





Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

### CONTENTS—Continued

TITLE 50—WILDLIFE:	
Bureau of Biological Survey:	Page
Alaska, regulations amended for Aleutian Islands Reservation.....	648
NOTICES	
Department of the Interior:	
Bituminous Coal Division:	
District Board No. 20, designation of employee member .....	649
Exemption application renewals:	
Daugherty, W. H., & Sons Refining Co.....	648
Patton Clay Manufacturing Co .....	648
Department of Labor:	
Wage and Hour Division:	
Shoe manufacturing and allied industries, oral argument on wage recommendation.....	649
Virginia - Smithfield meat packing industry, seasonal industry determination review.....	649
Woolen industry, written briefs on wage recommendations.....	649
Federal Power Commission:	
Louisville Gas and Electric Co., order to show cause and fix hearing date.....	650
Federal Trade Commission:	
Mills Sales Co., of N. Y., Inc., et al., order appointing examiner, etc.....	651
Securities and Exchange Commission:	
Adams, Charles True, Trustee, et al., hearing.....	651
Peoples Light Co., application granted, etc.....	651
United Light and Power Co., effectiveness of declaration.....	651

Conditions Governing the Issuance of Food Order Stamps to Persons in Low Income Groups in Shawnee, Oklahoma, Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities and Products" made and prescribed by the Acting Secretary of Agriculture on October 14, 1939, as amended, are hereby further amended by inserting at the end thereof the following:

"Any eligible person may designate a representative for the purpose of obtaining food stamp books, provided, however, that such representative is not the owner or employee of a retail food store or one who will derive any pecuniary benefit from the agency relationship".

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed hereto, in the City of Washington, this 9th day of February 1940.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

Effective Date, February 25, 1940.

[F. R. Doc. 40-621; Filed, February 9, 1940; 12:31 p. m.]

### TITLE 8—ALIENS AND CITIZENSHIP

#### CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-18]

#### PRIMARY INSPECTION AND DETENTION

##### CANCELLATION OF SECTION 3.32 OF TITLE 8, CODE OF FEDERAL REGULATIONS

FEBRUARY 9, 1940.

Pursuant to the authority contained in Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166; 8 U.S.C. 222), section 3.32 of Title 8, Code of Federal Regulations (Rule 3, Subd. H, Par. 5, Immigration Rules of January 1, 1930, Edition of December 31, 1936, as amended by G. O. 244, February 24, 1937, 2 F. R. 397), is hereby rescinded.

[SEAL] JAMES L. HOUGHTLING,  
Commissioner of Immigration and Naturalization.

[F. R. Doc. 40-622; Filed, February 9, 1940; 12:45 p. m.]

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

#### CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[B.A.I. Administrative Notice 4]

#### SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

§ 112.6<sup>1</sup> Trade labels; permission for use. Trade labels represented by those

<sup>1</sup>The numbering of the sections of B.A.I. administrative notices conforms to the numbering in title 9, chapter I, of The Code of Federal Regulations.

bearing Bureau stamp "Approved" shall not be affixed or otherwise applied to containers of veterinary biologics after June 30, 1940, nor shall such products so labeled be marketed by any licensee after December 31, 1940. Specimen labels to which no exceptions are taken by the Bureau will be stamped hereafter "Use Permitted Until Further Notice."

§ 112.7 Trade labels; directions for handling and use of product. Each trade label shall bear adequate directions for proper use of the product. The quantity of the contents of each immediate or true container must be shown on each label in units, grams, milligrams, or cubic centimeters. Such labels shall also give instructions to protect the product from light and keep it at a temperature of not more than 45° F. Trade labels for multiple-dose containers shall bear a warning that all the product should be used at the time the container is first opened. Trade labels and circular matter shall bear no statement, design, or device which may deceive the purchaser or which is false or misleading in any particular.

§ 112.8 Trade labels; names or terms. Names or terms on trade labels shall conform to the following list:

#### ANTITOXINS

Anaerobic antitoxin.  
Antivenin.  
Botulinus antitoxin.  
Tetanus antitoxin.

#### SERUMS

Antianthrax serum.  
Antibacterial serum: Bovine, Canine, Equine, Feline, Porcine.  
Antiblackleg serum.  
Anti-bronchisepticus-bacillus serum.  
Anti-canine-distemper serum.  
Antiencephalomyelitis serum: Eastern, Western, Eastern and western.  
Anti-feline-distemper serum.  
Anti-hemorrhagic-septicemia serum.  
Anti-hog-cholera serum.  
Antistreptococcus serum.  
Anti-swine-erysipelas serum.  
Gonadin serum.  
Normal serum.

#### AGGRESSINS

Blackleg cultural aggressin.  
Blackleg natural aggressin.  
Hemorrhagic-septicemia aggressin.

#### DIAGNOSTICS

Avian tuberculin.  
Johnin.  
Mallein.  
Pullorin.  
Tuberculin.

#### TOXOIDS

Staphylococcus aureus toxoid.  
Tetanus toxoid.

#### VACCINES AND VIRUSES

Anthrax spore vaccine.  
Blackleg cultural vaccine.  
Blackleg tissue vaccine.  
Brucella abortus vaccine.

Canine-distemper vaccine.  
 Canine-distemper virus.  
 Encephalomyelitis vaccine: Eastern,  
 Western, Eastern and western.  
 Fowl-laryngotracheitis vaccine.  
 Fowl-pox vaccine.  
 Hog-cholera vaccine.  
 Hog-cholera virus.  
 Ovine-ecthyma vaccine.  
 Pigeon-pox vaccine.  
 Rabies vaccine.  
 Swine-erysipelas vaccine (export only).  
 Wart vaccine.

**BACTERINS**

Anthrax bacterin.  
 Autogenous bacterin.  
 Avisepticus-gallinarum bacterin.  
 Blackleg bacterin.  
 Bronchisepticus-bacillus bacterin.  
 Bronchisepticus - streptococcus bacterin.  
 Clostridium chauvei-septicus bacterin.  
 Clostridium chauvei-welchii bacterin (export only).  
 Clostridium hemolyticum bacterin.  
 Colon-bacillus bacterin.  
 Felisepticus-bacillus bacterin.  
 Gallinarum-typhimurium bacterin.  
 Hemorrhagic-septicemia bacterin.  
 Listerella monocytogenes bacterin.  
 Pasteurella avicida bacterin.  
 Salmonella abortivoequina bacterin.  
 Staphylococcus bacterin.  
 Staphylococcus-streptococcus bacterin.  
 Streptococcus bacterin.

