

SCHEDULE OF RECORDS RETENTION PERIODS—Continued

Description of records	Retention period
26. Budgets and other forecasts (prepared for internal administrative or operating purposes) of estimated future income, receipts and expenditures in connection with financing, construction and operations and acquisitions or disposals of properties or investments by the company and its associated companies, including revisions of such estimates and memoranda showing reasons for revisions; also records showing comparison of actual income and receipts and expenditures with estimates.	6 years.
27. Other Miscellaneous Records:	
(a) Copies of advertisements by the company on behalf of itself or any associate company in newspapers, magazines and other publications including records thereof. (Excluding advertising of product, appliances, employment opportunities, services, territory, routine notices and invitations for bids for securities, all of which may be destroyed at option.)	6 years after date of publication.
(b) Indices of forms used by the company	Destroy at option when superseded.

(Approved by the Office of Management and Budget under control number 3235-0306)
 [49 FR 27310, July 3, 1984]

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Sec.

259.0-1 Availability of forms.

Subpart A—Forms for Registration and Annual Supplements

- 259.5a Form U5A, for notification of registration filed under section 5(a) of the Act.
- 259.5b Form U5B, for registration statement filed under section 5(b) of the Act.
- 259.5s Form U5S, for annual reports filed under section 5(c) of the Act.

Subpart B—Forms for Applications and Declarations

- 259.101 Form U-1, application or declaration under the Public Utility Holding Company Act of 1935.
- 259.113 Form U-13-1, for applications for approval of mutual service companies pursuant to Rule 88 (§250.88 of this chapter).

Subpart C—Forms for Statements and Reports

- 259.206 Form U-6B-2, for notification of security issues exempt under section 6(b) of the Act.
- 259.207 Form U-57, for notification of foreign utility company status pursuant to Rule 57(a) (§250.57 of this chapter).
- 259.208 Form U-9C-3, for notification of acquisition of securities exempt from section 9(a) pursuant to rule 58 (§250.58 of this chapter).
- 259.212a Form U-12(I)-A, for statement of activity within scope of section 12(i) of

- the Act, pursuant to Rule 71(a) (§250.71(a) of this chapter).
- 259.212b Form U-12(I)-B, for advance statement of activity within scope of section 12(i) of the Act pursuant to Rule 71(b) (§250.71(b) of this chapter).
- 259.213 Form U-13E-1, for report by affiliate companies and independent service companies pursuant to Rule 95 (§250.95 of this chapter).
- 259.221 Form U-R-1, for solicitations pursuant to Rule 62 (§250.62 of this chapter), in connection with reorganizations.

Subpart D—Forms for Periodic Accounting Reports

- 259.313 Form U-13-60, for annual reports pursuant to Rule 94 (§250.94 of this chapter) by mutual and subsidiary service companies required by section 13 of the Act.

Subpart E—Forms for Statements and Reports From Nonregistered (Exempt) Companies

- 259.402 Form U-3A-2, for annual reports pursuant to Rule 2 (§250.2 of this chapter) for exempt holding companies which are intrastate or predominantly operating companies.
- 259.403 Form U-3A3-1, for annual reports pursuant to Rule 3 (§250.3 of this chapter) for banks which are exempt holding companies.
- 259.404 Certificate to be filed pursuant to §250.7(d) of this chapter.
- 259.405 Form U-33-S, for annual reports pursuant to Rule 57(b) (§250.57 of this chapter).

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**Subpart F—Forms for Amendments
[Reserved]**

Subpart G—Forms for Electronic Filing

- 259.601 [Reserved]
- 259.602 Form ID, uniform application for access codes to file on EDGAR.
- 259.603 Form SE, form for submission of paper format exhibits by electronic filers.
- 259.604 Form TH—Notification of reliance on temporary hardship exemption.

AUTHORITY: 15 U.S.C. 79e, 79f, 79g, 79j, 79l, 79m, 79n, 79q, 79t.

SOURCE: 33 FR 19001, Dec. 20, 1968, unless otherwise noted.

§ 259.0-1 Availability of forms.

(a) This part identifies and describes the forms prescribed for use under the Public Utility Holding Company Act of 1935.

(b) Any person may obtain a copy of any form prescribed for use in this part by written request to the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Any person may inspect the forms at this address and at the Commission's regional and district offices. (See § 200.11 of this chapter for the addresses of SEC regional and district offices)

[46 FR 17757, Mar. 20, 1981, as amended at 47 FR 26820, June 22, 1982; 59 FR 5946, Feb. 9, 1994]

**Subpart A—Forms for Registration
and Annual Supplements**

§ 259.5a Form U5A, for notification of registration filed under section 5(a) of the Act.

