

FY22–2

III. Notice of Commission Action

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### I. Introduction

On December 13, 2021, the Postal Service filed a notice with the Commission pursuant to 39 CFR 3035.105 and Order No. 546,<sup>1</sup> concerning the inbound portions of an Inbound Competitive Multi-Service Agreement with a Foreign Postal Operator (FPO) which the Postal Service seeks to include within the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 (MC2010–34 product).<sup>2</sup>

### II. Summary of the FPO–USPS Agreement FY22–2

The FPO–USPS Agreement FY22–2 is intended to become effective on January 1, 2022, and will, unless terminated earlier, expire on December 31, 2023. Except as otherwise agreed by contract, the FPO exchanges mail with the Postal Service and applies the Universal Postal Convention and Universal Postal Convention Regulations to those exchanges. The competitive services offered by the Postal Service to the FPO in FPO–USPS Agreement FY22–2 include rates for inbound parcels, packets, and international Express Mail Service. Notice at 5–6. The Postal Service states that “[m]any rates will be based on a per-piece and per-kilo structure and in Special Drawing Rights. . . .” *Id.* at 6 (footnote omitted). Only the inbound portions of the FPO–USPS Agreement FY22–2 that concern competitive products are included in the proposal filed in this docket. *Id.* Outbound delivery of competitive postal products within the FPO’s country have not previously been presented to the Commission and are not presented in this Notice. *Id.*

Accompanying the Notice are:

- Attachment 1—an application for non-public treatment of materials to maintain redacted portions of the agreement and supporting documents under seal;
- Attachment 2—a redacted copy of FPO–USPS Agreement FY22–2;
- Attachment 3—a copy of the Governors’ Decision No. 19–1;

<sup>1</sup> Docket Nos. MC2010–34 and CP2010–95, Order Adding Inbound Competitive Multi-Service Agreements with Foreign Postal Service Operators 1 to the Competitive Product List and Approving Included Agreement, September 29, 2010 (Order No. 546).

<sup>2</sup> See Notice of United States Postal Service of Filing Functionally Equivalent Inbound Competitive Multi-Service Agreement with Foreign Postal Operator—FY22–2, December 13, 2021, at 1 (Notice). The Postal Service refers to the agreement as “FPO–USPS Agreement FY22–2.” *Id.*

- Attachment 4—a certified statement required by 39 CFR 3035.105(c)(2); and
- Supporting financial documentation as separate Excel files.

The Postal Service asserts that “[t]he FPO–USPS Agreement FY22–2 is functionally equivalent to the baseline agreement filed in Docket No. MC2010–34 because the terms of this agreement are similar in scope and purpose to the terms of the CP2010–95 Agreement” that is used for functional equivalency analyses of the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 product.<sup>3</sup> The Postal Service states that “[b]ecause the FPO–USPS Agreement FY22–2 and the CP2010–95 Agreement incorporate the same cost attributes and methodology, the relevant cost and market characteristics are similar.” Notice at 9.

Additionally, the Postal Service asserts that the FPO–USPS Agreement FY22–2 is in compliance with 39 U.S.C. 3633. *Id.* The Postal Service states further that the FPO–USPS Agreement FY22–2 is essentially an updated version of the FPO–USPS Agreement FY20–1, which was previously included in the Inbound Competitive Multi-Service Agreements with Postal Operators 1 product.<sup>4</sup>

The Postal Service asserts that its proposed addition of FPO–USPS Agreement FY22–2 to the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 product is also supported by prior Commission determinations that bilateral agreements with FPOs and negotiated service agreements should be included in the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 product. Notice at 3–4.

### III. Notice of Commission Action

The Commission establishes Docket No. CP2022–36 for consideration of the Notice pertaining to FPO–USPS Agreement FY22–2 and the related rates and classifications. The Commission invites comments on whether the Postal

<sup>3</sup> Notice at 3. An agreement (the CP2010–95 Agreement) was originally presented to the Commission in Docket No. CP2010–95 for inclusion in the Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 product. Order No. 546 at 8–10. The CP2010–95 Agreement was subsequently accepted by the Commission as the baseline agreement for functional equivalency analyses of the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 product. Docket No. CP2011–69, Order Concerning an Additional Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 Negotiated Service Agreement, September 7, 2011, at 5 (Order No. 840). See also Notice at 7–9.

<sup>4</sup> Notice at 3. See Docket No. CP2020–144, Order Approving Additional Inbound Competitive Multi-Service Agreement with Foreign Postal Operator—FY20–1, June 25, 2020, at 7 (Order No. 5565).

Service’s filing is consistent with the requirements of 39 U.S.C. 3633 and 39 CFR 3035.105 and whether it is functionally equivalent to the baseline agreement included in the Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 product (MC2010–34). Comments are due no later than December 21, 2021. Public portions of this filing can be accessed via the Commission’s website ([www.prc.gov](http://www.prc.gov)).

The Commission appoints Jennaca D. Upperman to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

### IV. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. CP2022–36 for consideration of the matters raised in this docket.

