminal point in the Continental United States to the terminal points in each foreign country for each of the services listed in (1), (2), (3) above.

(b) The number of hours of use of each frequency from each terminal point in the Continental United States for international multiple address Press Service.

General Instructions

For traffic outbound from the United States, including outbound transiting traffic, the revenue figures shall show separately the amounts accruing to the respondent for international telegraph transmission (excluding revenues from domestic haul) and the amounts paid out to foreign connecting carriers and administrations. When two or more carriers, subject to the Communications Act participate in the handling of such traffic, only the carrier actually transmitting the traffic from the Continental United States shall report. For traffic inbound to the United States, including inbound transiting, the revenue figures shall show only the amounts accruing to the respondent (excluding revenues from domestic haul). When two carriers subject to the Communications Act participate in the handling of such traffic only the carrier first receiving the traffic shall report. The revenue figures shall include the gain or loss on foreign exchange.

It is further ordered, That each common carrier engaged in international telegraph communication shall file with the Commission at the same time and in the same manner an additional statement, similar to that required by (1), (2), (3), (4) and (5) above, with respect to traffic from and to each territory and possession of the United States to and from each of the above-named countries, the Continental United States, and each other territory and possession of the United States, respectively.

It is further ordered, That each common carrier engaged or participating in international telegraph communication shall file with the Commission at the same time in triplicate, under oath, a statement showing the total amount collected from the users in the Continental United States for international telegraph communication, separately for each year from 1936 to 1939, inclusive. The amounts shown shall exclude amounts received from connecting carriers and amounts received for traffic between the Continental United States and Canada and Mexico.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2350; Filed, June 11, 1940; 11:51 a. m.]

[Order No. 73]

PORTABLE AND PORTABLE-MOBILE RADIO
STATION OPERATION

At a meeting of the Federal Communications Commission held in its offices at Washington, D. C., on the 7th day of June 1940:

Pursuant to authority contained in Section 303 of the Communications Act of 1934, as amended,

It is ordered, That portable and portable-mobile radio station operation by licensed amateur operators and stations be, and the same is hereby, prohibited, pending the further Order of the Commission: *Provided,* That licensed portable and portable-mobile amateur stations may operate on frequencies above 56,000 kilocycles at locations within the continental United States, its Territories and possessions, and *Provided further* that during the period of the American Radio Relay League field day tests, June 22-23, 1940, this Order shall not apply to communications transmitted by licensed portable and portable-mobile amateur stations participating in such tests.

It is further ordered, That all Rules and Regulations of the Commission inconsistent with this Order be, and the same are hereby, suspended, pending the further Order of the Commission.

This Order shall become effective immediately.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 40-2351; Filed, June 11, 1940;
11:52 a. m.]

[Docket No. 5271]

IN RE APPLICATION OF COLUMBIA BROADCASTING
SYSTEM, INC. (WBBM)

Dated April 6, 1937, for modification of license to change hours of operation; class of service, broadcast; class of station, broadcast; location, Chicago, Illinois; operating assignment specified: Frequency, 770 kc.; power, 50 kw.; hours of operation unlimited

[File No. B4-ML-450]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. Because of the pendency of the application of Station KFAB, Lincoln, Nebraska, (File No. B4-P-1736).

2. To determine whether the granting of the application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

3. To determine the nature, extent and effect of any interference which may result should the applicant's station operate as proposed, simultaneously with

Station WJAG, Norfolk, Nebraska, as proposed in its application (File No. B4-P-2590).

4. To determine the present area and population which receive interference-free primary service from said station.

5. To determine the area and population which may be expected to receive interference-free primary service should the applicant's station operate as proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Columbia Broadcasting System, Inc.,
Radio Station WBBM,
485 Madison Avenue,
New York, N. Y.

Dated at Washington, D. C., June 6, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 40-2352; Filed, June 11, 1940;
11:52 a. m.]

[Docket No. 5779]

IN RE APPLICATION OF HOBART STEPHENSON,
MILTON EDGE, EDGAR J. KORSMEYER
D/B AS STEPHENSON, EDGE & KORSMEYER
(NEW)

Dated August 28, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Jacksonville, Ill.; operating assignment specified: frequency, 1150 kc.; power, 250 watts day; hours of operation, daytime

[File No. B4-P-2465]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether public interest, convenience or necessity would be better served by the granting of the instant application or that of Walton and Bellatti (B4-P-2623)

2. To determine the area and population which would be expected to receive interference-free primary service both day and night, should the applicant be authorized to operate as proposed.

3. To determine the financial qualifications of the applicants to construct and operate the proposed station.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Hobart Stephenson, Milton Edge and
Edgar J. Korsmeyer, d/b under the
name of Stephenson, Edge & Korsmeyer,
c/o Hobart Stephenson,
140 Spaulding Place,
Jacksonville, Illinois.

Dated at Washington, D. C., June 6, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 40-2353; Filed, June 11, 1940;
11:52 a. m.]