**MIXED BACTERINS**

Mixed bacterin: Avian, Bovine, Canine, Equine, Feline, Lepine, Ovine, Porcine.

§ 114.5 *Outlines of methods of production.* Outlines of methods of producing and testing each biologic under license shall be filed with the Bureau by the licensee. These outlines shall describe fully the entire process of producing and testing each product. No batch of product that is worthless, contaminated, dangerous, or harmful may be marketed. Tests that are applicable and necessary to prevent the marketing of such a product shall be made by the licensee. These tests include sterility, safety, potency, agglutination titer, complement fixation titer, and the like. Outlines to which no exceptions are taken by the Bureau will be stamped hereafter "Filed with the Bureau of Animal Industry (date)," in lieu of "Accepted," and copies will be returned to the licensee. Such outlines must be followed by the licensee until an amended outline has been filed with the Bureau. Exceptions may be taken by the Bureau to these filed outlines at any time.

§ 114.29 *Mixing the product.* Each batch or serial of product shall be mixed thoroughly in a single container and be constantly agitated during subsequent bottling operations. Serial numbers in sequence, with any other marking that may be necessary for ready comprehension, shall be used to identify each batch with the records of preparation and labeling.

§ 116.3 *Records and reports of tests.* Records of production, testing, and the like must be completed by the licensee before any part of a batch of any product may be marketed. Copies of such test records as the inspector in charge is authorized to receive must be delivered to him before any part of a batch of product is removed from the premises.

This notice, which is based on B.A.I. Order 276, dated August 18, 1922, shall be effective on and after February 15, 1940. The exact citations are as follows:

- § 112.6 Reg. 12, sec. 2, par. 7
- § 112.7 Reg. 12, sec. 2, pars. 1 to 4.
- § 112.8 Reg. 12, sec. 2, par. 7
- § 114.5 Reg. 14, sec. 1.
- § 114.29 Reg. 14, sec. 1
- § 116.3 Reg. 16, sec. 1, pars. 1 and 2.

All previous requirements are superseded to the extent that they conflict with this notice. Section 114.5 supersedes Circular Letter No. 1681, dated October 6, 1930.

[SEAL] J. R. MOHLER,  
 Chief of Bureau.

[F. R. Doc. 40-604; Filed, February 9, 1940; 9:48 a. m.]

**TITLE 18—CONSERVATION OF POWER  
 CHAPTER I—FEDERAL POWER  
 COMMISSION**

IN THE MATTER OF SEMIANNUAL REPORT REGARDING THE TRANSMISSION AND SALE OF ELECTRIC ENERGY IN INTERSTATE COMMERCE

JULY 29, 1938.

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

§ 211.1 *Order adopting and prescribing FPC Form No. 88 and directing that public utilities report semiannually on said form regarding the transmission and sale of electric energy in interstate commerce.* It appearing to the Commission that (a) The proper and effective administration of the Federal Power Act requires that the Commission be regularly and fully advised regarding the transmission and sale of electric energy in interstate commerce by public utilities subject to its jurisdiction; (b) The specific and detailed information called for on F.P.C. Form No. 88, hereinafter adopted and prescribed as a part hereof,<sup>1</sup> to be filed semiannually by public utilities subject to the jurisdiction of the Commission, is necessary to provide the Commission with pertinent data and information with respect to the transmission and sale of electric energy in interstate commerce under each separate rate schedule in effect, and to enable the Commission to carry out its duties and obligations under the Federal Power Act; The Commission orders that:

(A) F.P.C. Form No. 88 be and is hereby adopted and prescribed for use

<sup>1</sup> Filed as a part of the original document; requests for copies should be addressed to the Federal Power Commission.

by every public utility required to file the data and information as set forth in (B) below;

(B) Every public utility subject to the jurisdiction of the Commission shall regularly, on or before February 28th and August 31st of each year, for the six month periods preceding and ending on December 31st and June 30th, respectively, report and file with the Commission on said F.P.C. Form No. 88, for every rate schedule in effect, the detailed data and information therein called for with respect to the transmission of electric energy in interstate commerce and the sale of electric energy at wholesale in interstate commerce.

By the Commission.  
 [SEAL] LEON M. FUQUAY,  
 Secretary.

[F. R. Doc. 40-602; Filed, February 9, 1940; 9:30 a. m.]

**TITLE 19—CUSTOMS DUTIES  
 CHAPTER I—BUREAU OF CUSTOMS**

[T.D. 50088]

NOTICE OF ADDITIONAL DATA TO BE INCLUDED ON INVOICES COVERING BEADS

*To Collectors of Customs and Others Concerned:*

With reference to article 274 (e) (2), Customs Regulations of 1937, as amended by (1938) T.D. 49426 [Sec. 6.1 (c)], customs invoices of beads are required to set forth the following information in addition to all other information required by law and regulation:

1. The length of the string, if strung;
2. The size of the beads expressed in millimeters;
3. The color of the beads;
4. Whether the beads are opaque or transparent;
5. In the case of imitation pearl beads, the number of coats of essence used and the country of manufacture and quality of the essence.

(Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] BASIL HARRIS,  
 Commissioner of Customs.

Approved: February 6, 1940.

HERBERT E. GASTON,  
 Acting Secretary of the Treasury.

[F. R. Doc. 40-611; Filed, February 9, 1940; 12:10 p. m.]