2. Pursuant to 39 U.S.C. 505, Jennaca D. Upperman is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments are due no later than December 21, 2021.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Erica A. Barker,**

*Secretary.*

[FR Doc. 2021–27414 Filed 12–17–21; 8:45 am]

BILLING CODE 7710–FW–P

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–218, OMB Control No. 3235–0242]

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

*Extension:*

Rule 206(4)–3

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 206(4)-3 (17 CFR 275.206(4)-3) under the Investment Advisers Act of 1940, which is entitled “Cash Payments for Client Solicitations,” provides restrictions on cash payments for client solicitations. The rule requires that an adviser pay all solicitors’ fees pursuant to a written agreement. When an adviser will provide only impersonal advisory services to the prospective client, the rule imposes no disclosure requirements. When the solicitor is affiliated with the adviser and the adviser will provide individualized advisory services to the prospective client, the solicitor must, at the time of the solicitation or referral, indicate to the prospective client that he is affiliated with the adviser. When the solicitor is not affiliated with the adviser and the adviser will provide individualized advisory services to the prospective client, the solicitor must, at the time of the solicitation or referral, provide the prospective client with a copy of the adviser’s brochure and a disclosure document containing information specified in rule 206(4)-3.

Amendments to rule 206(4)-3, adopted in 2010 in connection with rule 206(4)-5, specify that solicitation activities involving a government entity, as defined in rule 206(4)-5, are subject to the additional limitations of rule 206(4)-5. In December 2020, the Commission adopted a single marketing rule which merged certain existing provisions of rule 206(4)-3 into amendments to rule 206(4)-1. In light of these 2020 amendments, the Commission has rescinded rule 206(4)-3, effective November 2, 2022. Notwithstanding the rescission of rule 206(4)-3, the Office of Management and Budget (the “OMB”) has requested that the Commission submit documents in connection with the extension of rule 206(4)-3 for the period covering February 28, 2022 to November 2, 2022, the effective date of the discontinuance of rule 206(4)-3.

To the extent that the OMB has requested this collection of information, the information rule 206(4)-3 requires is necessary to inform advisory clients about the nature of the solicitor’s financial interest in the recommendation so the prospective clients may consider the solicitor’s potential bias, and to protect clients against solicitation activities being carried out in a manner inconsistent with the adviser’s fiduciary duty to clients. Rule 206(4)-3 is applicable to all Commission-registered investment advisers. The Commission believes that approximately 3,829 of these advisers have cash referral fee arrangements. The rule requires approximately 7.04 burden

hours per year per adviser and results in a total of approximately 26,956 total burden hours ( $7.04 \times 3,829$ ) for all advisers.

Please direct your written comments within 60 days to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O John R. Pezzullo, 100 F Street NE, Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: December 1, 2021.

**J. Matthew DeLesDernier,**  
*Assistant Secretary.*

[FR Doc. 2021-27498 Filed 12-17-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-489, OMB Control No. 3235-0541]

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

#### Extension:

Rule 606 of Regulation NMS

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (“PRA”), the Securities and Exchange Commission (“Commission”) is soliciting comments on the existing collection of information provided for in Rule 606 of Regulation NMS (“Rule 606”) (17 CFR 242.606), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

Rule 606 (formerly known as Rule 11Ac1-6) requires disclosure by broker-dealers of (1) pursuant to Rule 606(a)(1), a quarterly aggregated public report on the handling of orders in NMS stocks that are submitted on a held basis and orders in NMS securities that are option contracts with a market value less than \$50,000; (2) pursuant to Rule 606(b)(1), a report, upon request of a customer, on the routing of that customer’s orders in NMS stocks that are submitted on a held basis, orders in NMS stocks that are submitted on a not held basis and do not qualify for two de minimis exceptions, and orders in NMS securities that are option contracts, containing certain information on the broker-dealer’s routing of such orders for that customer for the prior six months; and (3) pursuant to Rule

606(b)(3), a report, upon request of a customer that places with the broker-dealer, directly or indirectly, NMS stock orders of any size that are submitted on a not held basis (subject to two de minimis exceptions), containing certain information on the broker-dealer’s handling of such orders for that customer for the prior six months.

The total annual time burden associated with Rule 606 is approximately 190,240 hours per year and the total annual cost burden associated with Rule 606 is approximately \$1,300,000 per year, calculated as described below.

The Commission estimates that out of the currently 3,585 broker-dealers that are subject to the collection of information obligations of Rule 606(a)(1), clearing brokers bear a substantial portion of the burden of complying with the reporting and recordkeeping requirements of Rule 606 on behalf of small to mid-sized introducing firms. There currently are approximately 186 clearing brokers. In addition, there are approximately 78 introducing brokers that receive funds or securities from their customers. Because at least some of these firms also may have greater involvement in determining where customer orders are routed for execution, they have been included, along with clearing brokers, in estimating the total burden of Rule 606(a)(1).

The Commission staff estimates that each firm significantly involved in order routing practices incurs an average burden of 40 hours to prepare and disseminate the quarterly report required by Rule 606(a)(1), or a burden of 160 hours per year. With an estimated 264<sup>1</sup> broker-dealers significantly involved in order routing practices, the total industry-wide time burden per year to comply with the quarterly reporting requirement in Rule 606 is estimated to be 42,240 hours ( $160 \times 264$ ). Additionally, for each of the 264 broker-dealers subject to disclosure requirements of Rule 606(a)(1), the Commission estimates the annual burden under Rule 606(a)(1)(iv) to monitor payment for order flow and profit-sharing relationships and potential self-regulatory organization rule changes that could impact their order routing decisions and incorporate any new information into their reports to be 10 hours and the annual burden for each broker-dealer to describe and update any terms of payment for order flow arrangements and profit-sharing relationships with a Specified Venue

<sup>1</sup> 186 clearing brokers + 78 introducing brokers = 264.