[Docket No. 5864]

IN RE APPLICATION OF THE NORFOLK DAILY
NEWS (WJAG)

Dated October 19, 1939, for C. P. to change Freq., Hrs. of operation, and make changes in antenna system; class of service, broadcast; class of station, broadcast; location, Norfolk, Nebraska; operating assignment specified: Frequency, 770 kc.; power, 1 kw. day; hours of operation, daytime; requests facilities (frequency 770 kc.) now assigned to KFAB

[File No. B4-P-2590]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. Because of the pendency of application of Station KFAB, Lincoln, Nebraska. (File No. B4-P-1736).

2. To determine whether the granting of the application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

3. To determine the nature, extent and effect of any interference which may result should applicant's station operate as proposed simultaneously with Stations KFDY, Brookings, South Dakota; WCAL, Northfield, Minnesota;

KMMJ, Grand Island, Nebraska; and WBBM, Chicago, Ill.

4. To determine the present area and population which receive interference-free primary service from said station.

5. To determine the area and population which may be expected to receive interference-free primary service should the applicant's station operate as proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of §1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The Norfolk Daily News,
116 North 4th Street,
Norfolk, Nebraska.

Dated at Washington, D. C. June 6, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2354; Filed, June 11, 1940; 11:52 a. m.]

[Docket No. 5865]

IN RE APPLICATION OF THE MOODY BIBLE INSTITUTE OF CHICAGO (WMBI)

Dated December 4, 1939, for modification of license to change hours of operation; class of service, broadcast; class of station, broadcast; location, Chicago, Illinois; operating assignment specified: Frequency, 1080 kc.; power, 5 kw.; hours of operation, limited—WBT and KFAB

[File No. B4-ML-926]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. Because of the pendency of the applications of Stations WCBM, Chicago, Illinois (File No. B4-ML-917), and KFAB, Lincoln, Nebraska (B4-P-1736).

2. To determine whether the granting of the application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

3. To determine the area and population which may be expected to receive

interference-free primary service should the applicant's station operate as proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of §1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The Moody Bible Institute of Chicago,
Radio Station WMBI,
153 Institute Place,
Chicago, Illinois.

Dated at Washington, D. C., June 6, 1940.

By the Commission

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2355; Filed, June 11, 1940; 11:53 a. m.]

[Docket No. 5870]

IN RE APPLICATION OF HELEN L. WALTON AND WALTER BELLATTI (NEW)

Dated November 11, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Jacksonville, Illinois; operating assignment specified: Frequency, 1150 kc; power, 250 w day; hours of operation, daytime

[File No. B4-P-2623]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether public interest, convenience, or necessity would be better served by the granting of the instant application or that of Stephenson, Edge and Korsmeyer (B4-P-2465).

2. To determine the area and population which would be expected to receive interference-free primary service both day and night, should the applicants be authorized to operate as proposed.

3. To determine the financial qualifications of the applicants to construct and operate the proposed station.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of

a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' address is as follows:

Helen L. Walton and Walter Bellatti,
% Walter Bellatti,
607 Ayers Bank Building,
Jacksonville, Illinois.

Dated at Washington, D. C., June 6, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2356; Filed, June 11, 1940; 11:53 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5625]

IN THE MATTER OF FLORIDA POWER CORPORATION

ORDER POSTPONING HEARING

JUNE 7, 1940.

Commissioners: Leland Olds, Chairman; Basil Manly, John W. Scott, Clyde L. Seavey. Claude L. Draper, not participating.

It appearing to the Commission that:

(a) Florida Power Corporation, by its letter of May 20, 1940, requested that the Commission continue the hearing heretofore fixed to begin in Washington, D. C., at 10 o'clock a. m., June 17, 1940;

(b) In said letter of May 20, 1940, Florida Power Corporation represented that it expected to file the data and information required by Electric Plant Accounts Instruction 2-D of the Uniform System of Accounts and the order of May 11, 1937, on or before June 17, 1940, the date fixed for hearing herein;

(c) Based upon the representations contained in the aforesaid letter of May 20, 1940, from Florida Power Corporation, it will be appropriate to postpone without date the hearing now set for June 17, 1940, since Florida Power Corporation has indicated by the aforesaid letter that complete compliance with Electric Plant Accounts Instruction 2-D and the Commission's order of May 11, 1937, will be had on or before the date fixed for hearing.

The Commission orders that:

The hearing heretofore set by Commission's order of April 16, 1940, to commence at 10 o'clock a. m., June 17, 1940, be and the same is hereby postponed without date, subject, however, to being

reset by the Commission upon ten days' notice to Florida Power Corporation in event said company fails to carry out any of its commitments referred to above or for any other reason deemed appropriate by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2321; Filed, June 11, 1940;
9:54 a. m.]

[Docket No. IT-5626]

IN THE MATTER OF GEORGIA POWER AND
LIGHT COMPANY

ORDER POSTPONING HEARING

JUNE 7, 1940.

Commissioners: Leland Olds, Chairman; Basil Manly, John W. Scott, Clyde L. Seavey. Claude L. Draper, not participating.