**TITLE 24—HOUSING CREDIT  
 CHAPTER IV—HOME OWNERS' LOAN  
 CORPORATION**

[Administrative Order No. 2-248]

PART 402—LOAN SERVICE

PROCEDURE FOR BOARD APPROVAL OF PROPERTY PURCHASE BY CORPORATION EMPLOYEE

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.05-18 is amended to read as follows:

§ 402.05-18 *Property purchase by Corporation employee.* When an officer or employee of the Corporation desires to enter into a contract with a home owner to purchase any property on which the Corporation holds a loan or sales instrument, such officer or employee shall submit to the nearest State Office a statement of the proposed sale contract, with a statement by the home owner or other satisfactory evidence that said home owner has been informed of the purchaser's relationship to the Corporation and that the proposed sale agreement is voluntarily entered into. All statements and other information relating to the transaction shall be forwarded through the Partial Release and Property Transfer Section of the Regional Office to the Regional Manager. If the Regional Manager recommends approval of the transaction, he shall forward all information with respect to the proposed sale, together with the loan docket and his recommendations to the Property Committee in Washington. The Property Committee shall report the matter with its recommendations to the General Manager who, after review, will submit them, together with his recommendations, to the Board for final action. Unless specifically waived by the Board, the employee purchasing the property shall be required to execute Form 533 or otherwise to establish a Tax and Insurance Account.

(Effective date February 15, 1940)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,  
Acting Secretary.

[F. R. Doc. 40-615; Filed, February 9, 1940; 12:12 p. m.]

[Administrative Order No. 2-226]

#### PART 402—LOAN SERVICE

PROPERTY PURCHASE BY CORPORATION EMPLOYEE—NOT TO BE APPROVED UNLESS HOME OWNER HAS ESTABLISHED TAX AND INSURANCE ACCOUNT, OR UNLESS EMPLOYEE EXECUTES FORM 533

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.05-18 is amended by the inclusion of the following sentence at the end thereof:

"No such purchase by an employee of the Corporation shall be approved unless the home owner has already established

a Tax and Insurance Account, or unless the employee executes a Form 533." (Effective date November 20, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation, which are deemed to have general applicability and legal effect within the meaning of the Federal Register Act as amended.

[SEAL] J. FRANCIS MOORE,  
Acting Secretary.

[F. R. Doc. 40-616; Filed, February 9, 1940; 12:13 p. m.]

#### PART 402—LOAN SERVICE

PROPERTY PURCHASE BY CORPORATION EMPLOYEE TO BE APPROVED BY THE BOARD

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.05e is amended to read as follows:

§ 402.05e *Property purchase by Corporation employee.* Officers or employees of the Corporation are not permitted to purchase from home owners properties on which the Corporation holds a mortgage or sales instrument unless and until the transaction has been approved by the Board. Such cases shall be submitted to the Property Committee in Washington for their recommendation and reference to the General Manager who, after review, will submit them, together with his recommendations, to the Board for final action.

(Effective date February 15, 1940)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board on January 29, 1940.

[SEAL] J. FRANCIS MOORE,  
Acting Secretary.

[F. R. Doc. 40-617; Filed, February 9, 1940; 12:13 p. m.]

#### PART 406—LEGAL

INDEMNITY TO THIRD PARTIES—GENERAL MANAGER'S AUTHORITY

Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 406.04b is amended to read as follows:

§ 406.04b *Indemnity to third parties.* When any agreement or bond of indemnity, letter of assurance or other writing

is required of the Corporation, incident to payment to it by a third party or the execution of an instrument in its favor or the consummation of any sale of Corporation property, the General Manager, with the approval of the General Counsel, is authorized on behalf of the Corporation to execute and deliver such agreement, bond, letter or other writing or to approve the obtainment of such bond from a surety company. Such authority may be exercised also by the Regional Manager, with the approval of the Regional Counsel, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

(Effective date February 15, 1940)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board on January 29, 1940.

[SEAL] J. FRANCIS MOORE,  
Acting Secretary.

[F. R. Doc. 40-614; Filed, February 9, 1940; 12:12 p. m.]

[Administrative Order No. 662]

#### PART 406—LEGAL

INDEMNITY TO THIRD PARTIES—REGIONAL MANAGER'S AUTHORITY

Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 406.04-2 is added, reading as follows:

§ 406.04-2 *Indemnity to third parties.* When the title to any Corporation property is encumbered or affected by any judgment, decree, attachment or other process, writ or determination of any court or when there is any irregularity or defect in the title to any Corporation property and any prospective purchaser of such property raises objection to such title and it is impracticable to clear such irregularity or defect, and when in the opinion of the Regional Manager and the Regional Counsel it is in the interest of the Corporation that the Corporation convey such property with warranty or furnish to such purchaser, or to an approved title or abstract company or an officer of such court or other public official, its bond or agreement of indemnity or a surety bond of indemnity or its letter of assurance, then the Regional Manager, with the approval of the Regional Counsel, may direct that such conveyance with warranty or agreement, bond or letter be executed and delivered on behalf of the Corporation or that such surety bond be obtained for the Corporation, and may incur and approve the amount and payment of all charges and expenses necessary or proper in connection therewith (except legal fees, charges and expenses, which shall be incurred and the amount

and payment thereof approved as is provided in Part VI), and such conveyance, agreement, bond or letter may be so executed and delivered by any officer of the Corporation who is authorized to execute conveyances of Corporation property on its behalf; provided, always, that a duplicate original copy of any such agreement, bond or letter so executed and delivered shall be forwarded by the Regional Counsel to the Regional Treasurer and a copy shall also be forwarded to the General Counsel and Comptroller.

(Effective date February 15, 1940)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,  
Acting Secretary.

[F. R. Doc. 40-613; Filed, February 9, 1940; 12:12 p. m.]

[Administrative Order No. 663]

PART 406—LEGAL

CLOSING OF EXTENSIONS, CLOSING CERTIFICATE

Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 406.15-3 is amended to read as follows:

§ 406.15-3 *Closing certificate.* When the extension is closed by a fee attorney, title company, or salaried attorney of the Legal Department, the closer shall render an appropriate certificate, in form prescribed by the Regional Counsel, as to the closing of the transaction and the recording of instruments where recording is required; provided that the Regional Counsel may in his discretion waive the rendering of such certificate when no title examination is required. In every case, the closed extension file shall be reviewed by the Regional, State or Division Counsel, or by a salaried attorney of the Legal Department, and counsel reviewing such file shall indorse thereon the words "Reviewed and Approved", and attach his signature.

(Effective date February 15, 1940)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,  
Acting Secretary.