This form shall be filed pursuant to Rule 1(a) (§ 250.1(a) of this chapter) for the notification required under section 5(a) of the Public Utility Holding Company Act of 1935 by every public utility holding company required to register under the Act.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U5A, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.5b Form U5B, for registration statement filed under section 5(b) of the Act.

This form shall be filed pursuant to Rule 1(b) (§ 250.1(b) of this chapter) for the registration statement required to be filed under section 5(b) of the Act by every public utility holding company required to register under the Act.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U5B, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.5s Form U5S, for annual reports filed under section 5(c) of the Act.

This form shall be filed pursuant to Rule 1(c) (§ 250.1(c) of this chapter) for the annual report required to be filed under section 14 of the Act by every registered public utility holding company.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U5S, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

**Subpart B—Forms for Applications
and Declarations**

§ 259.101 Form U-1, application or declaration under the Public Utility Holding Company Act of 1935.

This form shall be used pursuant to Rule 20(c) (§ 250.20(c) of this chapter) by any person filing an application or declaration or amendment thereto pursuant to sections 6(b), 7, 9(c)(3), 10, 12(b), (c), (d), or (f) of the Public Utility Holding Company Act of 1935 or any rules and regulations under such sections, where no other form is authorized or prescribed.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.113 Form U-13-1, for applications for approval of mutual service companies pursuant to Rule 88 (§ 250.88 of this chapter).

This form shall be filed pursuant to Rule 88 (§ 250.88 of this chapter) for approval of a company as a mutual service company, by the company or person

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proposing to organize it under section 13 of the Act.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U-13-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

Subpart C—Forms for Statements and Reports

§ 259.206 Form U-6B-2, for notification of security issues exempt under section 6(b) of the Act.

This form shall be filed pursuant to section 6(b) of the Act as the certificate of notification of the issue, sale, renewal, or guaranty of securities exempted from the application of section 6(a) of the Act.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U-6B-2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.207 Form U-57, for notification of foreign utility company status pursuant to Rule 57(a) (§ 250.57 of this chapter).

This form shall be filed pursuant to section 33(a)(3)(B) of the Act by a company claiming foreign utility company status.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U-57, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.208 Form U-9C-3, for notification of acquisition of securities exempt from section 9(a) pursuant to rule 58 (§ 250.58 of this chapter).

This form shall be filed pursuant to § 250.58(c) as the certificate of notification of an acquisition of securities exempted from the application of section 9(a) of the Act (15 U.S.C. 79a et seq.) pursuant to § 250.58.

[62 FR 7917, Feb. 20, 1997]

§ 259.212a Form U-12(I)-A, for statement of activity within scope of section 12(i) of the Act pursuant to Rule 71(a) (§ 250.71(a) of this chapter).

This form shall be filed pursuant to Rule 71(a) (§ 250.71(a) of this chapter) by

any person who engages in any activity within the scope of section 12(i) of the Act.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U-12(I)-A, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.212b Form U-12(I)-B, for advance statement of activity within scope of section 12(i) of the Act pursuant to Rule 71(b) (§ 250.71(b) of this chapter).

This form may be filed as an advance statement pursuant to Rule 71(b) (§ 250.71(b) of this chapter) by certain persons designated therein covering anticipated activity within the scope of section 12(i) of the Act.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U-12(I)-B, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.213 Form U-13E-1, for report by affiliate companies and independent service companies pursuant to Rule 95 (§ 250.95 of this chapter).

This form shall be filed pursuant to Rule 95 (§ 250.95 of this chapter) by an affiliate of a registered public utility holding company or subsidiary company thereof in connection with the performance of any service, construction or sale of goods to an affiliate.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U-13E-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.221 Form U-R-1, for solicitations pursuant to Rule 62 (§ 250.62 of this chapter), in connection with reorganizations.

This form shall be filed for the declaration pursuant to Rule 62 (§ 250.62 of this chapter) for solicitations in connection with any reorganization subject to the rule.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U-R-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

Subpart D—Forms for Periodic Accounting Reports

§ 259.313 Form U–13–60, for annual reports pursuant to Rule 94 (§ 250.94 of this chapter) by mutual and subsidiary service companies required by section 13 of the Act.

This form shall be filed pursuant to Rule 94 (§ 250.94 of this chapter) by every mutual service company and every subsidiary service company required thereunder to file annual reports under section 13 of the Act. (See uniform system of accounts for mutual and subsidiary service companies, Part 256 of this chapter.)

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U–13–60, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

Subpart E—Forms for Statements and Reports From Nonregistered (Exempt) Companies

§ 259.402 Form U–3A–2, for annual reports pursuant to Rule 2 (§ 250.2 of this chapter) for exempt holding companies which are intrastate or predominantly operating companies.