It appearing to the Commission that:

(a) Georgia Power and Light Company, by its letter of May 20, 1940, requested that the Commission continue the hearing heretofore fixed to begin in Washington, D. C., at 10 o'clock a. m., June 17, 1940;

(b) In said letter of May 20, 1940, Georgia Power and Light Company represented that it expected to file the data and information required by Electric Plant Accounts Instruction 2-D of the Uniform System of Accounts and the order of May 11, 1937, on or before June 17, 1940, the date fixed for hearing herein;

(c) Based upon the representations contained in the aforesaid letter of May 20, 1940, from Georgia Power and Light Company, it will be appropriate to postpone without date the hearing now set for June 17, 1940, since Georgia Power and Light Company has indicated by the aforesaid letter that complete compliance with Electric Plant Accounts Instruction 2-D and the Commission's order of May 11, 1937, will be had on or before the date fixed for hearing;

The Commission orders that:

The hearing heretofore set by Commission's order of April 16, 1940, to commence at 10 o'clock a. m., June 17, 1940, be and the same is hereby postponed without date, subject, however, to being reset by the Commission upon ten days' notice to Georgia Power and Light Company in event said company fails to carry out any of its commitments referred to above or for any other reason deemed appropriate by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2322; Filed, June 11, 1940;
9:54 a. m.]

[Docket No. IT-5627]

IN THE MATTER OF KENTUCKY-TENNESSEE
LIGHT AND POWER COMPANY

ORDER POSTPONING HEARING

JUNE 7, 1940.

Commissioners: Leland Olds, Chairman; Basil Manly, John W. Scott, Clyde L. Seavey. Claude L. Draper, not participating.

It appearing to the Commission that:

(a) Kentucky-Tennessee Light and Power Company, by its letter of May 20, 1940, requested that the Commission continue the hearing heretofore fixed to begin in Washington, D. C., at 10 o'clock a. m., June 17, 1940;

(b) In said letter of May 20, 1940, Kentucky-Tennessee Light and Power Company represented that it expected to complete and file all of the data and information required by Electric Plant Accounts Instruction 2-D of the Uniform System of Accounts and the order of May 11, 1937, on or before August 1, 1940;

(c) Based upon the representations contained in the aforesaid letter of May 20, 1940, from Kentucky-Tennessee Light and Power Company, it will be appropriate to postpone without date the hearing now set for June 17, 1940, since Kentucky-Tennessee Light and Power Company has indicated by the aforesaid letter that complete compliance with Electric Plant Accounts Instruction 2-D and the Commission's order of May 11, 1937, will be had on or before August 1, 1940;

The Commission orders that:

The hearing heretofore set by Commission's order of April 16, 1940, to commence at 10 o'clock a. m., June 17, 1940, be and the same is hereby postponed without date, subject, however, to being reset by the Commission upon ten days' notice to Kentucky-Tennessee Light and Power Company in event said company fails to carry out any of its commitments referred to above or for any other reason deemed appropriate by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2323; Filed, June 11, 1940;
9:54 a. m.]

[Docket No. IT-5628]

IN THE MATTER OF LOUISIANA PUBLIC
UTILITIES CO., INC.

ORDER POSTPONING HEARING

JUNE 7, 1940.

Commissioners: Leland Olds, Chairman; Basil Manly, John W. Scott, Clyde L. Seavey. Claude L. Draper, not participating.

It appearing to the Commission that:

(a) Louisiana Public Utilities Co., Inc., by its letter of May 20, 1940, requested that the Commission continue the hear-

ing heretofore fixed to begin in Washington, D. C., at 10 o'clock a. m., June 17, 1940;

(b) In said letter of May 20, 1940, Louisiana Public Utilities Co., Inc., represented that it expected to file statements A and I described in the Commission's order of May 11, 1937, on or before June 17, 1940, and that it expected that the balance of the data and information required by Electric Plant Accounts Instruction 2-D of the Uniform System of Accounts and the order of May 11, 1937, would be completed and filed not later than August 1, 1940;

(c) Based upon the representations contained in the aforesaid letter of May 20, 1940, from Louisiana Public Utilities Co., Inc., it will be appropriate to postpone without date the hearing now set for June 17, 1940, since Louisiana Public Utilities Co., Inc., has indicated by the aforesaid letter that complete compliance with Electric Plant Accounts Instruction 2-D and the Commission's order of May 11, 1937, will be had on or before August 1, 1940.

The Commission orders that:

The hearing heretofore set by Commission's order of April 16, 1940, to commence at 10 o'clock a. m., June 17, 1940, be and the same is hereby postponed without date, subject, however, to being reset by the Commission upon ten days' notice to Louisiana Public Utilities Co., Inc., in the event said company fails to carry out any of its commitments referred to above or for any other reason deemed appropriate by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2324; Filed, June 11, 1940;
9:54 a. m.]

[Docket No. IT-5629]

IN THE MATTER OF METROPOLITAN EDISON
COMPANY

ORDER POSTPONING HEARING

JUNE 7, 1940.