[F. R. Doc. 40-612; Filed, February 9, 1940; 12:12 p. m.]

TITLE 46—SHIPPING  
CHAPTER II—UNITED STATES  
MARITIME COMMISSION

[General Order 22, Supplement 1]

PRESCRIBING ACCOUNTING PROCEDURE AND METHOD OF APPLYING CREDITS IN TRANSACTIONS UNDER SECTION 510 OF THE MERCHANT MARINE ACT, 1936, AS AMENDED

At a regular session of the United States Maritime Commission held at its office in Washington, D. C., on the 8th day of February 1940.

The United States Maritime Commission acting pursuant to the authority granted by the Merchant Marine Act, 1936, as amended, particularly Sections 510 and 801 thereof, hereby adopts the following order effective forthwith.

*Ordered.* That the following procedure govern the treatment of adjustments in the accounts of operating-differential subsidy contractors (hereinafter referred to as "the contractor") incident to the transfer of an "obsolete vessel" to the Commission, in exchange for an allowance of credit, in accordance with Section 510 of the Merchant Marine Act, 1936, as amended, upon the purchase price of a "new vessel" constructed under the provisions of said Act:

1. (a) *As of the date* on which the "obsolete vessel" is *actually delivered to and title is acquired by* the Commission, the following entries shall be recorded in the accounts:

Debit Account 332—*Reserve for Amortization and Depreciation—Vessels* with the accrued reserve applicable to the "obsolete vessel" so transferred.

Debit Account 370—*U. S. Maritime Commission Allowance for Obsolete Vessels* (a new account hereby authorized for this purpose) with the amount allowed by the Commission for the "obsolete vessel". In instances where the owner of the "obsolete vessel" uses such vessel during the period of construction of the "new vessel" to replace it, the amount charged to this account shall be the *net* amount after deduction of the amount representing the fair value of such use as determined by the Commission.

Credit Account 331—*Floating Equipment—Vessels* with the gross book value of the "obsolete vessel" so transferred.

Credit Account 599—*Earned Surplus—Unappropriated* with the excess, if any, of the *net* amount allowed by the Com-

mission for the "obsolete vessel" over the net book value thereof at the time of actual delivery to the Commission, or should the net book value of the vessel exceed the allowance therefor by the Commission, the difference shall be *charged* to this account.

(b) Capital gains or losses, if any, resulting from transactions, as above described, shall *not* be taken into account in determining "net earnings" or "net profit" for the purposes of applying the reserve and recapture provisions of the operating-differential subsidy agreements.

(c) "Capital Necessarily Employed in the Business" shall be adjusted, pro rata, *from the date on which the "obsolete vessel" is actually delivered to and title is acquired by the Commission*, to take into account the net change in surplus, if any, resulting from the transaction.

2. Upon delivery of the "new vessel" to the contractor, the *gross* cost of such "new vessel" to the contractor, including the price fixed by the purchase contract, plus all interest charged the contractor on advances made by the Commission to the builder during the construction period, and any other charges properly capitalizable in accordance with sound accounting practices and principles, shall be recorded in *Account 331—Floating Equipment—Vessels*, without any deduction for the credit allowed by the Commission for the "obsolete vessel". This gross acquisition cost, together with the cost of subsequent betterments, shall be depreciated on the basis of a twenty (20) year economic life expectancy, in accordance with General Order No. 24 of the Commission.

3. The net amount of the credit allowed by the Commission for the "obsolete vessel" shall be available for application to the purchase price of the "new vessel" *only from the date on which the "obsolete vessel" is actually delivered to and title is acquired by the Commission.* Subject to this limitation, such credit may be applied, at the option of the contractor, toward the payment of the twenty-five (25) percent of the purchase price required to be made by the contractor upon delivery of the "new vessel" to it or against the purchase price remaining after the twenty-five (25) percent down payment has been made. If the "obsolete vessel" is retained in the service of the contractor during the period of construction of the "new vessel" and the credit allowance is to apply against the twenty-five (25) percent down payment, the contractor must make the cash payments, in the amounts and at the times required in the purchase contract, until the total of such cash payments when added to the estimated balance of the *net* credit allowance for the "obsolete vessel" that will be available upon delivery of the said "obsolete vessel" to the Commission, will equal the twenty-five (25) percent down payment on the purchase price re-

quired to be made by the contractor on or before the delivery date of the "new vessel". The "estimated balance of the net credit allowance" referred to in the preceding sentence shall be subject to determination or verification by the Commission, whose decision shall be final.

4. Should the net credit allowance for the "obsolete vessel" as determined by the Commission, together with cash payments (if any) made by the contractor during the period of construction of the "new vessel", be insufficient to cover the portion of the purchase price required to be paid by the contractor upon delivery of the "new vessel", the deficiency must be paid forthwith to the Commission by the contractor at that time. Conversely, should the net credit allowance for the "obsolete vessel", together with cash payments (if any) theretofore made by the contractor, exceed the portion of the purchase price required to be paid by the contractor upon delivery of the "new vessel", such excess may be applied to the unpaid balance of the purchase price of the "new vessel" in such manner as may be mutually agreed upon between the Commission and the contractor.

5. The foregoing contemplates, among other things, that, in instances where the "obsolete vessel" is retained in the service of the contractor during the period of construction of the "new vessel", the fair value of such use, as determined by the Commission, shall not be charged to the operating accounts of the contractor as charter hire or otherwise, but that during such period the contractor shall continue to accrue, on its books of account, depreciation applicable to the "obsolete vessel", provided such vessel previously has not been written down to residual value.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.,  
Secretary.

[F. R. Doc. 40-607; Filed, February 9, 1940;  
11:30 a. m.]