This form shall be filed as the annual report under Rule 2 (§ 250.2 of this chapter) by every public utility holding company claiming exemption under section 3 of the Act as an intrastate or predominantly operating company.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U–3A–2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.403 Form U–3A3–1, for annual reports pursuant to Rule 3 (§ 250.3 of this chapter) for banks which are exempt holding companies.

This form shall be filed pursuant to paragraph (c) of Rule 3 (§ 250.3(c) of this chapter) by any bank claiming exemption from any obligation, duty or liability as a holding company under the Act.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U–3A3–1, see the List of CFR Sections Affected, which appears in

the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.404 Certificate to be filed pursuant to § 250.7(d) of this chapter.

This form must be filed with the Commission by any lessor or beneficial owner of a utility facility which has been leased by it to an operating public utility company, within 30 days after execution of the lease, if any beneficial owner of such facility seeks exclusion from the status of an electric or gas utility company under the Act pursuant to § 250.7(d) of this chapter.

[38 FR 16999, June 28, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U–7D, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.405 Form U–33–S, for annual reports pursuant to Rule 57(b) (§ 250.57 of this chapter).

This form shall be filed by a public utility company that is an associate of one or more foreign utility companies, unless such public-utility company is an associate of a registered holding company, or of a holding company exempt from registration under § 250.2 of this chapter.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form U–33–S, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

Subpart F—Forms for Amendments [Reserved]

Subpart G—Forms for Electronic Filing

§ 259.601 [Reserved]

§ 259.602 Form ID, uniform application for access codes to file on EDGAR.

Form ID must be filed by registrants, third party filers, or their agents, to whom the Commission previously has not assigned a Central Index Key (CIK) code, to request the following access codes to permit filing on EDGAR:

(a) Central Index Key (CIK)—uniquely identifies each filer, filing agent, and training agent.

(b) CIK Confirmation Code (CCC)—used in the header of a filing in conjunction with the CIK of the filer to ensure that the filing has been authorized by the filer.

(c) Password (PW)—allows a filer, filing agent or training agent to log on to the EDGAR system, submit filings, and change its CCC.

(d) Password Modification Authorization Code (PMAC)—allows a filer, filing agent or training agent to change its Password.

[69 FR 22710, Apr. 26, 2004]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form ID, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.603 Form SE, form for submission of paper format exhibits by electronic filers.

This form shall be used by an electronic filer for the submission of any paper format document relating to an otherwise electronic filing, as provided in rule 311 of Regulation S-T (§232.311 of this chapter).

[58 FR 15007, Mar. 18, 1993]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form SE, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 259.604 Form TH—Notification of reliance on temporary hardship exemption.

Form TH shall be filed by any electronic filer who submits to the Commission, pursuant to a temporary hardship exemption, a document in paper format that otherwise would be required to be submitted electronically, as prescribed by rule 201(a) of Regulation S-T (§232.201(a) of this chapter).

[58 FR 15007, Mar. 18, 1993]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form TH, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

TERMS USED IN THE RULES AND REGULATIONS

Sec.

- 260.0-1 Application of definitions contained in the act.
- 260.0-2 Definitions of terms used in the rules and regulations.
- 260.0-3 Definition of “rules and regulations” as used in certain sections of the Act.
- 260.0-4 Sequential numbering of documents filed with the Commission.

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- 260.0-5 Business hours of the Commission.
- 260.0-6 Nondisclosure of information obtained in the course of examinations and investigations.
- 260.0-7 Small entities for purposes of the Regulatory Flexibility Act.
- 260.0-11 Liability for certain statements by issuers.

RULES UNDER SECTION 303

- 260.3(4)-1 Definition of “commission from an underwriter or dealer not in excess of the usual and customary distributors’ or sellers’ commissions” in section 303(4), for certain transactions.
- 260.3(4)-2 Definition of “distribution” in section 303(4) for certain transactions.
- 260.3(4)-3 Definitions of “participates” and “participation” as used in section 303(4), in relation to certain transactions.

RULES UNDER SECTION 304

- 260.4a-1 Exempted securities under section 304(a)(8).
- 260.4a-2 Exempted securities under section 304(d).
- 260.4a-3 Exempted securities under section 304(a)(9).
- 260.4c-1 Form for applications under section 304(c).
- 260.4c-2 General requirements as to form and content of applications.
- 260.4c-3 Number of copies; filing; signatures; binding.
- 260.4c-4 Applications under section 304(c)(1).
- 260.4c-5 Applications under section 304(c)(2).
- 260.4d-7 Application for exemption from one or more provisions of the Act.
- 260.4d-8 Content.
- 260.4d-9 Exemption for Canadian Trust Indentures from Specified Provisions of the Act.
- 260.4d-10 Exemption for securities issued pursuant to §230.802 of this chapter.
- 260.4d-11T Temporary exemption for eligible credit default swaps offered and sold in reliance on Securities Act of 1933 Rule 239T (§230.239T).