Commissioners: Leland Olds, Chairman; Basil Manly, John W. Scott, Clyde L. Seavey. Claude L. Draper, not participating.

It appearing to the Commission that:

(a) Metropolitan Edison Company, by its letter of May 21, 1940, requested that the Commission continue the hearing heretofore fixed to begin in Washington, D. C., at 10 o'clock a. m., June 17, 1940;

(b) In said letter of May 21, 1940, Metropolitan Edison Company represented that it expected to file statements A and I described in the Commission's order of May 11, 1937, on or before June 17, 1940, and that it expected that the balance of the data and information required by Electric Plant Accounts Instruction 2-D of the Uniform System of Ac-

counts and the order of May 11, 1937, would be completed and filed not later than August 15, 1940;

(c) Based upon the representations contained in the aforesaid letter of May 21, 1940, from Metropolitan Edison Company, it will be appropriate to postpone without date the hearing now set for June 17, 1940, since Metropolitan Edison Company has indicated by the aforesaid letter that complete compliance with Electric Plant Accounts Instruction 2-D and the Commission's order of May 11, 1937, will be had on or before August 15, 1940.

The Commission orders that:

The hearing heretofore set by Commission's order of April 16, 1940, to commence at 10 o'clock a. m., June 17, 1940, be and the same is hereby postponed without date, subject, however, to being reset by the Commission upon ten days' notice to Metropolitan Edison Company in event said company fails to carry out any of its commitments referred to above or for any other reason deemed appropriate by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2325; Filed, June 11, 1940;
9:55 a. m.]

[Docket No. IT-5630]

IN THE MATTER OF NEW YORK STATE
ELECTRIC & GAS CORPORATION

ORDER POSTPONING HEARING

JUNE 7, 1940.

Commissioners: Leland Olds, Chairman; Basil Manly, John W. Scott, Clyde L. Seavey. Claude L. Draper, not participating.

It appearing to the Commission that:

(a) New York State Electric & Gas Corporation, by its letter of May 21, 1940, requested that the Commission continue the hearing heretofore fixed to begin in Washington, D. C., at 10 o'clock a. m., June 17, 1940;

(b) In said letter of May 21, 1940, New York State Electric & Gas Corporation represented that it is working diligently in the preparation of the data and information required by Electric Plant Accounts Instruction 2-D of the Uniform System of Accounts and the order of May 11, 1937, and at the same time is endeavoring to meet the requirements of the Public Service Commission of the State of New York for determining "original cost," which includes the making of and check of the inventory of its property, and that it expected that it would complete and file the data and information required by this Commission prior to December 31, 1940;

(c) Based upon the representations contained in the aforesaid letter of May 21, 1940, from New York State Electric & Gas Corporation and upon the conditions

herein imposed, it will be appropriate to postpone without date the hearing now set for June 17, 1940, subject to being reset by the Commission's order upon ten days' notice to New York State Electric & Gas Corporation.

The Commission orders that:

(A) The hearing heretofore set by the Commission's order of April 16, 1940, to commence at 10 o'clock a. m., June 17, 1940, be and the same is hereby postponed without date, subject, however, to being reset by the Commission upon ten days' notice to New York State Electric & Gas Corporation in the event of non-compliance with the conditions herein imposed or for other reasons deemed by the Commission to be appropriate;

(B) New York State Electric & Gas Corporation shall submit monthly reports to the Commission within ten days after the close of each calendar month from the date hereof, during the period of this continuance, showing in detail the progress made during each said month in respect to its compliance with the requirements of Electric Plant Accounts Instruction 2-D of the Uniform System of Accounts and the Commission's order of May 11, 1937; such monthly reports shall contain in detail report of progress in respect to each statement required by the Commission's order of May 11, 1937, and the additional time required to complete and file each of said statements.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2326; Filed, June 11, 1940;
9:55 a. m.]

[Docket No. IT-5631]

IN THE MATTER OF PENNSYLVANIA ELECTRIC
COMPANY

ORDER POSTPONING HEARING

JUNE 7, 1940.

Commissioners: Leland Olds, Chairman; Basil Manly, John W. Scott, Clyde L. Seavey. Claude L. Draper, not participating.

It appearing to the Commission that:

(a) Pennsylvania Electric Company, by its letter of May 20, 1940, requested that the Commission continue the hearing heretofore fixed to begin in Washington, D. C., at 10 o'clock a. m., June 17, 1940;

(b) In said letter of May 20, 1940, Pennsylvania Electric Company represented that it expected to file statements A and I described in the Commission's order of May 11, 1937, within the next several weeks, and that it expected that the balance of the data and information required by Electric Plant Accounts Instruction 2-D of the Uniform System of Accounts and the order of May 11, 1937, would be completed and filed not later than August 15, 1940;

(c) Based upon the representations contained in the aforesaid letter of May 20, 1940, from Pennsylvania Electric Company, it will be appropriate to postpone without date the hearing now set for June 17, 1940, since Pennsylvania Electric Company has indicated by the aforesaid letter that complete compliance with Electric Plant Accounts Instruction 2-D and the Commission's order of May 11, 1937, will be had on or before August 15, 1940.