TITLE 50—WILDLIFE  
CHAPTER I—BUREAU OF  
BIOLOGICAL SURVEY

PART 30—ALASKA NATIONAL WILDLIFE  
REFUGES

REGULATIONS FOR THE ALEUTIAN ISLANDS  
RESERVATION, ALASKA

Pursuant to section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222-1224; 16 U.S.C. 715i), section 84 of the act of March 4, 1909, as amended April 15, 1924, 43 Stat. 98; 18 U.S.C. 145, to protect wildlife and property on Federal reservations, section 401 of the act of June 15, 1935, 49 Stat. 383, and the Alaska Game Law of January 13, 1925, as amended (43 Stat. 739, 46 Stat. 1170; 48 U.S.C. 192-211, 48 U.S.C. supp. 192-207), and

by virtue of authority under Executive Order No. 1733, of March 3, 1913, and the President's Reorganization Plan No. II<sup>1</sup> (53 Stat. 1431), and otherwise, the following amendment is hereby prescribed, effective immediately, to the "Regulations for the Aleutian Islands Reservation, Alaska," approved October 20, 1939,<sup>2</sup> by the Secretary of the Interior:

§ 30.10 (d) It is hereby ordered that the effective date for the fees required by regulation 4 [Sec. 30.10 (d)] for fur farming permits within the reservation, the fees for fox pelts removed from the reservation, including Unimak Island, and the requirement that such fox skins shall be sealed with a metal seal shall be deferred until July 1, 1940, and that all outstanding permits revoked as of October 20, 1939, by regulation 7 [Sec. 30.10 (g)] are hereby reinstated to be effective until June 30, 1940, under the same terms and conditions as prevailed under the regulations for the Aleutian Islands Reservation, Alaska, promulgated October 31, 1930 [S.R.A.—B.S. 74].

Approved February 1, 1940.

A. J. WIRTZ,  
Acting Secretary of the Interior.

[F. R. Doc. 40-603; Filed, February 9, 1940;  
9:30 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 493-FD]

IN THE MATTER OF THE APPLICATION OF  
PATTON CLAY MANUFACTURING COMPANY  
FOR EXEMPTION

ORDER REQUIRING RENEWAL OF APPLICATION  
FOR EXEMPTION

The Patton Clay Manufacturing Company having, on June 28, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in the manufacture of clay products in its plant located at Patton, Pennsylvania; and

The Commission having, on February 8, 1939, entered an order pursuant to such application in Docket No. 493-FD granting said application upon condition that the Commission may thereafter require the Applicant to apply annually for renewal of said order; and

The Director having determined that it is necessary to require Applicant to apply for a renewal of said order of February 8, 1939:

It is ordered, That said order of February 8, 1939, and the exemption

<sup>1</sup> 4 F.R. 2731.

<sup>2</sup> 4 F.R. 4449.

granted thereby, shall automatically terminate and expire, unless at the end of thirty days from the date of this order the Patton Clay Manufacturing Company shall have filed with the Director a verified application, requesting renewal of said order and the exemption granted thereby, and containing therein 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 or mines covered by the application for renewal of said order of February 8, 1939.

b. The total tonnage of bituminous coal produced by Applicant from such mines for a period of one year preceding the date of the filing of said application for renewal.

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

d. Whether any change has occurred in the ownership of the mine or mines in which the coal in question was produced, or in the ownership of the plant, factory or other facilities consuming such coal.

e. Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time said order of February 8, 1939, was entered and, if such change has occurred, the nature thereof.

Dated February 8, 1940.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 40-618; Filed, February 9, 1940;  
12:16 p. m.]

[Docket No. 567-FD]

IN THE MATTER OF THE APPLICATION OF  
W. H. DAUGHERTY & SONS REFINING  
COMPANY FOR EXEMPTION

ORDER REQUIRING RENEWAL OF APPLICATION  
FOR EXEMPTION

The W. H. Daugherty & Sons Refining Company having, on November 25, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by Applicant to itself for consumption by it in its oil refinery located at Petrolia, Pennsylvania; and

The Commission having, on February 8, 1939, entered an order pursuant to such application in Docket No. 567-FD granting said application upon condition that the Commission may thereafter require the Applicant to apply annually for renewal of said order; and

The Director having determined that it is necessary to require Applicant to apply

for a renewal of said order of February 8, 1939:

*It is ordered*, That said order of February 8, 1939, and the exemption granted thereby, shall automatically terminate and expire, unless at the end of thirty days from the date of this order the W. H. Daugherty & Sons Refining Company shall have filed with the Director a verified application, requesting renewal of said order and the exemption granted thereby, and containing therein 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 or mines covered by the application for renewal of said order of February 8, 1939.

b. The total tonnage of bituminous coal produced by Applicant from such mines for a period of one year preceding the date of the filing of said application for renewal.

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

d. Whether any change has occurred in the ownership of the mine or mines in which the coal in question was produced, or in the ownership of the plant, factory or other facility consuming such coal.

e. Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time said order of February 8, 1939, was entered and, if such change has occurred, the nature thereof.

Dated, February 8, 1940.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 40-619; Filed, February 9, 1940;  
12:16 p. m.]

[Order No. 289]

**AN ORDER AMENDING ORDER NO. 277, AS AMENDED, WITH RESPECT TO THE DESIGNATION OF THE EMPLOYEE MEMBER OF DISTRICT BOARD NO. 20**

The United Mine Workers of America, pursuant to Order No. 277 of the National Bituminous Coal Commission, having selected Alfred Carey for appointment as a member of District Board No. 20, vice John M. Ross, resigned;

*It is ordered*:

1. That paragraph 2 of said Order No. 277 be and the same is hereby amended by substituting, opposite the words "District 20—Utah:", the name of Alfred Carey, Box 904, Cheyenne, Wyoming, vice John M. Ross, Box 904, Cheyenne, Wyoming, resigned.

2. Except as modified by Order No. 279, by Order No. 281 and by this Order,

Order No. 277 shall remain in full force and effect.

Dated, February 8, 1940.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 40-620; Filed, February 9, 1940;  
12:18 p. m.]

