

## § 250.20

### FORMS, PROCEDURE AND ACCOUNTS

#### § 250.20 Prescribed forms and amendments.

(a) *General provisions.* (1) Any provision in the rules in this part requiring the filing of any application, declaration, report or other document on a specified form or upon the proper or appropriate form, means that such document shall comply with the requirements of such form and the instructions thereto, as most recently amended by the Commission.

(2) Any application or declaration unless otherwise stated therein shall be deemed to constitute a request for appropriate Commission authorizations (or exemption) of the proposed transaction or any part thereof, and the Commission may consider the transaction or any part thereof under the appropriate provisions of the act or rules, whether or not such provisions of the act or rules are specifically designated in the application or declaration.

(3) The Commission may for cause shown, authorize a modification of particular requirements with respect to the filing of information or regarding reports or accounts, or the filing of information after the date otherwise required by these rules or by the appropriate form, or may require filing of additional information; such authorization or requirement may be evidenced in any appropriate manner.

(b) *Amendments.* Amendments to any such document, other than amendments to applications or declarations filed on Form U-1, shall comply with the requirements of the original document and shall state the complete text of each item amended. Amendments shall be filed under cover of the form amended, and shall be marked with the suffix "/A" to designate the document as an amendment, e.g., "U-7D/A."

(c) *Form U-1 (§ 259.101 of this chapter).* Applications and amendments thereto under section 6(b), 9(c)(3) and 10 of the Act and declarations and amendments thereto pursuant to sections 7, 12(b), 12(c), 12(d) or 12(f) of the Act or any rule of the Commission thereunder, shall be filed on Form U-1. Amendments shall be marked either "U-1/A" to designate the document as a pre-

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fective amendment or "POS AMC" to designate the document as a post-effective amendment.

(d) *Certificates of notification.* Form U-6B-2 is prescribed for any certificate of notification pursuant to the last sentence of section 6(b) of the Act. Such certificate shall be filed within 10 days after the issuance or sale of any securities exempted from the provisions of section 6(a) by or under the authority of section 6(b) (49 Stat. 814; 15 U.S.C. 79f), which is neither the subject of a declaration or application on Form U-1 nor included within the exemption provided by § 250.48.

(e) *Matters as to which no form is prescribed.* As to any proposed transactions, and any request for an order, for which no form of application is prescribed, applicant shall state the facts relied upon as the basis for any action which the Commission is asked to take, and shall furnish by amendment such other information as the Commission may require.

(f) *Electronic filings.* (1) Electronic filers are subject to Regulation S-T (Part 232 of this chapter) and the EDGAR Filer Manual. Any rule or instruction therein shall be controlling unless otherwise specifically provided in rules or instructions pertaining to the submission of a specific form.

(2) The terms "EDGAR," "EDGAR Filer Manual," "electronic filer," "electronic filing," "electronic format," "electronic submission," "paper format," and "signature" shall have the meanings assigned to such terms in Regulation S-T—General Rules for Electronic Filings (§§ 232.10 and 237.302 of this chapter).

[6 FR 2015, Apr. 19, 1941, as amended at 19 FR 5211, Aug. 18, 1954; 58 FR 15005, Mar. 18, 1993]

#### § 250.21 Filing of documents.

(a) *General provision.* All documents required to be filed with the Commission shall be delivered through the mails or otherwise to the Securities and Exchange Commission, Washington, DC 20549. Except as otherwise provided by the rules, such documents shall be deemed to have been filed with the Commission on the date when they are actually received by it.

(b) *Electronic filings.* (1) All documents required to be filed with the

Commission under the Act or the rules and regulations thereunder must be filed at the principal office in Washington, DC via EDGAR by delivery to the Commission of a magnetic cartridge or by direct transmission.

(2) The date of filing of documents shall be determined in the manner set forth in rule 13 of Regulation S-T (§232.13 of this chapter).

[6 FR 2015, Apr. 19, 1941, as amended at 58 FR 15005, Mar. 18, 1993; 65 FR 24801, Apr. 27, 2000]

#### § 250.22 Applications and declarations.

(a) *Joinder.* As far as practicable combined or joint applications or declarations shall be filed with respect to the same or related transactions or where related questions of law or fact are involved, and the Commission will dispose of the matter simultaneously or otherwise as may be appropriate.

(b) *Incorporation by reference.* (1) If any information required to be filed in any application or declaration is contained in any document previously or concurrently filed with the Commission pursuant to any Act administered by it, the application or declaration may, subject to the limitations of §228.10(f) and §229.10(d) of this chapter, incorporate such information by exact and specific reference to the filing in which it was physically filed. The Commission may refuse to permit incorporation by reference in any instance where, in its opinion, such incorporation is confusing, misleading or inadequate.

(2) *Electronic filings.* Any application or declaration filed in electronic format may incorporate by reference any information contained in any document previously or concurrently filed with the Commission under any Act administered by it, provided that, if amended, the document or amendment has been filed in accordance with the requirements of rule 102 of Regulation S-T (§232.102 of this chapter). Such information shall be incorporated by specific reference to the electronic filing in which it was filed, including the filer's name, the file number, the form type and the date filed.

(c) *Verification.* All applications and declarations shall be appropriately verified by an authorized officer of the applicant of declarant having knowl-

edge of the facts, except as otherwise specifically provided in the applicable form.

(d) *Formal specifications.* All applications, declarations, certificates and statements, and any amendments thereto, shall be filed in triplicate. One copy shall be signed but the other two copies may have facsimile or typed signatures. Applications and declarations, amendments thereto, and where practicable, all papers filed as a part thereof shall be on good quality, unglazed, white paper, no larger than 8½×11 inches in size. To the extent that the reduction of larger documents would render them illegible, such documents may be filed on paper larger than 8½×11 inches in size. All documents filed shall be bound on the left side in such manner as to leave the reading matter legible, and shall be printed, lithographed, mimeographed, typewritten, or prepared by any process which, in the opinion of the Commission, produces copies suitable for permanent records and microfilming. Irrespective of the process used, all copies of such material shall be clear, easily readable and suitable for repeated photocopying. Debits and credits in financial statements shall be clearly distinguishable as such on photocopies.

(e) The manually signed original (or in the case of duplicate originals, one duplicate original) of all registrations, applications, statements, reports, or other documents filed under the Public Utility Holding Company Act of 1935, as amended, shall be numbered sequentially (in addition to any internal numbering which otherwise may be present) by handwritten, typed, printed, or other legible form of notation from the facing page of the document through the last page of that document and any exhibits or attachments thereto. Further the total number of pages contained in a numbered original shall be set forth on the first page of the document.

(f) *Proposed notice.* A proposed notice of the proceeding initiated by the filing of an application or a declaration shall accompany each application or declaration as an exhibit thereto and, if necessary, shall be modified to reflect