The Commission orders that:

The hearing heretofore set by Commission's order of April 16, 1940, to commence at 10 o'clock a. m., June 17, 1940, be and the same is hereby postponed without date, subject, however, to being reset by the Commission upon ten days' notice to Pennsylvania Electric Company in event said company fails to carry out any of its commitments referred to above or for any other reason deemed appropriate by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2327; Filed, June 11, 1940;
9:55 a. m.]

[Docket No. IT-5632]

IN THE MATTER OF SOUTH CAROLINA ELECTRIC
AND GAS COMPANY

ORDER POSTPONING HEARING

JUNE 7, 1940.

Commissioners: Leland Olds, Chairman; Basil Manly, John W. Scott, Clyde L. Seavey. Claude L. Draper, not participating.

It appearing to the Commission that:

(a) South Carolina Electric and Gas Company, by its letter of May 20, 1940, requested that the Commission continue the hearing heretofore fixed to begin in Washington, D. C., at 10 o'clock a. m., June 17, 1940;

(b) In said letter of May 20, 1940, South Carolina Electric and Gas Company represented that it expected to file statements A and I described in the Commission's order of May 11, 1937, on or before June 17, 1940, and that it expected that the balance of the data and information required by Electric Plant Accounts Instruction 2-D of the Uniform System of Accounts and the order of May 11, 1937, would be completed and filed not later than July 15, 1940;

(c) Based upon the representations contained in the aforesaid letter of May 20, 1940 from South Carolina Electric and Gas Company, it will be appropriate to postpone without date the hearing now set for June 17, 1940, since South Carolina Electric and Gas Company has indicated by the aforesaid letter that complete compliance with Electric Plant Accounts Instruction 2-D and the Commission's order of May 11, 1937, will be had on or before July 15, 1940.

The Commission orders that:

The hearing heretofore set by Commission's order of April 16, 1940, to commence at 10 o'clock a. m., June 17, 1940, be and the same is hereby postponed without date, subject, however, to being reset by the Commission upon ten days' notice to South Carolina Electric and Gas Company in event said company fails to carry out any of its commitments referred to above or for any other reason deemed appropriate by the Commission. By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2328; Filed, June 11, 1940;
9:56 a. m.]

[Docket No. IT-5633]

IN THE MATTER OF TIDE WATER POWER
COMPANY

ORDER POSTPONING HEARING

JUNE 7, 1940.

Commissioners: Leland Olds, Chairman; Basil Manly, John W. Scott, Clyde L. Seavey. Claude L. Draper, not participating.

It appearing to the Commission that:

(a) Tide Water Power Company, by its letter of May 20, 1940, requested that the Commission continue the hearing heretofore fixed to begin in Washington, D. C., at 10 o'clock a. m., June 17, 1940;

(b) In said letter of May 20, 1940, Tide Water Power Company represented that it expected to file the data and information required by Electric Plant Accounts Instruction 2-D of the Uniform System of Accounts and the order of May 11, 1937, on or before June 17, 1940, the date fixed for hearing herein;

(c) Based upon the representations contained in the aforesaid letter of May 20, 1940, from Tide Water Power Company, it will be appropriate to postpone without date the hearing now set for June 17, 1940, since Tide Water Power Company has indicated by the aforesaid letter that complete compliance with Electric Plant Accounts Instruction 2-D and the Commission's order of May 11, 1937, will be had on or before the date fixed for hearing.

The Commission orders that:

The hearing heretofore set by Commission's order of April 16, 1940, to commence at 10 o'clock a. m., June 17, 1940, be and the same is hereby postponed without date, subject, however, to being reset by the Commission upon ten days' notice to Tide Water Power Company in event said company fails to carry out any of its commitments referred to above or for any other reason deemed appropriate by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2329; Filed June 11, 1940;
9:56 a. m.]

INTERSTATE COMMERCE COMMISSION.

ASSIGNMENT OF WORK TO DIVISION FIVE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 3rd day of June, A. D. 1940.

The assignment of work to Division Five in the Commission's order of May 8, 1939, (amended July 8, 1939), is amended to read as follows:

DIVISION FIVE

Part II of the Act (Motor Carrier Act, 1935) as amended, including authority to institute, conduct and determine investigations into motor carrier practices, except as to matters hereinbefore specially assigned or referred to other divisions, and except the formulation of Proposed Tariff Circular No. 3 for motor carriers, which is hereby reserved for disposition by former Division Five (Commissioners Eastman, Lee, and Rogers): *Provided*, That subject to the provisions of Section 17 (6) of the Interstate Commerce Act Division Five is also authorized to take such steps with respect to the assignment of its work or functions to a board of employees as it deems necessary and practicable under the law and to enter all necessary orders for that purpose.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-2344; Filed, June 11, 1940;
11:34 a. m.]

[Corrected Order]

ASSIGNMENTS FOR COMMISSION MEMBERS

JUNE 4, 1940.