**DEPARTMENT OF LABOR.**

**Wage and Hour Division.**

**NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BRIEFS TO THE ADMINISTRATOR ON OR BEFORE MARCH 5, 1940, IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 1A FOR MINIMUM WAGES IN THE WOOLEN INDUSTRY**

Whereas a hearing<sup>1</sup> has been held from February 5, 1940, to February 7, 1940, before Thomas Holland, the duly appointed representative of the Administrator, at which all persons interested in the report and recommendations of Industry Committee No. 1A concerning minimum wage rates for the Woolen Industry were given opportunity to be heard and to offer evidence, and

Whereas it is the intention of the Administrator to give opportunity to all persons who appeared at said hearing to argue orally before him at some future time, notice of which will be given in the FEDERAL REGISTER,

Now, therefore, notice is hereby given that, as announced at the hearing, the Administrator will receive written briefs (not fewer than 12 copies) at the Department of Labor, Washington, D. C., from persons who have entered an appearance at said hearing, bearing on the issues which are before him in this matter provided that such briefs are submitted to him on or before 4:30 P. M., Tuesday, March 5, 1940.

Signed at Washington, D. C., this 9th day of February 1940.

HAROLD D. JACOBS,  
Administrator.

[F. R. Doc. 40-625; Filed, February 9, 1940;  
12:46 p. m.]

**NOTICE OF ORAL ARGUMENT BEFORE THE ADMINISTRATOR IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 6 FOR MINIMUM WAGES IN THE SHOE MANUFACTURING AND ALLIED INDUSTRIES**

Whereas a hearing<sup>2</sup> has been held from December 11, 1939, to December 16, 1939, before Major Robert N. Campbell, the duly appointed representative of the Administrator, at which all persons interested in the report and recommendation of Industry Committee No. 6 concerning a minimum wage rate for the Shoe Manufacturing and Allied Industries were given opportunity to be heard and to offer evidence, and

<sup>1</sup> 5 F.R. 425.  
<sup>2</sup> 4 F.R. 4798.

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given that the Administrator will hear oral argument upon the complete record of said hearing on March 5, 1940, at 10 A. M., in Room 3229, in the Department of Labor Building, 14th & Constitution Ave. NW., Washington, D. C., by any person who entered an appearance at said hearing, provided that on or before March 1, 1940, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at Washington, D. C., this 9th day of February 1940.

HAROLD D. JACOBS,  
Administrator.

[F. R. Doc. 40-623; Filed, February 9, 1940;  
12:45 p. m.]

**NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION THAT THE VIRGINIA-SMITHFIELD MEAT PACKING INDUSTRY IS AN INDUSTRY OF A SEASONAL NATURE PURSUANT TO SECTION 7 (B) (3) OF THE FAIR LABOR STANDARDS ACT OF 1938 AND PART 526 AS AMENDED OF REGULATIONS ISSUED THEREUNDER**

Whereas applications have been made by the Virginia-Smithfield Meat Packers Association and sundry other parties, under Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations applicable to Industries of a Seasonal Nature), issued by the Administrator thereunder, for partial exemption of the Virginia-Smithfield Meat Packing industry from the maximum hours provisions of Section 7 (a) of said Act pursuant to Section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas a public hearing<sup>1</sup> on said applications was held before Harold Stein, the representative of the Administrator, duly authorized to take testimony, hear argument and determine whether or not the Virginia-Smithfield Meat Packing industry is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder; and

Whereas, following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

(1) The curing and packing of Virginia-Smithfield cured meats by the Virginia-Smithfield meat packers is an industry or branch of an industry within the meaning of the Fair Labor Standards Act; and

(2) The curing and packing of the Virginia-Smithfield cured meats by the Virginia-Smithfield meat packers takes

<sup>1</sup> 5 F.R. 24.

place during the period, November through March, and ceases during the period, April through October, because of the fact that owing to climate and other natural conditions the peanut-fed hog used for this cure is not available from April to November in the form in which it is handled and processed, and therefore the curing and packing of Virginia-Smithfield cured meats is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder.

(3) As used herein, "Virginia-Smithfield cured meats" means those cured from the peanut-fed hog by the long process, non-refrigerated meat curing methods.

(4) "Virginia-Smithfield meat packers" as used herein means those establishments engaged solely, or almost solely in the curing of meats from peanut-fed hogs by the long process, non-refrigerated meat curing methods in the peanut belt of eastern Virginia.

This determination is without prejudice to a determination on applications from other meat packers operating in substantially the same manner for the same reasons.

Whereas said Findings and Determination were duly filed with the Administrator on February 6, 1940, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

Now, therefore, pursuant to the provisions of Section 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 9th day of February 1940.

HAROLD D. JACOBS,  
Administrator.

[F. R. Doc. 40-624; Filed, February 9, 1940;  
12:46 p. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. IT-5597]

IN THE MATTER OF LOUISVILLE GAS AND  
ELECTRIC COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE OF  
HEARING THEREON

FEBRUARY 7, 1940.

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

The Commission, having under consideration the failure of Louisville Gas

and Electric Company to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licenses, and with the Commission's order of May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its order No. 42 dated June 16, 1936, adopted a Uniform System of Accounts for Public Utilities and Licensees, subject to the provisions of the Federal Power Act, and by its Order No. 43 dated December 31, 1936, amended said Uniform System of Accounts;

(b) Louisville Gas and Electric Company owns and operates facilities for the transmission of electric energy in interstate commerce and for the sale of electric energy at wholesale in interstate commerce, is a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts and is a Class A Utility under said Uniform System of Accounts;

(c) Louisville Gas and Electric Company, licensee of projects Nos. 289 and 1000, is a licensee within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts and is a Class A Licensee under said Uniform System of Accounts;

(d) By order adopted May 11, 1937, the Commission directed all Class A Public Utilities and Licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D, said data, statements, and information to be submitted on or before January 1, 1939;

(e) Order No. 42, adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending said Uniform System of Accounts, and the order of May 11, 1937, directing all Public Utilities and Licensees to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts were duly served upon Louisville Gas and Electric Company;

(f) The Commission, by its letter of January 3, 1939, at the request of Louisville Gas and Electric Company, granted Louisville Gas and Electric Company an extension of time from January 1, 1939, to July 1, 1939, in which to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of May 11, 1937;

(g) The application of Louisville Gas and Electric Company filed June 5, 1939, for a further extension of time was denied by order of the Commission dated

June 16, 1939, in the matter of Louisville Gas and Electric Company Docket No. IT-5555, it appearing that good cause had not been shown for such further extension of time; the petition of Louisville Gas and Electric Company filed July 12, 1939, to set aside the Commission's order of June 16, 1939, was denied by Commission's order dated July 28, 1939; and the petition of Louisville Gas and Electric Company filed August 28, 1939, for rehearing on Commission's order of July 28, 1939, was not acted upon within thirty days after the date of filing thereof and, therefore, may be deemed to have been denied;

(h) Louisville Gas and Electric Company has failed to file the data, statements, and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by Commission's order adopted May 11, 1937;

(i) Louisville Gas and Electric Company has not made diligent effort to reclassify its electric plant and has wilfully and knowingly refused and failed to file the data, statements, and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937, and Louisville Gas and Electric Company still persists in the wilful and knowing violation of said Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order of May 11, 1937;

The Commission orders that:

Louisville Gas and Electric Company, under oath, show cause, if any there be, at a public hearing to be held for that purpose on March 11, 1940, at 10 o'clock a. m., in Court Room No. 1, Federal Building, Louisville, Kentucky;

(i) Why the Commission should not institute appropriate proceedings under Section 314 of the Federal Power Act to enforce compliance with the aforesaid Order No. 42, dated June 16, 1936, Order No. 43, dated December 31, 1936, Order dated May 11, 1937, Order dated June 16, 1939, and Order dated July 28, 1939; and

(ii) Why the Commission should not transmit to the Attorney General, for the institution of necessary criminal proceedings under the Federal Power Act, particularly Section 316, such evidence as may be available concerning such acts or practices of the Louisville Gas and Electric Company as may appear to have constituted a violation of the provisions of the Federal Power Act, any rule or regulation thereunder or the aforesaid orders of the Commission.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-601; Filed, February 9, 1940;  
9:30 a. m.]



**FEDERAL TRADE COMMISSION.**

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of February, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

[Docket No. 3910]

**IN THE MATTER OF MILLS SALES COMPANY OF NEW YORK, INC., A CORPORATION, AND DAVID JACOBY, EVELYN JACOBY, JOSEPH JACOBY, ESTELLE J. KRUGER AND WALTER JACOBY, INDIVIDUALLY AND AS OFFICERS OF MILLS SALES COMPANY OF NEW YORK, INC.**

**ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, March 4, 1940, at eleven o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 40-605; Filed, February 9, 1940; 10:47 a. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

*United States of America—Before the Securities and Exchange Commission*

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 February, A. D. 1940.

[File No. 47-50]

**IN THE MATTER OF PEOPLES LIGHT COMPANY**

**SUPPLEMENTAL ORDER GRANTING APPLICATION, ETC.**

The Commission having on January 5, 1940 by order granted the application of Peoples Light Company concerning the acquisition of the electric utility assets and equipment of The Bettendorf Company for the sum of \$125,000; and

It appearing that the aforesaid transaction, as heretofore approved by the Commission, contemplated the advancement of the necessary cash on open account by The United Light and Power Company, a registered holding company, to its subsidiary, Peoples Light Company; and

It further appearing that the aforesaid purchase was effected during the month of January, 1940, but the cash advance by The United Light and Power Company to the Peoples Light Company was not made before the effective date of Rule U-12B-1; and

The United Light and Power Company having filed a petition to intervene in the above-entitled matter and a declaration pursuant to Rule U-12B-1 regarding said cash advance in the amount of \$125,000, in which it requests that said declaration may become effective on the earliest possible date, and it appearing that the transaction as proposed is in the public interest and in the interest of investors and consumers and not in circumvention of any provisions of the Act<sup>1</sup> or rule or order of the Commission thereunder;

*It is ordered*, That the application by The United Light and Power Company for leave to intervene in the above-entitled matter is hereby granted forthwith; and

*It is further ordered*, That the declaration by The United Light and Power Company pursuant to Rule U-12B-1 shall be permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 40-608; Filed, February 9, 1940; 12:10 p. m.]

*United States of America—Before the Securities and Exchange Commission*

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 February, A. D. 1940.

[File No. 67-3]

**IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY**

**AN ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE**

The United Light and Power Company, a registered holding company, having filed on January 30, 1940, a declaration pursuant to Rule U-12B-1, promulgated under the Public Utility Holding Company Act of 1935, by which declaration The United Light and Power Company proposes to make a capital contribution in the amount of \$565,000 to Iowa City Light and Power Company, its wholly-owned subsidiary; and

The United Light and Power Company having requested that the Commission

<sup>1</sup> Public Utility Holding Company Act of 1935—Sections 10 (a) (2) and 10 (a) (3).

permit such declaration to become effective as to \$100,000 of said proposed capital contribution on the 8th day of February, 1940; and

Said declarant having on February 7, 1940 filed an amendment to said declaration and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to accelerate the effective date of said amendment; and

The Commission having on January 31, 1940 given notice, that pursuant to the provisions of Rule U-12B-1, said declaration would become effective on the 19th day of February, 1940, unless prior to that date the Commission should issue an order for hearing on such declaration or unless the Commission should grant the request of the declarant in permitting an acceleration of the order with respect to the sum of \$100,000 on the 8th day of February, 1940; and

The Commission not having received any request that a hearing be held with respect to said declaration and not having entered an order for hearing thereon and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said request of declarant for such acceleration;

*It is ordered*, That the declaration filed by The United Light and Power Company pursuant to Rule U-12B-1 be permitted to become effective forthwith, as to the said proposed capital contribution in the amount of \$100,000.

*It is further ordered*, That said declaration, as amended, shall become effective, as to the balance of said \$565,000, on February 19, 1940 unless, prior thereto, the Commission shall issue an order for hearing thereon or such effective date shall otherwise be postponed in accordance with the provisions of such rule.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 40-609; Filed, February 9, 1940; 12:10 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1940.

[File No. 58-50]

**IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION, DEBTOR, DERBY GAS & ELECTRIC CORPORATION, THE DERBY GAS AND ELECTRIC COMPANY, THE WALLINGFORD GAS LIGHT COMPANY, THE DERBY GAS AND ELECTRIC CORPORATION OF CONNECTICUT**

**NOTICE OF AND ORDER FOR HEARING**

An application pursuant to the Public Utility Holding Company Act of 1935,

having been duly filed with this Commission by the above-named parties;

*It is ordered,* That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on February 28, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered,* That Edward C. Johnson 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 any 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 such declarant or applicant 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 February 23, 1940.