The Interstate Commerce Commission has announced the formulation of new assignments for members of the Commission, effective June 4, 1940, as follows:

Division One: Chairman Eastman, Commissioners Porter and Lee. Commissioner Aitchison being an additional member with respect to matters connected with the admission, disbarment, and suspension of practitioners before the Commission under Rule I-B of the Rules of Practice.

Division Two: Commissioners Aitchison, Splawn, and Alldredge.

Division Three: Commissioners Mahaffie, Alldredge, and Johnson, except that Commissioner Patterson shall serve in lieu of Commissioner Alldredge with respect to matters arising under Section 26 (a)-(g), inclusive, of the Interstate Commerce Act, Railroad Retirement Act of 1937, Carriers Taxing Act of 1937, Railroad Unemployment Insurance Act, the Railway Labor Act, Safety Appliance Acts, Locomotive Inspection Act, Ash Pan Act, Block Signal Resolution of June 30,

1906, Sundry Civil Appropriation Act of May 27, 1908, and Medals of Honor Act.

Division Four: Commissioners Porter, Mahaffie, and Miller.

Division Five: Commissioners Lee, Rogers, and Patterson.

The assignment of work to Division Five in the Commission's order of May 8, 1939 (amended July 8, 1939), is amended to read as follows:

Division Five

Part II of the Act (Motor Carrier Act, 1935) as amended, including authority to institute, conduct and determine investigations into motor carrier practices, except as to matters hereinbefore specially assigned or referred to other divisions, and except the formulation of Proposed Tariff Circular No. 3 for motor carriers, which is hereby reserved for disposition by former Division Five (Commissioners Eastman, Lee, and Rogers): *Provided*, That subject to the provisions of Section 17 (6) of the Interstate Commerce Act Division Five is also authorized to take such steps with respect to the assignment of its work or functions to a board of employees as it deems necessary and practicable under the law and to enter all necessary orders for that purpose.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-2345; Filed, June 11, 1940;
11:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-379]

IN THE MATTER OF H. M. BYLLESBY &
COMPANY

ORDER DENYING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D. 1940.

H. M. Byllesby & Company having filed an application pursuant to section 2 (a) (7) for an order declaring it not to be a holding company under section 2 (a) (7) (A), and in the alternative having applied for exemption pursuant to sections 3 (a) (3) and 3 (a) (5) of the Act;

Public hearings having been held thereon after appropriate notice; requests for specific findings of fact and briefs having been filed; oral argument having been had before the Commission; and the Commission, after duly considering the record, having issued its findings and opinion in the matter;

It is ordered, That such applications of H. M. Byllesby & Company be, and they hereby are denied; and

It is further ordered, That this order shall not be deemed effective until the first day of July, 1940 on condition that

no sale, transfer or other disposition by H. M. Byllesby & Company (including all transactions incident thereto) of the 330,000 shares of Common Stock, Series B, of Standard Power and Light Corporation owned by it, be made other than to said Standard Power and Light Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2336; Filed, June 11, 1940;
11:32 a. m.]

[File No. 31-420]

IN THE MATTER OF THE BYLLESBY CORPORATION

ORDER DENYING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D. 1940.

The Byllesby Corporation having filed an application pursuant to section 2 (a) (7) for an order declaring it not to be a holding company under section 2 (a) (7) (A), and in the alternative having applied for exemption pursuant to sections 3 (a) (3) and 3 (a) (5) of the Act;

Public hearings having been held thereon after appropriate notice; requests for specific findings of fact and briefs having been filed; oral argument having been had before the Commission; and the Commission, after duly considering the record, having issued its findings and opinion in the matter;

It is ordered, That such applications of The Byllesby Corporation be, and they hereby are denied; and

It is further ordered, That this order shall not be deemed effective until the first day of July, 1940 on condition that no sale, transfer or other disposition by H. M. Byllesby & Company (including all transactions incident thereto) of the 330,000 shares of Common Stock, Series B, of Standard Power and Light Corporation owned by it, be made other than to said Standard Power and Light Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2337; Filed, June 11, 1940;
11:32 a. m.]

[File No. 32-194]

IN THE MATTER OF KEYSTONE PUBLIC SERVICE COMPANY

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D. 1940.

Keystone Public Service Company, a public utility subsidiary of a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of

1935 seeking exemption from the provisions of section 6 (a) of said Act of the issue and sale to Oil City Trust Company of a 5% promissory note in the total face amount of \$500,000 due serially at the rate of \$8,333.33 per month until maturity three years from date of issue;

A public hearing having been duly held after appropriate notice; the Commission having examined the record in this matter;

It is ordered, That the application of Keystone Public Service Company pursuant to section 6 (b) of the Act regarding the issue and sale of a \$300,000 face amount 5% promissory note due serially at the rate of \$8,333.33 per month until maturity three years from the date of issue be, and the same hereby is, approved, subject, however, to the following terms and conditions:

1. That such issue and sale of the note shall be in accordance with the terms and conditions of and for the purposes represented by said application, as amended;

2. That such exemption shall immediately terminate without further order of this Commission if at any time the authorization by the Pennsylvania Public Utilities Commission shall be revoked, or shall otherwise terminate;

3. That within ten days after the issue and sale of such note, the applicant shall file with this Commission its certificate of notification showing that the issue and sale of the note have been effected in accordance with the terms and conditions of and for the purposes represented by said application, as amended;

4. That when all expenses incurred in connection with the issuance and sale of the note shall have been determined, the applicant shall file a detailed statement of such expenses showing the names of the person or persons, entity or entities to whom paid, the amount paid, the account or accounts charged, and a description of the services rendered;

5. That applicant shall reverse the earned surplus deficit of \$154,029 previously transferred to capital surplus and eliminate the earned surplus deficit resulting therefrom by subsequent earnings.

6. That applicant shall pay no cash dividends on any shares of its common stock until notified by this Commission that this condition is no longer applicable except upon application to and receipt from this Commission of an order authorizing such action.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2338; Filed, June 11, 1940;
11:32 a. m.]

[File No. 46-207]

IN THE MATTER OF KEYSTONE PUBLIC SERVICE COMPANY

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C. on the 7th day of June, A. D. 1940.

Keystone Public Service Company, a public utility subsidiary of a registered holding company, having filed an application pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, seeking approval of the acquisition of demand promissory notes in an aggregate face amount not to exceed \$80,000, to be acquired from time to time from Citizens Transit Company, a wholly-owned subsidiary of applicant, said notes to bear interest at 6% per annum or 1/2 of 1% per annum of the cost of the money to Keystone Public Service Company, whichever is the lesser amount; all such notes remaining unpaid on November 8, 1942 are to be repaid by the issuance of common stock by Citizens Transit Company or discharged by a capital donation by Keystone Public Service Company to Citizens Transit Company;

A public hearing having been duly held after appropriate notice; the Commission having examined the record in this matter;

It is ordered, That the above-described application of Keystone Public Service Company, filed pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, be, and the same hereby is, approved, subject, however, to the following terms and conditions:

1. That the transactions be carried out for the purpose of and in the manner represented by the application, as amended;

2. That Keystone Public Service Company file a certificate of notification within ten days after the acquisition of each note, stating that said acquisition has been carried out in accordance with the terms of this order and indicating the total face amount of such acquisitions to the date of said certificate;

3. That when all expenses incurred in connection with the preparation and prosecution of the application shall have been determined, the applicant shall file a detailed statement of such expenses showing the names of the person or persons, entity or entities to whom paid, the amount paid, the account or accounts charged, and a description of the services rendered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2334; Filed, June 11, 1940;
11:32 a. m.]

[File No. 60-15]

IN THE MATTER OF BLAIR & Co., INC.; SCHRODER, ROCKEFELLER & Co., INCORPORATED; EMANUEL & Co.; A. C. ALLYN AND COMPANY, INCORPORATED; W. C. LANGLEY & Co., GRANBERY, MARACHE & LORD, JOINTLY AND SEVERALLY, RESPONDENTS

NOTICE AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 7th day of June, A. D. 1940.

The Commission having been advised by its Public Utilities Division of evidence tending to show that Blair & Co., Inc., Schroder, Rockefeller & Co., Incorporated, Emanuel & Co., A. C. Allyn and Company, Incorporated, W. C. Langley & Co., and Granbery, Marache & Lord, directly or indirectly exercise (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management and policies of Standard Power and Light Corporation, a registered holding company, as to make it necessary and appropriate in the public interest and for the protection of investors and consumers that they and each of them be subject to the obligations, duties, and liabilities imposed in the Public Utility Holding Company Act of 1935 upon holding companies; and

None of the above named Respondents having filed with the Commission, either alone or with other persons, a notification of registration pursuant to section 5 (a) of the Act;

It is ordered, Pursuant to section 2 (a) (7) (B) of the said Public Utility Holding Company Act of 1935 that a hearing be held at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, NW., Washington, D. C., at 10:00 A. M., on the 22nd day of July, 1940, to determine whether the above named Respondents or any one or more of them directly or indirectly exercise (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of the Standard Power and Light Corporation as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that said Respondents or any one or more of them be subject to the obligations, duties, and liabilities imposed in said Act upon holding companies.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the Respondents above named and to all other persons including the security holders and consumers of Standard Power and Light Corporation and Standard Gas and Electric Company and the subsidiaries thereof, and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file

a notice to that effect with the Commission on or before July 15th, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2339; Filed, June 11, 1940;
11:33 a. m.]

[File No. 70-58]

IN THE MATTER OF WISCONSIN POWER AND
LIGHT COMPANY
ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D. 1940.