The matter concerned herewith is in regard to a proposed plan for the liquidation of Derby Gas & Electric Corporation and the merger of its two wholly owned subsidiaries, The Derby Gas and Electric Company and The Wallingford Gas Light Company, into The Derby Gas and Electric Corporation of Connecticut. Derby Gas & Electric Corporation is an intermediate holding company of Utilities Power & Light Corporation. The Trustee of the Estate of Utilities Power & Light Corporation holds all of the 50,000 outstanding shares of common stock, and, through a wholly owned subsidiary, controls 3,064 shares of the \$7 preferred and 93 shares of the \$6.50 preferred of Derby Gas & Electric Corporation. In addition, the Trustee of the Estate of Utilities Power & Light Corporation holds an open account indebtedness of Derby Gas & Electric Corporation in the amount of \$5,000,000 bearing interest at 5% per annum. It is stated that 16,936 shares of such \$7 preferred and 1,407 shares of such \$6.50 preferred stock of Derby Gas & Electric Corporation are outstanding with the public.

Upon consummation of the plan, the new company, The Derby Gas and Electric Corporation of Connecticut, is to own the present assets of The Derby Gas and Electric Company and The Wallingford Gas Light Company, plus a certain amount of additional cash and will have

issued \$3,250,000 principal amount of its 3½% First Mortgage Sinking Fund Thirty-Year Bonds and an amount of no par common stock which has not yet been determined. It is proposed to pay the \$5,000,000 open account indebtedness to the Trustee of Utilities Power & Light Corporation and the other obligations of the Derby Gas & Electric Corporation, in part from proceeds realized from the sale of such bonds and in part out of the proceeds of the sale of common stock of the new company. The balance of such common stock is to be distributed under the plan to the holders of the preferred stocks of Derby Gas & Electric Corporation. Nothing is to be distributed in respect to the common stock of Derby Gas & Electric Corporation.

In carrying out the plan, Derby Gas & Electric Corporation will transfer to The Derby Gas and Electric Corporation of Connecticut the following: all the capital stock of The Derby Gas and Electric Company and of The Wallingford Gas Light Company; loans receivable from such companies in the aggregate amount of \$113,280; and \$200,000 in cash payable out of the proceeds of the sale of bonds to be issued by The Derby Gas and Electric Corporation of Connecticut.

The Derby Gas and Electric Corporation of Connecticut, in consideration of the foregoing transactions, will issue to Derby Gas & Electric Corporation \$3,250,000 principal amount of its 3½% First Mortgage Sinking Fund Thirty-Year Bonds (or pay the proceeds of sale of such bonds to Derby Gas & Electric Corporation) and not more than 200,000 shares of its common stock. In addition, all expenses incurred by reason of the plan are to be borne by the new company.

The applicants have specified the following sections of the Act and rules promulgated under said Act as applicable to the above transactions and request that the Securities and Exchange Commission issue its order or orders:

"A. Approving, pursuant to Rule U-12F-1, the sale of the capital stocks of The Derby Gas and Electric Company and The Wallingford Gas Light Company by Derby Gas & Electric Corporation to The Derby Gas and Electric Corporation of Connecticut.

"B. Approving, pursuant to Rule U-10A-1, the acquisition of the capital stocks of The Derby Gas and Electric Company and The Wallingford Gas Light Company by The Derby Gas and Electric Corporation of Connecticut.

"C. Approving, pursuant to Rule U-12F-1, the sale of utility assets by The Derby Gas and Electric Company and The Wallingford Gas Light Company to The Derby Gas and Electric Corporation of Connecticut.

"D. Approving, pursuant to Section 10 (a), or exempting, pursuant to Section 9 (b) (1), the acquisition of utility

assets of The Derby Gas and Electric Company and The Wallingford Gas Light Company by The Derby Gas and Electric Corporation of Connecticut.

"E. Finding, pursuant to Section 6 (a) of the Act, that an application, pursuant to the third sentence in 6 (b) of the Act, or a declaration, pursuant to the provisions of Section 7 of the Act, is effective with respect to the issuance of bonds and common stock by The Derby Gas and Electric Corporation of Connecticut (name to be changed effective upon merger to 'Derby Gas & Electric Company').

"F. Approving, pursuant to Section 9 (a), the acquisition of bonds and common stock of Derby Gas & Electric Company by Derby Gas & Electric Corporation, or finding such acquisition to be exempt by reason of Rule U-9C-3 (9) B.

"G. Approving, pursuant to Rule U-12D-1, the sale of bonds and stock of Derby Gas & Electric Company by Derby Gas & Electric Corporation.

"H. Approving, pursuant to Section 9 (a), the acquisition by Charles True Adams, as Trustee of the Estate of Utilities Power & Light Corporation, Debtor, (directly, or through his wholly owned subsidiary, Utilities Power & Light Corporation, Limited) or by Ogden Corporation as his successor in interest, of common stock of Derby Gas & Electric Company, to be distributed in liquidation on account of the preferred stocks of Derby Gas & Electric Corporation, or finding such acquisition to be exempt, pursuant to Rule U-9C-3 (5).

"I. Approving, pursuant to Rule U-12C-2, the declaration of a final liquidating dividend by Derby Gas & Electric Corporation to the holders of its preferred stocks, payable in shares of common stock of Derby Gas & Electric Company.

"J. Approving, pursuant to Sections 12 (d), the cancellation of the common stock of Derby Gas & Electric Corporation held by Charles True Adams as Trustee, or by Ogden Corporation as his successor in interest, or finding that such cancellation is not a "sale" within the definition of said term as contained in Section 2 (a) (23).

"K. Granting such other and further relief, whether by order, authorization, approval, issuance of report or reports, or exemption, as may be appropriate or necessary in connection with the consummation of said Plan or any matters incident thereto under and pursuant to the Public Utility Holding Company Act of 1935, the rules and regulations promulgated thereunder, and the orders of this Commission in the premises."

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-610; Filed, February 9, 1940;  
12:10 p. m.]