Wisconsin Power and Light Company, a subsidiary of North West Utilities Company and of The Middle West Corporation, registered holding companies, having filed an application and amendments thereto under section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of that Act, with respect to the issue and sale of (a) \$1,850,000 principal amount of 2¼% unsecured notes, maturing in ten semi-annual installments of \$185,000 each beginning December 1, 1941, and (b) not in excess of \$1,000,000 principal amount of 2¾% unsecured notes maturing in semi-annual installments 1946 to 1948;

A public hearing having been held on said application after appropriate notice;

The Commission having considered the record in this matter and having filed its findings and opinion herein;

It is ordered, That said application, insofar as it relates to the issue and sale of the \$1,850,000 principal amount of 2¼% unsecured notes maturing in semi-annual installments of \$185,000 each beginning December 1, 1941, be, and the same hereby is, granted and that the issue and sale of such securities be exempted from the provisions of Section 6 (a), subject, however, to the following conditions:

(1) That the issue and sale of said 2¼% notes shall be effected in substantial compliance with the terms and conditions set forth in and for the purposes represented by, said application as amended;

(2) That the transactions set forth in the application, as amended, in connection with the issue and sale of the 2¼% notes, be consummated within sixty (60) days after the date of this order;

(3) That in the event the order of the Public Service Commission of Wisconsin, authorizing the issue and sale of said 2¼% notes, shall be revoked, rescinded, or otherwise terminated, the exemption granted herein shall immediately terminate without further notice or order of this Commission;

(4) That ten (10) days after the issue and sale of said 2¼% notes applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in sub-

stantial compliance with the terms and conditions set forth in, and for the purposes represented by, said application, as amended;

(5) That when all expenses, incurred in connection with the issue and sale of said 2¼% notes and the preparation and prosecution of the applications concerned with the present transactions shall be actually paid, applicant shall file a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amounts of such payments, the accounts charged, and a detailed description of the services rendered for which such payments were made; and

(6) That jurisdiction is reserved with respect to the proposed issue and sale of not in excess of \$1,000,000 principal amount of 2¾% unsecured notes maturing 1946 to 1948.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2340; Filed, June 11, 1940;
11:33 a. m.]

[File No. 70-67]

IN THE MATTER OF FEDERAL WATER SERVICE
CORPORATION

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D., 1940.

Federal Water Service Corporation, a registered holding company, having filed an application pursuant to Rule U-12C-1 promulgated under the Public Utility Holding Company Act of 1935 for approval of the acquisition of not more than \$500,000 principal amount of its 5½% debentures due May 1, 1954;

A public hearing on such application having been held after appropriate notice, the record in this matter having been examined, and the Commission having made and filed its findings herein:

It is ordered, That the application be and the same hereby is approved subject, however, to the following conditions:

(1) That the acquisition of debentures and all matters connected therewith or related thereto, shall be carried out in all respects as set forth in the application, and in accordance with the opinion and order of the Commission herein;

(2) That the applicant report to this Commission on the first and fifteenth day of each month following the date of this Order all acquisitions of debentures under this program. Such report shall specify the amounts thereof, the cost per unit, the amount of commission and any other fees paid in connection with such acquisitions, name and address of each broker or over-the-counter dealer, the total price for each purchase, the name

and address of the vendor at any private sale, and where possible the name and address of the beneficial owner of any debenture offered by such vendor;

(3) That no debentures shall be acquired directly or indirectly from officers or directors of applicant;

(4) That the acquisitions pursuant to this application shall be made on or before December 31, 1940;

(5) That the Commission reserve jurisdiction to terminate the authorization hereby given whenever it shall appear necessary in the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2335; Filed, June 11, 1940;
11:32 a. m.]

[File No. 59-8]

IN THE MATTER OF THE COMMONWEALTH & SOUTHERN CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER DENYING MOTION TO DISMISS

At a regular session of the Securities and Exchange Commission held at its

No. 114—3

office in the City of Washington, D. C., on the 8th day of June, A. D. 1940.

The Commonwealth & Southern Corporation having on May 27, 1940, filed in these proceedings a Motion to Dismiss; the Commission by Memorandum Opinion entered June 1, 1940, having determined that it would issue a statement of its tentative conclusions as requested in said Motion, and having on the same date entered an Order postponing the hearing in these proceedings subject to the further order of the Commission; and

Said The Commonwealth & Southern Corporation having requested that the Commission act upon said Motion to Dismiss at this time; and the Commission having considered said Motion to Dismiss, together with the brief accompanying said Motion, and being fully advised in the premises;

It is ordered, That said Motion to Dismiss be and is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2341; Filed, June 11, 1940;
11:33 a. m.]

[File No. 32-194]

IN THE MATTER OF KEYSTONE PUBLIC SERVICE COMPANY

AMENDATORY ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1940.

The Commission having on June 7, 1940 entered an order in the above-entitled proceeding granting the exemption applied for in said proceeding, subject to certain conditions set forth in said order,

It is ordered, That said order be and it is hereby amended by striking therefrom condition number 5 and inserting in lieu thereof the following:

5. The applicant reverse the entry or entries recorded on its books on December 31, 1938, transferring to Capital Surplus the deficit in Earned Surplus as of January 1, 1938 amounting to \$154,029.09.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2342; Filed, June 11, 1940;
11:33 a. m.]